

The Adivasis of India

AN MRG INTERNATIONAL REPORT • 98/1 • THE ADIVASIS OF INDIA



BY RATNAKER BHENGRA, C.R. BIJOY and SHIMREICHON LUTHUI



THE ADIVASIS OF INDIA

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A CIP catalogue record for this publication is available from the British Library. ISBN 1 897693 32 X

ISSN 0305 6252

Published January 1999

Typeset by Texture.

Printed in the UK on bleach-free paper.

Acknowledgements

Minority Rights Group International gratefully acknowledges the support of the Danish Ministry of Foreign Affairs (Danida), Hivos, the Irish Foreign Ministry (Irish Aid) and of all the organizations and individuals who gave financial and other assistance for this Report.

This Report has been commissioned and is published by MRG as a contribution to public understanding of the issue which forms its subject. The text and views of the authors do not necessarily represent, in every detail and in all its aspects, the collective view of MRG.

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MINORITY RIGHTS GROUP INTERNATIONAL

MRG works to secure rights and justice for ethnic, linguistic and religious minorities. It is dedicated to the cause of cooperation and understanding between communities.

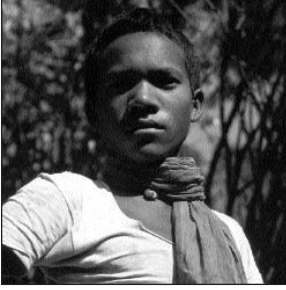
Founded in the 1960s, MRG is a small international non-governmental organization that informs and warns governments, the international community, non-governmental organizations and the wider public about the situation of minorities around the world. This work is based on the publication of well-researched Reports, Books and Papers; direct advocacy on behalf of minority rights in international forums; the development of a global network of like-minded organizations and minority communities to collaborate on these issues; and **the challenging of prejudice and promotion of public understanding** through information and education projects.

MRG believes that the best hope for a peaceful world lies in **identifying and monitoring conflict** between communities, **advocating preventive measures** to avoid the escalation of conflict and **encouraging positive action** to build trust between majority and minority communities.

MRG has consultative status with the United Nations Economic and Social Council and has a worldwide network of partners. Its international headquarters are in London. Legally it is registered both as a charity and as a limited company under English law with an International Governing Council.

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*Munda boy from
Mahabathian, Bihar.*

SEAN SPRAGUE/PANOS PICTURES

The Adivasis of India

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Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (Adopted by the UN General Assembly; Resolution 47/135 of 18 December 1992)

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and shall encourage conditions for the promotion of that identity.
2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.
2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.
4. Persons belonging to minorities have the right to establish and maintain their own associations.
5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group, with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

Article 3

1. Persons belonging to minorities may exercise their rights including those as set forth in this Declaration individually as well as in community with other members of their group, without any discrimination.
2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights as set forth in this Declaration.

Article 4

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.
2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
3. States should take appropriate measures so that, wherever possible, persons belonging to minorities have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.
4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.
5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

Article 6

States should cooperate on questions relating to persons belonging to minorities, inter alia exchanging of information and experiences, in order to promote mutual understanding and confidence.

Article 7

States should cooperate in order to promote respect for the rights as set forth in the present Declaration.

Article 8

1. Nothing in this Declaration shall prevent the fulfilment of international obligations of States in relation to persons belonging to minorities. In particular, States shall fulfil in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.
2. The exercise of the rights as set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.
3. Measures taken by States in order to ensure the effective enjoyment of the rights as set forth in the present Declaration shall not prima facie be considered contrary to the principle of equality contained in the Universal Declaration of Human Rights.
4. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

Article 9

The specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles as set forth in the present Declaration, within their respective fields of competence.

Convention on the Rights of the Child (1989)

Article 29 (1)

States Parties agree that the education of the child shall be directed to:

- [...]
- d. The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

[...]

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with the other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

International Labour Office Convention No 169; Convention Concerning Indigenous and Tribal Peoples in Independent Countries

Article 7

1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the land they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional developments which may affect them directly.

[...]

3. Governments shall ensure that, whenever appropriate, studies are carried out, in cooperation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned developments activities. The result of these studies shall be considered as fundamental criteria for the implementation of those activities.

Article 13

1. In applying the provisions of this part of the Convention governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.

Article 14

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognized. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. [...]
2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.
3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.

Preface

The Adivasis (from the Sanskrit meaning ‘original inhabitants’) of India constitute about 67.76 million of the country’s population. Corresponding largely, but not entirely, to the officially designated ‘Scheduled Tribes’ (STs), they are geographically dispersed and culturally diverse. The Adivasi presence in India is thought to pre-date that of the dominant Aryan population, and their distinct identity has many aspects: language, religion, a profound bond linking the individual to the community and to nature, minimal dependence on money and markets, a tradition of community-level self-government, and an egalitarian culture that rejects the rigid social hierarchy of the Hindu caste system.

Many Adivasi organizations claim indigenous status, basing this identification on criteria that have been negotiated and agreed India-wide. The Indian government, however, despite having ratified the International Labour Organization (ILO) Convention no. 107 on Indigenous and other Tribal and Semi-Tribal Populations, denies the STs recognition as indigenous peoples, insisting that the entire population of India is indigenous.

MRC sees the Adivasis as marginalized, indigenous, ethnic, religious and linguistic communities, often without power, whose rights must be a concern of all communities, both in India and internationally.

This new MRC Report seeks to explore the enormous diversity of Adivasi experience and aspiration. It describes how their current situation has developed since pre-colonial times, through the period of British rule, up to the present, including the emerging era of globalization. In a Report of this size, and given the scale of problems which the Adivasis are facing, there is insufficient space to document in full the situation of Adivasis in every part of India. However, the Report considers the concerns and issues that affect Adivasis commonly throughout India, and then discusses in detail three distinct geographical and socio-cultural regions – each of whose set of problems and perspectives is in some way unique.

As the Report records, after centuries of politico-administrative and physical colonization of their traditional homelands, Adivasis now hold a subordinate socio-economic position in virtually every walk of Indian life, even if in some areas they contest this strongly. Adivasis feel that this is a situation of internal colonization.

Under India’s Constitution and laws, Adivasis are entitled to special provision in areas where they constitute a significant proportion of the population. Such arrangements include ‘positive discrimination’ in education and employment, reserved seats for political representatives, and, in some cases, a degree of autonomy. Yet in practice much of this provision is, at best, limited since India’s political-economic system fails to benefit the vast majority of Adivasis or to serve collective Adivasi aspirations. Growing trends towards centralization at state and national level have under-

mined Adivasi traditions of local self-rule, while international economic neo-liberalism accentuates the disparities between beneficiary and non-beneficiary sectors of society.

A major proportion of India’s coal, forest, hydroelectric and mineral resources are located in traditional Adivasi lands, yet most Adivasis have never gained a share of the wealth generated through exploiting these assets. Eighty-five per cent of Adivasis reportedly live below the official poverty line, although they would not necessarily recognize this statistic as an appropriate measure of their wellbeing.

Furthermore, there has been a steady decline in the area of Adivasi land, resulting from a combination of forest nationalization and privatization, industrialization, inward migration by non-Adivasis, plantation agriculture, resource extraction, and the setting aside of wildlife reserves and national parks. Loss of access to land has been found to impact most negatively on Adivasi women, and altogether an estimated 9 per cent of Adivasis have been forcibly displaced at least once in their lives. Adivasis’ invaluable ecological knowledge is also now under threat from an international patent regime that emphasizes private commoditization at the expense of shared benefits.

While recent political developments imply the possible future restoration of some Adivasi land titles – provided that these can be established to the satisfaction of the authorities – such redress promises to be only limited and piecemeal at present.

Despite being beset by problems, Adivasis are highly aware of the threats to their traditional livelihoods and cultural survival, and are mobilizing with increasing sophistication and confidence. Strongly asserting – both within India and internationally – their right to be recognized as indigenous peoples, they seek a full acknowledgement of the extreme deprivation that they have endured historically and that they continue to experience, and of the need for far-reaching remedial action.

Thus they demand that India formally recognizes the multi-ethnic and multicultural character of its society and population, and the need to respect this diversity not just in words but also in practice. This will require legal recognition of collective Adivasi territorial rights and of the right to self-determination. Considerable progress along such lines has been made by indigenous peoples in Latin America. It is MRC’s and the authors’ belief that a similar approach would do much to enhance political dialogue, strengthen democratic values and practice, and further the cause of intercommunity understanding and peaceful cooperation in India. It is hoped that this Report, and the cogent policy recommendations with which it concludes, will make a lasting contribution to this process.

Alan Phillips
Director
December 1998

Background

Who are the Adivasis?

Approximately 8.08¹ per cent of India's population has been designated as 'Scheduled Tribes' (STs). The term indicates those communities specified by the President of India under Article 342 of the Constitution. It is an administrative term, which is area-specific and envisaged to reflect the level of socio-economic development rather than a distinct ethnic status. The criteria of 'geographical isolation, distinctive culture, primitive traits [*sic*], shyness of contact with [the] community at large and economic backwardness [*sic*]' are generally considered relevant in the definition of such a tribe.²

Indians generally call most of the STs 'Adivasis', and the terms are used interchangeably in this Report. The word 'Adivasi' means original inhabitants or indigenous peoples in Sanskrit. The Adivasis are thought to be the earliest settlers in and the original inhabitants of the Indian peninsula.³

It is believed that the Adivasis were already present in the Indian subcontinent at the time of the Aryan invasion.⁴ The Aryans conquered some Adivasis and made them slaves. The North-East region remained outside of their reach. Other Adivasis escaped to the jungles or mountainous areas. Many who survived the impact of Aryan conquest managed to retain their separate culture and identity. However, Hindu fundamentalists are attempting to rewrite history, to say that the Aryans were the original inhabitants of India. They also propagate that the Adivasis are Hindus, and call them 'Vanvasi' (forest dwellers) rather than Adivasis.⁵

The distinguishing features of Adivasi peoples are their special relationship to their territories and the relationship between the individual, community and nature. The Adivasi management of resources is fundamentally different from the mere allocation of land to individual families. Adivasis understand the individual and the community to belong to the land by virtue of their ancestors being seated in a given territory. The territory is an extension of the Adivasis' collective consciousness with a cultural, political and social significance (and it enables the elders to manage the community).⁶ The close relationship with nature forms the basis of the Adivasis' system of knowledge, and spiritualities or religions. Self-sufficiency and a minimal dependence on the market are other distinct features. These characteristics are present in varying degrees among the different Adivasi communities, depending on the extent to which they have political control over their territory.

India's position

There is currently a heightened focus on indigenous peoples' concerns, particularly at the United Nations (UN). India has signed and ratified the International Labour

Organization (ILO) Convention no. 107, Concerning the Protection and Integration of Indigenous and other Tribal and Semi-tribal Populations in Independent Countries. However, India has neither signed nor ratified the revised ILO Convention no. 169 of 1989. The Indian government's position at the UN Working Group on Indigenous Peoples (UNWGIP) has been that the STs are not indigenous peoples and that 'the entire population of India ... [is] indigenous to the country'. The use of the term 'self-determination' in the discourse on indigenous peoples' rights with its implied right to secede (despite clarification on the contrary at the UNWGIP) is one of the contentious issues for the Indian government.⁷ (This, despite having worked with the ILO, among others, on projects supporting indigenous peoples rights.)⁸ Yet, India views the development of further international standards on indigenous peoples with concern, because these echo the growing political demands of the Adivasis. However, intergovernmental agencies like the ILO, UN and World Bank consider the STs to be indigenous peoples.

Self-identification

Many Adivasi organizations and movements identify themselves as indigenous and have developed criteria for distinguishing themselves from others in India. The lack of a universally acceptable definition of 'indigenous peoples' has led the UN to recognize self-identification as a criterion. The following criteria were indicated by Adivasis after a series of seminars in different parts of India attended by over 75 organizations in 1993-4:

- 1 Relative geographical isolation of the community.
- 2 Reliance on forest, ancestral land and water bodies within the territory of the communities for food and other necessities.
- 3 A distinctive culture which is community oriented and gives primacy to nature.
- 4 Relative freedom of women within the society.
- 5 Absence of division of labour and caste system.
- 6 Lack of food taboos.⁹

Caste is a major factor in differentiating the indigenous from the non-indigenous in India. The well-defined, rigid social ordering of the caste system is absent among Adivasi communities, where egalitarianism is largely favoured. Furthermore, the Asia Indigenous Peoples Pact, an Asian indigenous peoples network, has declared casteism to be a form of racism.¹⁰ The Adivasis are against the caste system both in principle and because of the unequal position it places them in.

Population and distribution

Of the 300 million indigenous peoples of the world,¹¹ 67.76 million as per the 1991 census live in India. Adivasis are spread over 26 states and union territories of India. Except in the North-East, they are not evenly distributed throughout India but are essentially found in pockets across the country – mainly the forested, hilly and mountainous areas – in approximately 20 per cent of India's geographical area. Some Adivasis have their counterparts across the borders in Bangladesh, Bhutan, Burma, China and Tibet. There are six broad regions of Adivasi concentrations: in Central region, Island region, North-Eastern region, North-Western region, Southern region and Western region.

The estimates of the number of STs vary from 250 to 635. This is because Adivasis appear in more than one state in the census. There are also instances where non-Adivasis have been listed as STs and, conversely, where Adivasi communities have not been listed as STs. The numerical strength of these communities varies from the Great Andamanese, who are only 18 in number, to the Gonds, Santhals and Bhils, who are 5,000,000, 4,000,000 and 3,500,000 respectively. More than half of the Adivasis (54.69 per cent) live in the Central region consisting of Andhra Pradesh, Bihar, Madhya Pradesh, Orissa and West Bengal; while the North-Western region of Himachal Pradesh and Uttar Pradesh has only 0.75 per cent of all Adivasis.

As a percentage of regional population, their concentration is highest in the North-Eastern region (Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura) and lowest in the Southern region (comprising Karnataka, Kerala and Tamil Nadu).¹²

Table to show ST populations in India

Region/state	ST pop. (000s)	% of total pop. of the state/union territory	% of total ST pop.
Central region	37,057	-	54.69
Andhra Pradesh	4,200	6.31	6.20
Bihar	6,617	7.66	9.77
Madhya Pradesh	15,399	23.27	22.73
Orissa	7,032	22.21	10.38
West Bengal	3,809	5.59	5.62
Island region	75	-	0.11
Andaman & Nicobar	27	9.54	0.04
Lakshadweep	48	93.15	0.07
North-Eastern region (a)	8,233	-	12.15
Arunachal Pradesh	550	63.66	0.81
Assam	2,874	12.82	4.24
Manipur	632	34.41	0.93
Meghalaya	1,518	85.53	2.24
Mizoram	654	94.75	0.97
Nagaland	1,061	87.80	1.57
Sikkim	91	22.36	0.13
Tripura	853	30.98	1.26

North-Western region	506	-	0.75
Himachal Pradesh	218	4.22	0.32
Uttar Pradesh	288	0.21	0.43
Southern region	2,811	-	4.15
Karnataka	1,916	4.26	2.83
Kerala	321	1.10	0.47
Tamil Nadu	574	1.03	0.85
Western region	19,076	-	28.15
Dadra & Nagar Haveli	109	78.99	0.16
Daman & Diu	12	11.54	0.01
Goa (b)	-	0.03	-
Gujarat	6,162	14.92	9.09
Maharashtra	7,318	9.27	10.80
Rajasthan	5,475	12.44	8.08
All India	67,758	8.08	100.00

Source: *Census of India, 1991, Union Primary Census Abstract for Scheduled Castes and Scheduled Tribes*, India, Registrar Census Commission, p. 11. (Excludes figures for Jammu & Kashmir where the 1991 census was not taken.)

(a) Popularly the North-East is understood as the seven states excluding Sikkim, however Sikkim is geographically part of the region.

(b) The ST population for Goa is less than 1,000 (376).

The data in this table are provided by the 1991 census. However, the figures do not give an accurate representation, because a considerable number of non-Adivasi communities have been included in the STs list. Some poor communities are demanding ST status due to the policy of reserved places for STs in higher education and in state sector employment. Non-recognition or 'de-listing' of genuine Adivasi communities is an additional aspect of the population picture. Many believe that arbitrariness and political expediency are often factors in determining the recognition or non-recognition of Adivasis as STs.

Many followers of the dominant religions – Christianity, Hinduism and Islam – consider Adivasi beliefs to be inferior and irrational. They fail to understand or appreciate the traditional Adivasi egalitarian belief and value system or the notion of community, justice and regulated use of surrounding resources. Consequently, alien values have been imposed. However, Adivasis are attempting to assert their identity and difference from the dominant religions. In the 1981 census, c. 5 per cent of Adivasis returned their religion as the name of their respective community or by the names adopted by them; this increased to 10 per cent in 1991.

Brief history of the Adivasis

Very little is known about the relationship between Adivasis and non-Adivasis during Hindu and Muslim rule. Before colonization by the British, the Adivasi areas were 'self-governing', although notionally some of these regions were part of the kingdoms of non-Adivasi rulers. Adivasis understood that their territories were independent principalities and the imposition of any alien rule was resisted.



Major changes for the Adivasis began with the arrival of the British colonial power. The expressed purpose in coming to India was to take control of the most profitable type of trade. Therefore the British wanted to take control of the Adivasi territories – which were abundant in natural and mineral resources. Control of Adivasi lands was effected through various laws, and the transformation of Adivasis into a labouring class for the industrial and market-led system began. The British began exporting finished products and raw materials from India – these exports were one of the contributing factors in the rise of the Industrial Revolution in Britain. Colonization led to unrest among the Adivasis, and more than 75 major revolts beginning with the Mal Paharia uprising in 1772. The suppression, however, continued.

The Adivasi political realms maintained a considerable degree of self-governance within the wider colonial realm. The Scheduled Districts Act XVI, 1874, was the first significant measure taken to deal with all Adivasi areas as a group, and envisaged these areas being outside the jurisdiction of the normal administration. By this Act, the executive could extend any enactment in force in any part of British India to a ‘scheduled district’,¹³ while also providing any necessary protection. The Montague-Chemsford Report, 1918, also addressed the question of the administration of the ‘backward areas’. It considered that political reforms contemplated for India could not be applied in the same way to the ‘primitive’ peoples. The report suggested the demarcation of areas of such peoples and these areas’ exclusion from the normal laws of the provinces. Consequently, the Government of India Act, 1919, was enacted to implement the report’s recommendations.¹⁴

This 1919 Act divided the ‘backward areas’ into two categories – ‘wholly excluded’ areas and ‘modified excluded’ areas in which the laws would be introduced with modifications. In 1929, the Simon Commission concluded these areas’ ‘backwardness’ precluded them from any kind of representative government. The Government of India Act, 1935, classified the ‘backward areas’ or ‘tracts’ as ‘excluded’ and ‘partially excluded’ areas. The Lushai Hills districts, the Naga Hills district, the North Cachar Hills sub-division of Cachar district and the North-East Frontier tracts were specified as ‘excluded areas’. The ‘partially excluded’ areas were the Garo Hills districts, the Mikir Hills and the British portion of Khasi and Jaintia Hills districts (other than the Shillong municipality and cantonment areas). Where there was an enclave or an area inhabited by a compact Adivasi population, it was classified as an ‘excluded area’; where a large Adivasi population was mixed with other communities, then the area was classified as ‘partially excluded’. These areas were placed under the provincial rule of the Governor. In these areas, no Act or law of the central or provincial legislature would apply, but the Governor was authorized to apply such laws with modifications as necessary. These provisions were incorporated into the Indian Constitution after independence, with a few changes. ‘Wholly excluded’ areas were incorporated into the Sixth and ‘partially excluded’ areas into the Fifth Schedules of the Constitution (see later in this Report). The British omitted certain Adivasi majority areas in 1874 – a situation which still remains, despite

pressure to the contrary, and the Nagas refused to be under the Sixth Schedule.

Freedom from colonialism and exploitation was the aspiration of the Adivasis engaged in the anti-colonial nationalist movement. With the imminent transfer of power, the wider leadership of the anti-colonial movement had already opted for a parliamentary structure based on the British Westminster model, while Mahatma Gandhi insisted on a structure of self-governing villages. The concept of the public sector as the engine of growth, the progressive development of the economic model introduced by the British, and rapid industrialization were the bases for nation-building. One unified nation would be built by drawing those on the fringes into the mainstream. However, while Jawaharlal Nehru, independent India’s first Prime Minister, advocated the non-imposition of mainstream culture, and respect for Adivasi rights on land and forests, these principles were not acted upon. In 1950 the parliamentary democratic process was set in motion with the formal adoption of the Constitution. Despite the constitutional provisions of the Fifth and Sixth Schedules, a political and bureaucratic system was imposed on the Adivasi areas.

The situation of Adivasis today

Approximately 90 per cent of Adivasis depend on agriculture for their livelihood. Hunting and gathering continues to play a role, but this is declining in line with Adivasis’ declining access to resources. Due to the colonization of the forests and homelands of the Adivasis, many describe their position as one of internal colonization.

Some 90 per cent of India’s coal mines, 72 per cent of the forest and other natural resources, and 80 per cent of India’s minerals, are in Adivasi lands. Over 3,000 hydro-electric dams are also located in these areas. Therefore, the primary resources for India’s industrialization and urbanization lie in Adivasi areas. Yet Adivasis are denied their share in this wealth creation. Their inalienable rights to the forests, lands and rivers are given to others. Consequently, 85 per cent of Adivasis live below the official ‘poverty line’.¹⁵ The National Commission for Scheduled Castes and Scheduled Tribes found that 83 per cent of the total bonded labourers come from the STs. Furthermore, the forests are shrinking, with some of the best forests being declared wildlife areas and national parks – i.e. protected areas.

Adivasis’ continued dependence on forests for survival and the Indian policy of maximizing revenue from the forests have forced many Adivasis to become forest workers. A number of states have nationalized minor forest produce and established Forest Department Corporations (FDCs). Adivasi workers are paid extremely low wages, they are unable to sell the produce in the markets and there are no social security benefits. Under the Minimum Wages Act, 1948, different states have announced ‘scheduled employment’, which covers certain forest employment. The rate varies from state to state. Besides minimum wages, all other forms of legislation concerning maternity benefits, leave, etc. are not adhered to. The governments of Gujarat and Rajasthan have even exempt-

ed this employment from the provisions of the Minimum Wages Act and have been found to violate the Constitution by the Supreme Court.

In 1969, the National Labour Commission recommended permanent settlement and farming rights for Adivasis. Despite directives on this to the state governments, little changed. However, in 1977, the Madhya Pradesh government decided that thousands of forest dwellers of 1,901 forest villages were to be given land rights with 2–5 hectares of agricultural land per family.¹⁶

‘Development’ has largely served to deprive Adivasis of the sources of their livelihood. A total of 18.5 million, i.e. more than 2 per cent of the total population of India have been displaced by ‘development’ projects. Nearly 50 per cent of all those who have been displaced are Adivasis even though Adivasis form just 8.08 per cent of the people of India. Despite such huge displacements, the government has no uniform resettlement and rehabilitation policy.¹⁷

Table to show displacement by development projects 1951–90

Causes of displacement	Number of Adivasis displaced
Dams	5,300,000
Mines	1,400,000
Industry	260,000
Sanctuaries and national parks	500,000
Others	150,000
Total	7,610,000

Source: Fernandes, W., ‘Power and powerlessness: Development projects and displacement of tribals’, *Social Action*, 41 no. 3, July – September 1991, p. 256.



Constitutional and legal provisions

Despite India's resistance to the developing international instruments on indigenous peoples' rights, the Indian Constitution and law have laid down certain safeguards for the Adivasis.

Scheduled Tribes

Article 342 of the Constitution lays down the power by which the state can specify a people for scheduling.¹⁸ This Report has already noted that scheduling can be arbitrarily applied, and that additionally, only a part of a group may be scheduled. For example, the Kurdmis of Jharkhand, a group whose language family is Dravidian, the same as that of the scheduled Oraons, are no longer scheduled and are placed among the caste communities.¹⁹ There have been demands to reexamine the list of STs to identify genuine Adivasis and to exclude the non-Adivasi communities who have been included.²⁰

Political reservations

Articles 330 and 332 of the Indian Constitution provide for reserved seats in the House of People in Parliament and also in the state or legislative assemblies.

*(1) Seats shall be reserved in the house of the people for – (a) the Scheduled Caste, (b) the Scheduled Tribe except the Scheduled Tribes in the autonomous districts of Assam and (c) the Scheduled Tribe autonomous districts of Assam. Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States – (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, [except the Scheduled Tribes in the tribal areas of Assam, in Nagaland and in Meghalaya], in the Legislative Assembly of every State.*²¹

Intended as a positive measure, it is increasingly seen as merely fulfilling certain constitutional formalities, failing to serve the STs' interests. Most Adivasi Members of Parliament (MPs) or Members of the Legislative Assembly (MLAs) belong to large national or mainstream parties, and are constrained by party ideologies and peer pressures. Those belonging to regional parties which are more conversant with tribal interests, or those who are more independent, are a minority. For example, what voice can the two Naga MPs from Nagaland command in a House with 543 MPs? At the most, the Adivasi MPs

could have been a pressure group in Parliament, however, their various partly allegiances constrain this possibility. At the state level, where Adivasis may form a significant portion of the population, political reservation may be more meaningful. In the first two elected assemblies in Bihar, for example, the opposition consisted of an entirely or overwhelmingly Adivasi leadership, which was more representative of Adivasi interests. In some states in the North-East, where virtually the entire population is Adivasi, political reservation is redundant. Here, however, the larger parties have supported Adivasis who serve the interest of the parties concerned, rather than the interests of the local Adivasis.

Some have concluded, 'the entire system of the political reservation has today turned out to be a farce and meaningless to the SCs/STs'.²² Political reservations are seen to form part of a political system which largely follows a development, economic and social agenda that is not only inimical to the Adivasi ethos but also detrimental to their very survival as peoples. Many Adivasis have therefore adopted other means to fulfil their aspirations.

Positive discrimination

India's positive discrimination measures date back to the Constitution in 1950. Article 15 (4) says,

'Nothing in this article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes [sic] of citizens or for the Scheduled Castes and Scheduled Tribes'.

Article 16 (4) provides,

'for the reservation of appointments or posts in favour of any backward class of citizens [sic] which, in the opinion of the State, are not adequately represented in the services under the state.'

Furthermore, Article 15 (4) provides for the reservation of seats in educational institutions for STs. The rationale behind these provisions is that unless those at the bottom are given some preferential treatment, equality within society will be unattainable. However, these reservations are strongly resented by India's upper classes and castes – particularly the reservations on public sector employment. There are also problems with the administration of the system. A seminar as far back as 1985 concluded that in,

'the matter of admissions, appointments and promotions of SCs and STs, both the prejudices of the offi-

*cials and the reservation rules themselves come in the way. Over the years, a number of discrepancies and deliberate distortions have crept into the Rules and Procedures. As a result, there are many offices and departments where reservation rules have been followed meticulously on paper, but yet the representation of SCs and STs remain poor. Many posts have been formally dereserved, allowed to lapse or moved out of the purview of reservation. Hence, there is a need to take a hard look at the reservation rules, revise them, simplify them and make them more purposeful and really effective’.*²³

It is mainly the upwardly mobile and dominant sections within the STs, who benefit from the reservations. Also, it should be remembered that reservations in employment do not cover the private sector. Dwindling job vacancies in the public sector – resulting from the Structural Adjustment Programme imposed by the World Bank and International Monetary Fund (IMF) – make reservation even more redundant.

On the other hand, a growing number of Adivasis see reservations as dangerous, because they serve to co-opt educated Adivasis into becoming part of the ruling establishment. They believe that their real struggle lies in getting recognition of their rights and not in receiving favours from the state.²⁴

Adivasi lands and territories

Organized political or legalistic intrusions did not occur in Adivasi areas until the rise of British power in India. The forests constituted a major resource for the expansion of British trade and rule.

*The British laid the basis for private property and profits and for commercialization of agricultural produce as well as of the natural resources. An alien culture in total opposition to the Adivasi values and world view, thus got established.*²⁵

The Forest Act of 1864 empowered the British government to declare any land covered with trees, brush wood or jungle as governmental forest by notification.²⁶ Adivasi homelands were therefore declared, by law, to belong to the government; and Adivasis became illegal occupants or ‘encroachers’. The Forest Act, 1878, further provided for the classification of forests into ‘protected forests’, ‘reserved forests’ and ‘village forests’. The 1927 Indian Forest Act assimilated all the major provisions of the previous forest laws and remains the main legal basis and Indian law for depriving the Adivasis of their forest rights.²⁷ The imposition of this 1927 Act has led to intense conflict between the Adivasis and forest officials throughout the twentieth century. The impact of forest law cannot be overstated.

*In the global history of natural resource management, there are few institutions as significant as the Indian Forest Department set up in 1864, it now controls over one fifth of the country’s land area. Not only is the Forest Department India’s biggest landlord, it has the power to affect the life of every citizen.*²⁸

Given that it is mainly Adivasis who live in forests, many believe that they are being directly targeted. The 36,260 square km of state forest in 1878 were rapidly expanded to 196,840 square km in 1890, and to 750,000 square km in the 1970s. The revenue extracted from the forests rose from Rs 5.6 million to Rs 13,000 million in the 1970s. Export earnings from minor forest produce increased from Rs 950 million in 1960–1 to Rs 41,980 million in 1990–1, which is about 13 per cent of India’s total export earnings.²⁹ However, this wealth has only served to impoverish Adivasis’ economic situation. Adivasis have relied on the forests for up to 80 per cent of their food, and have long collected timber and other produce such as grass, medicinal plants, resins, spices, tannins, etc. Yet the forest-keepers have become exploited workers.³⁰ Furthermore, the Forest Conservation Act, 1980, has placed all forests under the central government, in addition to being under the concerned state, centralizing the powers further.

The Wild Life Protection Act of 1972 had already severely restricted the rights of Adivasis in the wildlife sanctuaries and removed their rights in national parks. The 1991 amendment to the Act took this a stage further. The 147 wildlife sanctuaries and 75 national parks (of which 18 are tiger reserves) covering 4.26 per cent of the land mass are planned to increase. These moves, with the financial backing of the World Bank and other international agencies, have forced Adivasis to further restrict or altogether abandon their survival activities in the forests.

The opening up of Adivasi areas has intensified since independence in a planned manner. The state governments have consciously followed a development policy which has made it easier for outsiders to enter and settle in the areas and extract resources. Acts like the 1894 Land Acquisition Act – an instrument of British colonialism – are still being used to legally take over Adivasi territories. The Coal Bearing Area Act, 1957, provides sweeping powers for land acquisition for ‘national interest’ or ‘public purpose’. While Adivasis may be displaced by such mining, for example, they are not entitled to any of the profits.

Furthermore, with the influx of non-Adivasis, land loss to the incomers is a serious problem for the dispersed or relatively sparsely populated Adivasis of Southern³¹ and Western India. This is less acute in the Central Indian belt, although the urban centres in these regions have also witnessed a tremendous influx of non-Adivasis. In the North-East states like Arunachal Pradesh, Meghalaya and Mizoram, Adivasis have retained control of most of their lands because of the legal prohibition on the transfer of lands to outsiders, and also because of restrictions on travel. In Tripura, Bengalis from Bangladesh have reduced the Adivasi Tripuris to a minority, resulting in great pressures on their lands.³²

There have been some government initiatives, however, which may be of benefit to the Adivasis. In 1990, the Ministry of Environments and Forests (MOEF) addressed all states and union territories to say that people living in the vicinity of forest areas had forwarded,

‘claims on certain notified forest lands contending that they were in occupation of such areas prior to the initiation of forest settlement and/or their rights were not enquired and/or commuted before notifying these lands as forest under respective laws’.

The MOEF instructed the states and union territories to review and settle such claims.³³ The restoration of titles to claimants could then be considered and approved by the MOEF. However, claims must be accompanied with proposals for compensatory afforestation.³⁴

Dr B.D. Sharma believes that these claims 'cannot be subject to any condition whatsoever including the condition of compensatory afforestation'.³⁵ Furthermore, since only post-independence (1947) claims may be considered, Sharma points out that this situation has, as its root, the Forest Act of 1864. 'There has been no change in the formal frame with the dawn of independence. It will be desirable to remove this artificial distinction'.³⁶

On the need for continued possession in the claim, he says,

*'continued occupation of disputed lands over a long period against the State is no mean task. Only those groups who are very strong or who may be residing in very remote, difficult and inaccessible areas may have succeeded in doing so.'*³⁷

Parliament has recently passed the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, which received the President's assent on 24 December 1996. While details of this Act are discussed in the next section on 'Autonomy', the Act endows the *gram sabha* (consisting of adult members of the village) with the power to prevent the alienation of land and to take action to restore any ST land unlawfully removed. In the case of the state acquisition of land under the 1894 Land Acquisition Act, the government will have to consult the *gram sabha* or panchayat (the next tier of political, administrative, economic and social activity) before acquisition is made for development projects, rather than just issuing notices of acquisition. It also provides for the ownership of minor forest produce and some control over minor minerals and water sources.³⁸ The Act is yet to be activated in the scheduled areas by the state governments and will need considerable initiatives by the Adivasis in its implementation. However, the Act provides legitimacy to many of the actions of the Adivasi organizations which were previously treated by state law as criminal.

Autonomy

On 20 February 1993, violent and prolonged agitation for more autonomy resulted in an agreement in Assam to establish the Bodoland Autonomous Council (BAC).³⁹ Then, in 1994, the Jharkhand Area Autonomous Council Act (JAAC Act) was conceded (see later in this Report) by the state of Bihar, after years of pressure. Various nationalist movements are struggling for the right to self-determination in the North-East despite some parts of this region ostensibly enjoying the constitutional provisions of the Fifth and Sixth Schedules of the Constitution (see below) indicates the reasons why these do not fulfil the aspirations of Adivasis in these areas.

Among the numerous communities and peoples of India, the tradition of village self-government or local self-rule has been passed down from generation to generation.

For example, the *panchayat* was prevalent among the caste-based Hindus. The Adivasis, however, had their own forms of government which extended from the hamlets and villages, to inter-village and inter-community solidarities over larger areas. The British attempted to destroy these self-governing political systems.

*'A formal system was superimposed in its place whose objective was to strengthen the pillars of imperial power and to break the self-respect of the people so that they may never raise their need again. But in view of the stiff resistance in the tribal areas, this new system was not fully enforced there. Therefore, the self-governing communities continue to function to some extent.'*⁴⁰

It was correctly realized by the Constitution-makers that the Adivasis and their areas should be treated differently, and that the existing administrative and political provisions would need modification.

*'The 5th and 6th Schedules of the Constitution is [sic] so extensive that these Schedules are in a way "Constitution within Constitution" [sic]. The basic spirit is that even in relation to the formal system which may be adopted for the tribal areas, the tradition of the adivasi people should be accepted as basic so that the tribal peoples have the opportunity of moving ahead entirely in accordance with their own understanding about the situation and no outside system should be forced on tribal society.'*⁴¹

The Fifth Schedule

Article 244 (i) of the Indian Constitution provides for a Fifth Schedule, which can be applied to any state other than those in North-East India. The Governors of the concerned states have been given extensive powers, and may prevent or amend any law enacted by Parliament or the state assembly that could harm the Adivasis' interests. Furthermore, the Governor can inform state government's administration of the area, by ascertaining the views of a Tribal Advisory Council (TAC). A TAC is to be constituted in each state having scheduled areas, and should consist of no more than 20 members, of whom up to 15 should be the representatives of the STs in the state's legislative assembly. Eight states with scheduled areas, plus Tamil Nadu and West Bengal, have established TACs.

The Governor is also empowered to frame new laws and make regulations in consultation with the TACs, in particular to prohibit or restrict the transfer of land by or among members of STs, and to regulate the allotment of land to STs. However, all of these laws and regulations must be submitted to the President for agreement. This makes the procedure very circuitous and centralized. Furthermore, if the Governor chooses not to take the TAC's advice, the TAC can do little.

Many feel that the Fifth Schedule is vague and inadequate, and that it has not been used constructively. In many states, the TACs hardly meet. Governors could have brought appropriate modifications to Acts like the 1927 Indian Forest Act, the Indian Penal Code and the Criminal Procedure Code, and other mining and land acquisi-

tion laws for the benefit of Adivasis, extending these to the scheduled areas; but this has not happened. Instead, all laws have been routinely extended to the scheduled areas. All Governors of states with scheduled areas are required to make an annual report to the President regarding their administration. In the case of Bihar, Gujarat, Himachal Pradesh, Maharashtra, Orissa and Rajasthan, no report have been received by the President since 1992, in Andhra Pradesh since 1986 and in Madhya Pradesh – which has the highest ST population – since 1990.

Some Adivasi areas were omitted by the President while scheduling. In 1976, Parliament amended the Fifth Schedule to enable the President to increase the scheduled areas. Central government directed the state governments to send proposals for scheduling. However, Adivasi areas in Karnataka, Kerala, Tamil Nadu, Uttar Pradesh and West Bengal remain unscheduled, and the eight states with scheduled areas – Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa and Rajasthan – have still not been fully covered. Many believe that the Fifth Schedule has failed.

Article 40 of the Constitution envisaged the establishment of village *panchayats* as self-governing institutions.⁴² However, it was left to the central and state governments to fulfil the obligation. Parliament then passed the 73rd amendment in 1992, which exempted areas under the Fifth Schedule, among others.⁴³ Since then the Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996, has endowed the *gram sabha* with powers to safeguard and preserve the traditions and customs of the people, community resources and customary mode of dispute resolution; cultural identity; development in the village; ownership of minor forest produce; prevention of alienation, and restoration of illegally alienated lands; and control over money lending, and institutions and functionaries in all social sectors. The *gram sabha's* agreement is required by this Act for mining or the auction of minor minerals. Furthermore, the Sixth Schedule is to be followed. Although the Act makes it obligatory for the eight states with scheduled areas to enact appropriate state legislation within one year – by 24 December 1997 – the states of Bihar and Rajasthan failed to fulfil this obligation. In some cases, for example Andhra Pradesh, state legislations are at variance with the Act. States are slow to fulfil this constitutional obligation because this would erode the present centralized power structure and, in principle, provide an element of autonomy for Adivasis.

The Sixth Schedule

Article 244 (2) of the Constitution of India provides for the Sixth Schedule. It applies to the following – known as 'tribal areas':

- 1 Assam: Kharbi Anglong, North Cachar Hills;
- 2 Meghalaya: Garo Hills district; Jantia Hills district, Khasi Hills district;
- 3 Mizoram: Chakma district, Lai district, Mara district;
- 4 Tripura: Tripura tribal areas district.

The Schedule provides for an Autonomous District Council (ADC) with executive, judicial and legislative powers,

'consisting of not more than thirty members of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult suffrage'.⁴⁴ Furthermore, *'if there are different Scheduled Tribes in an autonomous district, the Governor may by public notification divide the area or areas inhabited by them into Autonomous Regions'*⁴⁵ and have regional councils.

Both the district and regional councils are empowered to make laws on the following:

- 1 The allocation of land other than reserved forests for any purpose likely to assist the inhabitants of the area. (However, the Indian government has powers to acquire any land under Article 31 [A] of the Constitution, whether occupied or unoccupied.)
- 2 The management of forests other than reserved forests.
- 3 The use of any canal or watercourse for agricultural purposes.
- 4 The regulation of shifting cultivation.
- 5 The establishment of village or town committees of the district and regional councils and powers of administration including village or town police, public health and sanitation.
- 6 The appointment or succession of chiefs or 'headmen'.
- 7 The inheritance of property.
- 8 Marriage and divorce; and,
- 9 Social customs.

However, all the proposed laws have to be submitted to and agreed by the Governor.

Both the district and regional councils may constitute courts for the trial of certain cases and suits – where both parties are STs – subject to the power and procedures of the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1898. Both councils, in their respective areas and jurisdiction, have the power to assess and collect land revenues and taxes in accordance with the state government's principles. Both councils can also levy and collect taxes on buildings and residents. The ADC can levy other taxes; however, once again the regulations must first be submitted to the Governor and agreed to. The ADC's financial autonomy is constricted by its financial dependence on the state government. Many ADCs complain that they have not received their share of the collection of royalties and taxes from the state.

The relationship between these new bodies and the traditional Adivasi institutions has not been cordial. Senior officers of the ADCs are on deputation from the state and so are chiefly accountable to the state, not to the ADC. Many Adivasis feel that these officers have a firm control on their affairs. On the other hand, many states choose to ignore the ADC.

Many feel that the Sixth Schedule has also failed to meet the aspirations of the Adivasis. Centralization has been growing in all areas of peoples' lives. This has given rise to struggle and unrest.

The threats from liberalization and globalization

Since the end of the Cold War, there has been a reduction in local production, and the privatization of social services, like education and health, have increased. Hospitals are giving way to private nursing homes and privately-run schools are mushrooming. Many goods and services are affordable only by the elites. The gradual retreat of the Indian state from these and other such social sectors leads to the withdrawal of benefits from ordinary people. This could further aggravate existing tensions.⁴⁶ Both the trends, of liberalization – giving freedom to domestic capital for the privatizing of the economy – and of globalization – breaking barriers in the march of foreign capital – do not lead to a balanced investment in all parts of the country, but rather to the pockets of the developed regions which bring quick returns.⁴⁷ The regions where most of the Adivasis live are left out of this process. Indeed the liberalization is likely to increase their hardship. Disparities are likely to widen, and poor regions like Chhatisgarh, Jharkhand, western Orissa and parts of the North-East are likely to become poorer.⁴⁸

However, given that the 20 per cent of the land area inhabited by Adivasis contains over 70 per cent of the minerals and considerable parts of the forest and water resources, their regions will automatically be sought out by transnational and neo-colonial interests. Attempts to dismantle the protective provisions related to Adivasi lands can be seen as part of the process for creating unbridled freedom for market forces, thereby furthering liberalization and globalization.

In April 1993, some 144 items and sub-items were removed from the list of items prohibited or restricted from export, including endangered animals and plants.⁴⁹ In 1994, the MOEF proposed a draft scheme for the involvement of forest-based industries in the plantation of forest land. There has been a series of denotifications of national parks, reserved forests and wildlife sanctuaries for mining purposes in the wake of liberalization. The Madhya Pradesh government plans to lease out forest land for 30 years. Many parts of the forests are being demarcated for tourism projects. The increase of exported growth in the plantation products, i.e. coffee, spices and tea, has increased the encroachment into the forested areas and Adivasi lands. These are often are in violation of the laws.⁵⁰ Furthermore, the Adivasis' vast knowledge of the rich biodiversity of their territories has become increasingly coveted by both the domestic and international market through a patent regime that does not acknowledge or respect the Adivasis' rights.

On the other hand, with the Adivasis' growing consciousness and resistance, there is bound to be an increase in conflicts. This is likely to further the application of the coercive apparatus of the state.

Aspects of the developing international law on indigenous peoples

More than 40 years ago, when India was at the forefront of the Non-Aligned Movement and its campaign against the racist South African government, it also signed and ratified ILO Convention no. 107. Since then, the Adivasis of India have affirmed the unique and distinct nature of their societies. Some states have even

'come to recognize the multi-ethnic and multi-cultural character of their national societies and the need for respecting this diversity for political stability and social progress'.⁵¹

India is not a signatory, however, to the revised ILO Convention no. 169 which essentially removes the earlier assimilationist approach of Convention no. 107. A draft UN Declaration of the Rights of Indigenous Peoples has been formulated and a 'Permanent Forum' on indigenous peoples within the UN is contemplated. Although India has been among the first to declare its intentions with regard to the protection and promotion of the natural rights of Adivasis, its actions have sharply differed with these declarations. The recognition of Adivasis as indigenous peoples would enable the Indian government to develop and translate the evolving principles and norms at the international level into practice in accordance with the aspirations of the Adivasis.

The acceptance of the status of indigenous peoples by many countries, including some 'developing countries' such as Bolivia, Colombia, Guyana, Mexico, Paraguay and Venezuela, has been a positive and just development, and an acknowledgement that indigenous peoples are subjected to extreme deprivation. However, there is still a long way to go. For example, land transfers to indigenous peoples in many of these countries have been far from trouble-free. Nevertheless, the fact that large areas have been transferred in law by some of these countries is a positive move.

With the recognition of territorial rights, self-governance becomes the instrument for self-determination. This could be through constitutional and legal formal arrangements, or through the recognition of traditional institutions and laws, or through a combination of the formal and traditional. For example,

'Colombia, Peru, and Guyana have made progress in their recognition of the rights of indigenous peoples to have their own forms of Government and they have delegated to them many of the tasks of land management. The Constitution[s] of Colombia and Peru even confer on the indigenous or native authorities the exercise of jurisdictional function within a legally established framework. Bolivia and Brazil have not yet had any experience of legally recognized self-government by indigenous communities, the most recent Constitutions of both countries leave this possibility open. Bolivia's Popular Participation Act included very clear legislation along these lines.'⁵²

It is imperative that the Indian government and the ruling elite are aware of the causes of the current levels of deep disaffection in the Adivasi areas, as well as the international developments on indigenous peoples' rights. Political initiatives based upon acceptance of these can strengthen the democratic process towards resolutions of these issues.



The Jharkhand region

In 1917 M.G. Hallett, a British Indian civil service officer, wrote, 'In ancient times the tract which corresponds with the districts of Ranchi and neighbouring *parganas* [areas or villages] was in the undisturbed possession of the Munda and Oraon races and was known to the Aryans as Jharkhand or the "forest tract".'⁵³

By the time of the Mughals,⁵⁴ he states,

*To the Aryans and to the Muhammadan historians the whole of Chotanagpur and the adjoining hill states was known as Jharkhand, or the forest tract.*⁵⁵

Today the Jharkhand region would correspond to the traditional and historical areas of the Chotanagpur Plateau and Santhal *parganas* in the state of Bihar, and the adjoining districts of Bankura, Medinipur and Purulia in West Bengal; Kendujhar, Mayurbhanj, Sambalpur and Sundar-

garh in Orissa; and the districts of Raigarh and Surguja in Madhya Pradesh. This has been a region where Adivasis or indigenous peoples like the Hos, Kharias, Mundas, Oraons, Santhals and their agnate communities or tribes have lived from time immemorial. The Adivasis would very much like the entire Jharkhand region to be a part of a single state within India, but currently the region is divided between Bihar, Madhya Pradesh, Orissa and West Bengal, and all are reluctant to grant any cultural, economic, political or territorial autonomy to this region. The 18 districts in south Bihar, which have been the focus of the decades-old Jharkhand Movement calling for self-determination, have been conceded a kind of theoretical autonomy in the form of a Jharkhand Area Autonomous Council (JAAC) (see later).

The table gives the composition of the population in the Jharkhand region highlighting the population composition of the Scheduled Castes (SCs) and the STs in the



four states. It is important to note that many of these districts in Jharkhand are large so the population concentration for Adivasis may vary considerably.

Table to show total SC and ST population in districts by residence

	Total population	SCs	STs
Bihar			
Deoghar	933,113	115,697	119,085
Dhanbad	2,674,651	415,614	225,282
Dumka	1,495,709	104,094	621,484
Giridih	2,225,480	296,302	271,924
Godda	861,182	72,893	216,047
Gumla	1,153,976	61,299	816,988
Hazaribagh	2,843,544	537,157	250,586
Lohardaga	288,886	10,919	162,964
Madhepura	1,177,706	192,443	8,321
Palamau	2,451,191	614,560	443,266
Paschimi Singhbhum	1,787,955	89,496	978,069
Purbi Singhbhum	1,613,088	77,194	466,572
Ranchi	2,214,048	123,239	964,422
Sahibganj	1,301,088	70,788	507,321
Madhya Pradesh			
Raigarh	1,722,291	195,193	821,477
Surguja	2,082,630	114,832	1,117,577
Orissa			
Kendujhar	1,337,026	153,639	595,184
Mayurbhanj	1,884,580	131,765	109,026
Sambalpur	2,697,153	471,460	740,323
Sundargarh	1,573,617	138,157	798,481
West Bengal			
Bankura	2,805,065	879,931	289,906
Medinipur	8,331,912	1,361,828	689,636
Purulia	2,224,577	430,513	427,766

Source: *Census of India* 1991, Series 1, Amulya Ratna Nanda, Registrar General and Census Commissioner, India.

Historically, the Dravidian and Kolarian or Mundari family of languages have flourished in Jharkhand. In the Dravid family of languages are the Kurdmis, Mal Pahariyas, Maltos and Oraons. The peoples who belong to the Mundari family of languages are the Bhumij, Hos, Mundas, Santhals and various smaller Adivasi communities like the Asurs and Birhor. The Mundas and Oraons coexist peacefully in Jharkhand. According to the Oraons, they were received in a friendly fashion by the Mundas when they came to Jharkhand, and, in the past, Oraon villages occasionally had a Munda priest or *pahan* because 'this descendant of the original settlers is better qualified to appease the local gods and spirits'.⁵⁶ Even now many Oraon or Oraon-dominated villages have a Munda *pahan*.

The Aryan-speakers came later to the region. Particularly after independence from the British, conditions became more favourable for a large-scale influx of people

from outside Jharkhand. With state support these newcomers have come to dominate the economy and polity of the region, with an accompanying cultural and linguistic hegemony.

The history of the struggle of the Adivasis of Jharkhand is also a history of the peoples whom they have struggled against. Since independence, it has also come to represent a struggle against the four states – i.e. Bihar, Orissa, Madhya Pradesh and West Bengal. These states' reluctance to grant autonomy is easily explained by the fact that this region is India's main storehouse of minerals, including asbestos, bauxite, coal, china clay, chromite, copper, dolomite, fire clay, iron ore, kyanite, limestone, magnesium, mica, stealite, tungsten and uranium.

Culture and language

The peoples who live in the regions surrounding Jharkhand hail predominantly from Hindu caste communities. The languages which they speak are of Sanskrit origin, i.e. Bangla in West Bengal, Hindi in Bihar and Madhya Pradesh, and Oriya in Orissa. Their major festivals are Diwali, Durga or Dusshera Puja, and Holi. Their major gods include Durga, Kali, Krishna, Ram and Shiva.

The Adivasis, however, worship different gods or spirits and they celebrate different festivals. For example, the Hos worship Sing-Bonga who is supreme and all-powerful. There are other gods lower in rank like Burubanga, the mountain god. The Hos's main festival is Mage Parab held during March to April, the occasion being the blossoming of the sal trees.⁵⁷

Regarding the Adivasi languages spoken in Jharkhand, Dr Abbi, Dr Suniti Kumar Chatterjee and P. Ponette – all noted scholars – state that Munda is one of the oldest languages in India.⁵⁸ Dr Abbi, a professor of linguistics from Jawaharlal Nehru University, explains, 'Munda languages and the Munda culture are very important ... as Munda is the oldest civilisation existing in India today'.⁵⁹

The Munda family has now split into 16 groups of languages, spoken by Asurs, Birhors, Gatas, Gorums, Gutobs, Hos, Juangs, Jurays, Kharias, Korwas, Remos, Santhals, Soras and Turis.⁶⁰

Regarding the Oraons and their language Khurukh, there is a connection with the languages of Southern India and most surprisingly with the Brahui language of Baluchistan.⁶¹ The languages belonging to this family are spoken by the Oraons and Nagesias.

Most Adivasis are at least bilingual. Rural Adivasis are bilingual in the spoken form, while rural Adivasis who have had some schooling are also able to write it using the script of the state language. Because of the political and commercial dominance of the state language in which they live, Adivasis are compelled to adopt the state language script, consequently, they also use it for their own languages.

Dominant Bengali, Hindi or Oriya-speaking communities, on the other hand, remain largely monolingual, being skilled in only the official state language. Few have much appreciation or respect for the languages of the Adivasis. This is also often reflected in the policies of the states, where Adivasi languages are virtually excluded. However, the Bihar government, in Resolution no. 645 of 13 August

1953, made increasing provisions for education in peoples' first languages.

*'The languages to be accepted ... for the purposes of this resolution will be Hindi, Bengali, Oriya, Urdu, Maithili, Santhali, Oraon, Ho, Mundari and for Anglo Indian pupils, English.'*⁶²

Article 29 of the Constitution of India by Article 29 had already laid down that,

'Any section of the citizen [sic] residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.'

The specific Article on first language teaching at primary stage came after the government of Bihar's 1953 Resolution. Article 350 (A) of the Constitution says,

'It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups.'

Despite the government of Bihar's directions on the advancement of minority languages, to date, no government school in Bihar and virtually no private schools use even the officially recognized Adivasi languages, as mediums of instruction, let alone even teach them as separate subjects.

Therefore, despite good constitutional and state requirements, much remains to be done. Whatever culture Adivasis have retained has been solely due to their own effort.

Autonomy

Traditional forms of self-rule

When the Mundas and their kindred tribes, including the Asurs, Bhumij, Birjias, Hos, Kharias, Korwas and Santhals entered Jharkhand, the territory was practically *terra nulla* and covered with virgin forests; they had no difficulty in founding their villages and farms. These Adivasis were the sole inhabitants of Jharkhand.⁶³ Later, the Oraon tribes came and settled in the areas they now occupy, in and around Gumla and Simdega district in Bihar; Raigarh and Surguja districts in Madhya Pradesh; and also some areas in northern Orissa.

Jharkhand was never ruled by Hindus or Muslims. So these Adivasis evolved indigenous socio-political organizations and a unique land system based on religions and socio-economic considerations. Within the limits of the Mundas' villages, all lands, hills, jungles and streams – everything above ground and below ground – became the common property of the members of the village family or the *khunt-kattidars*. Some parts of the jungles were specifically reserved for the village gods and called the *sarna* or sacred groves.

The head of the village also came to be known as the *munda*, playing a leading role in the administration, judi-

cial and social functioning of the village. The *munda* liaises with other Munda chiefs and senior leaders. There is also a *pahan*, the *munda's* deputy.

As the population grew, new villages were founded and more land was secured. About 10–12 villages are called *patti* and at the head of each *patti* is the *manki* or *parha raja*. Whatever could not be resolved at the village level used to be taken to the *manki* for resolution.⁶⁴ After the *manki*, came the *raja*.

The use of the term '*raja*' was a mere adoption of the name. In no way can it be compared to the monarchical traditions of the Hindus or Mughals. However, it does suggest that such influences were creeping into Jharkhand. Dominic Bara suggests that the *raja* ruled by consensus, on the basis of being first among equals.⁶⁵ Yet, the Mundas did create other offices which would help the *raja*.

The corresponding hierarchy for the Santhals was *manjhi*, *mahato*, *desh manjhi* and then *pargainit*. Among the Hos, the corresponding hierarchy was the *munda*, *manki* and then three *mankies*.

Some of the common matters that the traditional Adivasi leadership dealt with are: the conduct of festivals and religious affairs, the development of the village, family and village disputes, maintenance of the peaceful functioning and unity of the village community, matters of crime, matters of land and property, matters of sexual norms and violations, and regulation of inheritance rights concerning land and property.⁶⁶ Most of this was done at the village level, but the hierarchies were activated when larger questions or an external threat arose.

It should be noted that among the Hos and Santhal communities, women have been made *mundas* and *manjhis*. In the Kolhan and Porahat area of the Ho tribe, there are seven women *mundas*. In the Santhal tribe there are some women *manjhis* but the exact number is not known. Traditionally, in Kharia, Munda and Oraon tribeswomen are not made leaders.⁶⁷ However, in the oral traditions of the Oraon and also in references made by scholars, there is an example of Oraon women, dressed in male attire, going in to battle against the Mughals and defeating them. This event is still celebrated by the Oraons in Jharkhand.

Among the Oraons, the village chief is known as *mahato*. The *mahato* in an Oraon village holds a similar position to that of a *munda* in a Mundari village. The functions of the traditional Oraon leaderships are similar to those of the Hos, Mundas and Santhals.

The ancient Adivasi institutions seemed to have worked well and were able to withstand many of the influences of Hindu and Muslim leaders. The presence of the Muslim monarch was very nominal in Jharkhand, but the British recognized the Muslims as having jurisdiction over Jharkhand. Many of the non-Adivasis who came to Jharkhand functioned as intermediaries, because the British did not speak Adivasi languages and had no direct communication with them. The intermediaries protected their own interests and the real interests of the Adivasis were overlooked.

British rule

Chotanagpur⁶⁸ came under British administration on 12 August 1765, when Shah Alam granted the principality of Bengal, Bihar and Orissa to the East India Company.

Then came the permanent settlement of 1793 with an annual revenue payable to the Company.

The fundamental mistake committed by the British authorities was to assume that the relationship of the Maharaja of Chotanagpur with the aboriginal communes [sic] was one of feudalism, that the headman [sic] of these communes were vassals and tenants who held their villages as fiefs from the Maharaja and that the Maharaja was the absolute owner of the soil. The real facts are the other way. The Maharaja and his jagirdars [those with land or tenure which was rent-free due to services rendered] never had nor have an absolute right to the villages. The ancestors of the Maharaja as all official reports agree in finding, was elected by the aboriginal village communes to be their paramount "leader", "warlord" and not "landlord" who derived his rights limited as they then were from them and not vice-versa.⁶⁹

The establishment by the British of a police system – the zamindari police – and of the British court system, also worked against Adivasi interests. The languages used in the courts could not be understood by the Adivasis, and they had very little or no understanding of the court proceedings. The police generally backed the wealthy classes. Non-Adivasis could therefore use the system to their advantage, enabling them to further rob Adivasis of their lands and interests.

Furthermore, the concept of individual land rights was introduced by law, when all land was formerly owned by the clan or village. It also made tenants out of the Adivasis, who formerly only recognized themselves as owners of the land. The police and the court system implemented these laws. While Adivasis' material decline was thus advanced, it also affected the Adivasis' polity; the traditional leadership could not or did not know how to confront the alien system of the courts, laws and police.

As a result, the Adivasis resorted to many revolts or agitations including the following in Jharkhand: 1791 – the Munda uprising of Bundu; 1798 – the Bhumij revolt of Manbhum; 1800 – the Chero uprising of Palamuau; 1807 – the Munda uprising of Tamar; 1819–20 – the Munda uprising of Tamar; 1832–3 – the Kol rebellion; 1834 – the Bhumij revolt; 1855 – the Santhal insurrection; 1875–95 – the Sardar Movement in Chotanagpur; and 1895–1900 – the Birsa Movement.⁷⁰

To contain these outbursts, the British enacted the Chotanagpur Tenancy Act, the Santhal Pargana Tenancy Act and the Wilkinson Rule. These, with some amendments, are still recognized in law.⁷¹ By this legislation, the British recognized, to some extent, the governance and land rights of the Adivasis. However, this was purely within the confines of the British rule.

Indian independence

After Indian independence, except for the Kolhan area in Singhbhum, where the Wilkinson Rule continues to recognize to a limited extent the *mankies'* and *mundas'* powers, the *panchayati raj* system was imposed in Jharkhand. *Panchayats* are traditional village councils. These were

replaced by a top-down state version of the same and extended into the Adivasi areas. These gradually weakened the indigenous systems but they did not totally die out.⁷²

However, the government gradually realized that even the *panchayati raj* in the non-Adivasi areas had failed to bring about change, and enacted the 73rd constitutional Amendment, by which states were meant to enact legislation on *panchayati raj* for village self-government. However, Parliament specifically excluded their application to the Fifth Schedule areas, with the intention that an alternative would be enacted to be more appropriate for the scheduled areas and the Adivasis. However, the state of Bihar disregarded that and enacted the Bihar Panchayat Raj Act, 1993, seeking to extend it to the scheduled areas in Jharkhand. In response, writs were filed by Mr Basudeo Besara and the Jharkhandis Organization for Human Rights. The Patna High Court on 22 December 1995 held,

'that the Bihar Panchayat Raj Act 1993 shall not apply to the scheduled areas and we restrain the respondents from holding elections for Panchayats in the Scheduled Areas'.

Meanwhile the Panchayats (Extension to the Scheduled Areas) Act, 1996, has created much consternation among Adivasis in Jharkhand. While it mentions the safeguarding or upholding of customs, traditions, etc., it does not specifically mention any of the Adivasi political institutions. Furthermore, the language is far too general and provides for electoral rolls and methods which may not concur with Adivasi traditions.

As regards the implementation of this Act in Jharkhand, West Bengal still has no scheduled areas despite having a considerable Adivasi population, particularly in Bankura, Medinipur and Purulia. In the absence of scheduled areas, the state can ignore the Act's provisions. While the Bihar, Madhya Pradesh and Orissa states of Jharkhand have scheduled areas, Bihar is yet to enact the state law.

The Jharkhand Movement – the claim for a separate state within India – progresses very slowly. The central and state governments do not want Jharkhand to become a state, and the Jharkhandi people and their parties are too divided for a uniform struggle. Nevertheless, the Jharkhand Area Autonomous Council (JAAC) Act was conceded for the Bihar part of the territory, covering only about 35 per cent of Jharkhand. The areas in Madhya Pradesh, Orissa and West Bengal are unaffected.

Under the JAAC Act, there is to be an interim council for the said area with 162 members, of whom not more than 18 (11.1 per cent) will be nominated. However, an interim council was imposed and also dissolved recently. At its inception it had 31 nominated members from the Janata Dal, which was the then ruling party in Bihar. At the time, the party had a very small support base in Jharkhand. It is opposed to the Jharkhand Movement. The then Chief Minister of the state has said on record, 'Jharkhand will be built over my dead body.'

Regarding membership of the council, there is a glaring contradiction. According to Section 6 of the Act, an MP must resign their seat if they wish to become a member of the council. However, under Section 13, the state government is authorized to nominate two MPs, 'wholly or mostly of the area'. What does this mean? Furthermore, the Act

provides that the chair of the council must be from a ST, and be elected by the elected council members. The vice-chair of the council will be nominated by the chair, and SCs, STs, as well as other minorities, and women are to be given 'proper representation as far as possible'.⁷³

The council's powers are limited, it 'may make regulations and by-laws on the subjects specified in schedule 3 provided that such regulation shall not be inconsistent with any law made by the state legislature'.⁷⁴ The legislative powers are thus only recommendatory and subsumed by state control. The council has very few taxation or levy powers. Yet the Bihar government remains reluctant to implement the JAAC Act.

Meanwhile, since the pro-Jharkhand members of the legislative assembly from the Jharkhand Mukti Morcha (JMM) withdrew support from the Bihar government, the latter dissolved the interim JAAC.

Then on 23 December 1998, the Bill to carve out a separate state of Vananchal from Bihar was introduced in the Parliament amid stiff opposition from the Rashtriya Janata Dal and Samajwadi Party. The Home Minister, Mr Advani introduced the Bihar Reorganisation Bill, 1998, seeking the creation of a Vananchal state (Vananchal is the BJP name for 18 concerned districts in Bihar.)

Displacement

After Indian independence, a pattern of planned development and the large-scale acquisition and takeover of lands in Jharkhand began for dams, industry, military, mines, parks and other governmental infrastructure. Since there was an abundance of minerals in Jharkhand, mining and industrial activities were considered natural and inevitable by the government. All the Jharkhand areas, covered by the four states, have witnessed some form of displacement, although the Bihar portion has faced the brunt of the problem.

Many of these developments involved the damming of rivers. Some 30 years ago it was decided to dam the Kasavanti River in West Bengal. News of the project led to widespread protests by Adivasis and non-Adivasis. However, the project was completed with the use of force. The compensation for those who became landless was meagre. Many survived by prostitution. The people affected were mostly from Bankura and Purulia. Today, the silt in the Kansai and Kumari Rivers has accumulated to such an extent that the rivers flood, damaging many people's houses and fields. People are again protesting to the government of Bengal.⁷⁵ The situation has come full circle. So far the Jharkhandis have successfully resisted dams on the Koel Karo River, and have also prevented the Netarhat Field Firing Range Project from being established.

The construction of independent India's first steel plant began in 1956, in Rourkela, Sundargarh district in the Orissa part of Jharkhand. At the plant's planning stage, Rourkela was a remote Adivasi area of 32 villages with 2,465 families, of whom 70 per cent were Adivasis.⁷⁶ Now, only 1,200 families are to be found in the two settlements of Jalda and Jhirpani.⁷⁷ All are displaced.

In the Madhya Pradesh region of Jharkhand, the situation seems to be slightly better. In the late 1970s and early

1980s, the Baderkhol Wildlife Sanctuary Project was planned for the Jashpur area, Raigarh district. Thousands of Adivasis protested against the impending displacement and the project floundered.

Another major cause of displacement is mining. Since the region is so rich in minerals, the problem is particularly acute. A look at just one mining industry – coal mining – should be illustrative.

The coal mining industry in this region is entrusted to Coal India Limited and its subsidiary companies such as Bharat Cooking Coal Limited, which runs 390 nationalized mines, including Moonidih and Sudamdih mines; Eastern Coal Fields Limited, which covers the Raniganj coal fields in West Bengal and Mugma Rajmahal coal fields in Bihar; and Central Coal Fields Limited, which covers various mines in Jharkhand, Bihar.⁷⁸

The table below gives an insight into the number of displacements due to coal mining. The figures are not very recent, however, and the magnitude of the problem may have been further accentuated. Furthermore, many jobs are no longer available because of mechanization and computerization.⁷⁹

Table to show the number of families displaced and number of jobs provided

Company	No. of displaced	No. of jobs provided
Bharat Cooking Coal Limited	3,841	752
Central Coal Fields Limited	7,928	3,984
Eastern Coal Fields Limited	14,750	4,915
Total	26,519	9,651

Source: Government of India, 1985. (Figure estimated from table cited in Fernandes/Thukral (eds), *Development, Displacement, and Rehabilitation*, New Delhi, Indian Social Institute, 1989, p. 22.)

There are many other examples and Adivasis continue to struggle against these 'developments'. In Ranchi district, protesters against the Surangi Reservoir Project were met by the contractor, the proposed workforce and the police. Photojournalists covering such protests have also been targeted and injured.

Local Adivasis, including the Hos and Santhals, have been protesting against India's first and main uranium mine in East Singhbhum district. Notices had been served to the villagers of Chatikocha as far back as 1985, when it was proposed to use their village. Then in 1994 another notice was served to say that their lands had been acquired and that they should come to the office of the Uranium Corporation India Limited (UCIL) for compensation. Most of the Adivasi families refused. On 27 January 1996, the UCIL management, backed by paramilitary and police forces, entered Chatikocha village without warning and started to bulldoze the houses. About 30 houses were razed to the ground, the agricultural fields levelled, and the sacred places of worship and graveyards were desecrated. Santhal Adivasis from surrounding villages came in large numbers to express their solidarity with the people of Chatikocha and women lay down in front of the bulldozers.

Because of the bad publicity, both nationally and internationally, UCIL temporarily suspended its activities, before recommencing construction work in February 1997. The blockades and protests continued, with women taking a leading role in fighting the project. Of the 18 people arrested on 27 February, 16 were women.⁵⁰

Accepting the inevitability of displacement, the Jharkhand Adivasi Vistapit Berojgar Sangh/Jharkhandis Organisation against Radiation (JOAR) has put forward a list of demands concerning: an apology for the desecration of the sacred land, and an agreement not to carry out such acts in future; appropriate compensation for their lands at the market value, and not as fixed by the government; employment and proper rehabilitation. Furthermore, the people have demanded that UCIL should make public the consequences of radioactive dumping on people's health. UCIL is refusing to do this.

However, the following concessions have been made by UCIL: UCIL and the district administration have agreed to provide free house sites to each displaced family in a plot to be acquired by the government, Rs 65,000 will be given to each displaced family to construct a house of their choice, and UCIL will employ every male from a displaced family over the age of 18.⁵¹

Due to these protests – including those at Koel Karo and Netarhat – it is now extremely difficult for the state or the government to push through projects that will adversely affect large numbers of people. The only method that the state can apply is the use of overwhelming force and possibly bloodshed – in a democracy this should not be allowed to happen. Yet in the multipurpose Suvarnarekha Project, in Singhbhum district at the junctions of Bihar, Orissa and West Bengal, the police resorted to firing on and killing people, and a dam was eventually built, leading to large-scale displacement. The struggle for resettlement and rehabilitation continues there.

It appears that the more intense the struggle, the better the deal that the people can secure for themselves. The Supreme Court has laid down that the rehabilitation of people should be complete before work on a project may begin. The harm, however, to the culture, environment, health and lifestyles of the people cannot be adequately compensated for. However, India does not have any uniform policy for resettlement and rehabilitation.

The intense attachment of the Adivasis to their lands and territories is a reason Adivasis repeatedly cite, among others, for not wanting to be displaced. Their ancestral graveyards and their sacred groves, *sarnas*, are in the villages, along with their ancestral spirits and the spirits whom they worship. Furthermore, many Adivasis' religions are village-based because the power of the spirits or gods are confined to villages; the power of the *pahan* or priest is also confined to a village. Often villagers cannot worship at another village.

the Adivasis in matters affecting them, particularly about their lands and territories which are rich in resources would be, to put it bluntly, unprofitable. In Jharkhand, the continuing industrialization, mining, urbanization, etc., with the consequent loss of Adivasi lands, is the continuing story of colonialism or economic plunder. The fact that meaningful autonomy is not allowed, even in the areas of culture, language or religion, demonstrates the extent to which a state, in this case the Indian state, can go to destroy a people or peoples.



Denial of autonomy

It is clear why not only the Indian state, but states throughout the world will not allow the Adivasis or indigenous peoples power. Basically, it relates to political and economic self-determination. To seek the consent of

The land of the Blue Mountains

The Blue Mountains region covers the densely forested complex of southern hills of the Western Ghats, with Karnataka, Kerala and Tamil Nadu forming the component states. The major Adivasi (or ST) communities are Hasalaru, Marati and Naikda in Karnataka; Irular, Kurichchan, Kuruman, Marati and Paniyan in Kerala; and Irular, Kumuman, Malayali and Sholaga in Tamil Nadu. Malayali, Irula, Naikda, Marati and Paniyan are the main Adivasi communities, in decreasing order of size, in the region. This region has 4.15 per cent of India's total Adivasi population. Karnataka has the largest concentration of STs – 52 – as some non-Adivasis have been included as STs, followed by Tamil Nadu, with 37, and Kerala, with 36. There are 74 Adivasi communities in the region (as per the 1971 list).

Table to show ST concentrations in the Southern region⁵²

	Karnataka	Kerala	Tamil Nadu	Total
Total ST population	1,915,691	320,967	574,195	2,810,852
% with respect to total population of the state	4.26	1.10	1.03	-
% with respect to total ST population of India	2.83	0.47	0.85	4.15
% with respect to ST population of Southern India	68.15	11.42	20.43	100.00
% of STs living in Rural (R) and Urban (U) areas	R: 85.60 U: 14.94	96.51 3.49	87.99 12.01	86.97 13.03
Total number of ST communities	52	36	37	74

Kerala has India's highest literacy rate at 89.81 per cent; 57.22 per cent of Adivasis in Kerala are literate. The literacy rate for Adivasis in Tamil Nadu (27.89 per cent) is lower than that of Karnataka (36.01 per cent). The percentage of Adivasis cultivating the land has been decreasing throughout India, yet Karnataka has the biggest

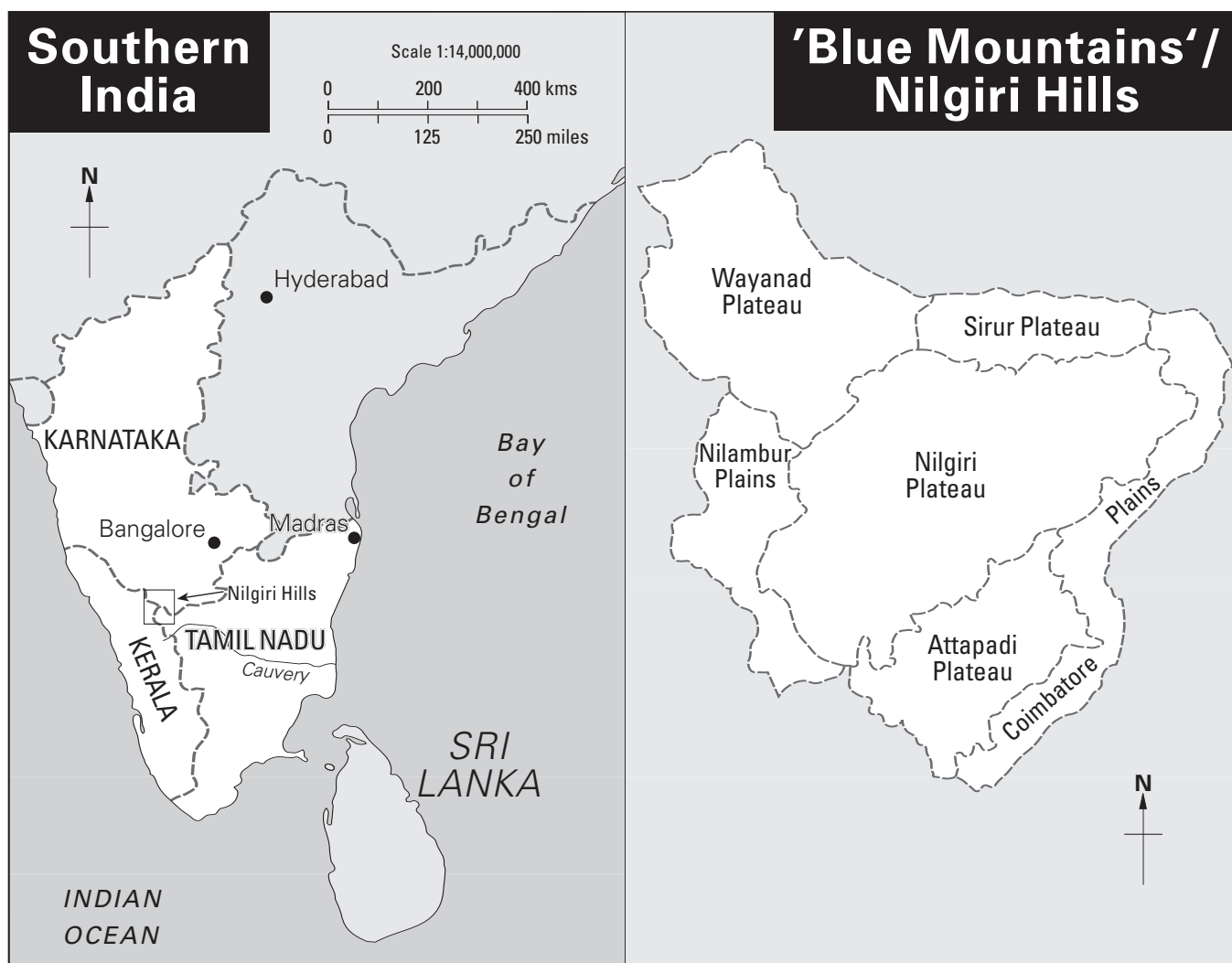
reduction. This indicates environmental degradation on the one hand, and land alienation and increasing poverty on the other. Correspondingly, the number of agricultural labourers who are Adivasis working for non-Adivasis has increased, especially in Karnataka. Cattle rearing, primarily for economic security during emergencies, has also been reducing.

More and more Adivasis are increasingly forced to become labourers and construction workers for mining and quarrying. The numbers of poorer Adivasis involved in manufacturing, processing, services, etc. and in commerce, communication, trade and transport etc., has increased. The number of educated unemployed is on the rise with an insignificant number employed in the public or private sector. A reservation of 2 per cent in Kerala and 3 per cent in Karnataka for STs has been prescribed. Tamil Nadu has no separate quota for STs as they are banded with SCs with an 18 per cent reservation. However, these stipulated quotas have not been filled.

The Nilgiri Hills (the Blue Mountains) represent the major Adivasi belt in the region. These consist of six zones: the Nilgiri Plateau, the slopes surrounded by the Sigur Plateau to the north, the Coimbatore Plains in the south-east, the Attapadi Plateau in the south, the Nilambur Plains to the west, and the Wayanad Plateau to the north-west. The three states of Kerala, Karnataka and Tamil Nadu split the area with Malappuram, Palakkad and Wayanad districts falling in Kerala; Kodagu and Mysore districts in Karnataka; and Coimbatore, Nilgiri and Periyar districts in Tamil Nadu.

A survey in 1847 by the British in the Nilgiri Plateau region shows that about 78 per cent of the people were Adivasis – mainly hunter-gatherers, pastoralists and shifting cultivators. The British gained effective control of the region in 1799. It was in 1850 that the British established townships, bringing in the first numbers of immigrants. By 1905, large areas were constituted as reserve forests under the Madras Forest Act, 1882, and coffee and tea were established as significant commercial crops. Vast areas of the Nilgiri and Wayanad Plateaux were cleared of natural vegetation for these crops, integrating the area with the global market. Under the state's 'Grow More Food' campaign, the commercialization, expansion and intensification of agriculture were encouraged. With these, the region experienced further migration.

As an area of heavy rainfall, the water resources were extensively tapped. A series of dams and reservoirs were set up for the generation of power and water supplies to the urban centres in the plains. With the impetus given by



the National Forest Policy, 1952, over 90 per cent of the grass lands were converted into eucalyptus and wattle plantations. The forests were rapidly depleted for the establishment and expansion of townships. A railway line was built by the 1950s to Nilambur for the sole purpose of exporting sleeper timber to expand the railway. Rubber plantations were established in the Nilambur Plains.⁸³ Communications were expanded to the region from the plains of Karnataka, Kerala and Tamil Nadu bringing more immigrants. The Adivasis' lack of comprehension of the new laws, coupled with the deliberate non-recording of the customary rights to their homelands, meant that these indigenous inhabitants were completely marginalized. The region currently experiences severe unrest, with bonded labour, decreasing access to forests, hunger, land alienation and sexual exploitation.

Land alienation and perpetuating injustice

In 1960 the Dhebar Commission recommended that all tribal land⁸⁴ alienated since 26 January 1950, when the

Constitution of India came into force, should be returned to the original owners. The meeting of the State Ministers on 1 April 1975 passed a Resolution which stipulated,

'Legislation for prevention of land alienation should be undertaken immediately. This work should be done within 6 months. More important is the legislative measures for prevention of land alienation and restoration of alienated land. A crash programme for effectively implementing these laws within 2 years may be prepared in each state setting targets for each year, which should be periodically reviewed.'

In pursuance of this, the Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975 (KST Act, 1975) was enacted unanimously by the Kerala government and received the mandatory assent from the President of India. However, the rules putting the Act into force were not formulated until a decade later, in 1986, with retrospective effect from 1 January 1982.

The Act makes all transactions of Adivasi lands during the period 1960–82 invalid. These are to be restored to the original owners who will have to pay some compensation

(which the government can assist with). Furthermore, all transfers of Adivasi lands to non-Adivasis since 1982 and without the permission of the authorities are void and are to be restored without compensation. The Act applies to those cases of land alienation where Adivasis have records to prove prior ownership of the land. An estimated 8,879 applications for restoration of lands have been filed to date. Most have been from the districts of Palakkad (2,523), mainly from the Attapadi region, and Wayanad (2,229), from the Nilgiri Hills region; though applications have been filed in almost all the districts of Kerala.

Adivasis represent 20 per cent of the population of Wayanad, some 36.5 per cent of the Adivasis in Kerala. A sub-committee constituted by the Kerala State Assembly in 1976 visited Wayanad for a rapid survey of land alienation. Of the 298 cases presented to them, it was found that 71 (24 per cent) were taken by force, and 67 were taken for a meagre sum. Of these, 14 were cases where signatures were obtained on blank papers without any money being transacted, five did not receive the stipulated amount, and two had their money taken away.

Since 1975, when the KST Act was passed, much has changed. The desire to wean the Adivasis away from the Naxalites (Marxist-Leninist revolutionaries who were active in the 1970s) no longer existed. The mainstream political parties had established their presence among the Adivasis – these were controlled by non-Adivasis. Furthermore, it was realized that the area had more potential for the increasing cash crops and plantation economy. The Adivasis had become a numerical minority in their homelands. For example, in Attapadi, the Adivasis constituted 63 per cent in 1961 and became 30 per cent by 1991. The political parties and the government became totally opposed to the Act, with the pretext that it was unjust to the migrants who have ‘developed’ the area economically; and that the implementation of the Act could create conflict between the Adivasis and non-Adivasis. With liberalization and Wayanad being declared a tourism district, economic interests were at stake.

After attempts to force the Kerala authorities to restore the alienated lands under the KST Act, the government was faced with the possibility of contempt of court proceedings. It passed the Kerala Scheduled Tribes (Restriction of Transfer of Land and Restoration of Alienate Lands) Amendment Bill on 23 September 1996. This was despite widespread opposition. The Amendment in effect says that all transactions of Adivasi lands in 1960–86, which were termed invalid in the original Act, are now valid and need not be restored. Instead, the Amendment proposes to provide an equivalent land and Rs 25,000, and all transfer of lands from Adivasis to non-Adivasis are restricted from 24 January 1986 instead of 1982, as in the original Act.

The amendment is grossly unjust. In Attapadi, under the KST Act, there were claims for restoration of more than 10,000 acres of alienated land, but the authorities have ordered restoration of only 3,336.16 acres, with 600 applications still pending. Even these restorations have not taken place. Should the proposed amendment to the Act receive the President of India’s backing, the government would have to deal with only 29 cases of alienation involving less than 17 hectares.

With a lapse of over two decades, the non-implementation of the KST Act is a glaring example of subversion of the constitutional obligations to the STs. However, this Act, even in its original form, does not address the issue of land alienation in any significant manner. It only applies where Adivasis can provide land ownership records. Most Adivasis do not have such records because the government did not record these rights. Of over 8,000 applications, over 3,000 have been rejected for want of adequate proof of ownership of land by the applicant.⁸⁵ The authorities continue to register Adivasi lands in the name of non-Adivasis in violation of the Act. In Wayanad there are an estimated 8,300 landless families; this Act will not restore their land. Furthermore, under the Kerala Private Forest (Vesting and Assignment) Act, 1972, c. 23,000 hectares in the Western Ghats were to be given to landless Adivasis; the government has yet to comply with this.⁸⁶

Karnataka and Tamil Nadu are not covered by protective land legislation as in Kerala, yet the issue of landlessness and land alienation is fast reaching the acute stage. In Gudalur, in the Tamil Nadu part of Nilgiri Hills region, for example, land belonging to the Nilambur Kovilakam (a royal family) which was the habitat of Adivasis, was taken over by the government under the Gudalur Janmom Estates (Abolition and Conversion of Ryotwari) Act, 1969. A decision is still awaited to a challenge to this in the Supreme Court in 1977. Consequently, non-Adivasis have been able to lay claims to lands traditionally enjoyed by the Adivasis.⁸⁷ In the Anaikatti Hills in the Coimbatore district of Tamil Nadu, an NGO – Coimbatore Zoological Park, promoted by industrialists in order to establish a zoological park – illegally took over c 160 hectares of land enjoyed by Adivasis, including lands for which the people had titles.⁸⁸ Lacking any protective land legislation in the state and with the state refusing to come to their aid, the people had no other option but to physically repossess most of their lands.⁸⁹ In the Palani Hills, an extension of the Western Ghats, there are further conflicts as Adivasis are trying to re-establish their rights over swathes of their territories taken over by forest and plantation interests.

In the name of conservation and ecodevelopment

Nagarhole, falling within the royal hunting reserve, the Nilgiri Biosphere Reserve, was constituted as a sanctuary on 2 July 1955 with an area of 57,155 hectares. The Karnataka government declared a further area as the Nagarhole Game Sanctuary in 1972. The process of reclassifying the sanctuary as a national park began on 1 April 1983 and increased its size to include seven mountain ranges, a tourism zone and a restoration zone. Renamed Rajiv Gandhi National Park on 13 May 1992 the area has been extensively logged and substituted by plantations, these cover about 15 per cent of the area.

The Betta Kuruba, Jenu Kuruba, Paniya, Solaga and Yerava are recorded as having been living in the region from the seventh century AD as per the Madras Census Report, 1891. Living freely in the forests, the Adivasis were reduced to wage labourers by the Forest Depart-

ment's operations. Non-Adivasis have managed to get title deeds for about 250 acres. There are 58 Adivasi settlements inside the park with a population of 6,888. The Wild Life Protection Act, 1972, provides for the extinguishing of all rights of local inhabitants, prohibiting habitation in national parks, with resultant eviction. Since 1963, the Adivasis living in the core area – over 6,000 people – have been expelled, without any compensation. The remaining Adivasis in Nagarhole are seen as illegal encroachers. They have become labourers in estates or bonded labourers, their lands are forcefully planted with bamboo, eucalyptus and teak, and the people have been beaten, molested and constantly harassed. They are denied participation in development programmes – this results in hunger, malnutrition and deaths.

This process is being assisted by a US \$67 million World Bank aided 'ecodevelopment project' in seven sites in seven different states, with additional funding by the International Development Association (IDA), Global Environment Facility (GEF), the Indian government, the Karnataka government and the project beneficiaries. The agreement was signed on 28 July 1996.

In Nagarhole, one of the seven sites, the total population of the project area was estimated to be 72,652 (1981 census) of whom 6,888 are Adivasis. The World Bank's Operational Directive 4.20 on Indigenous People is to ensure that indigenous peoples do not suffer adverse effects, that there is informed participation, and that they benefit from a project, and 4.30 on Involuntary Resettlement provides guidelines and principles on relocation and compensation. However, since November 1994, the Karnataka government has not initiated any resettlement plan activities which have been reviewed and approved by the World Bank. The Karnataka government had planned to relocate over 6,000 people currently living inside the park, even before the agreement with the World Bank. However, this could not be carried out due to the people's resistance to the relocation plan and due to funding problems.

With the prospects of the World Bank 'ecodevelopment project' bringing in millions of dollars, pressure to force the Adivasis to abandon their way of life was stepped up and other actors became involved, such as the Taj Group of hotels, even before the inhabitants had been moved on.

The Taj Group has planned for an estimated Rs 400 million project with a 20 per cent government subsidy. Led and enthused by the National Front for Tribal Self-Rule campaign, campaigns and protests against the World Bank project in Nagarhole intensified from early 1996. Adivasis protested against the Taj Group by blocking the construction of the hotel development in August 1996. Taj was determined to go ahead and revived construction at the end of December. Large demonstrations have led to mass arrests followed by a total blockade of Nagarhole on 29 December when all the roads leading to the national park were blocked.⁹⁰

Following a petition filed in the High Court at Bangalore by Adivasis and others, the High Court judgment of 20 January 1997 declared that the assignment of a portion of forest land to the Taj Group was in gross violation of Section 20 read with Section 35 (3) of the Wild Life Protection Act, 1972, and Section 2 (3) of the Forest Conser-

vation Act, 1980. Consequently, both the state government and the Taj Group have violated these laws. Gateway Hotels and Gateway Resorts Limited of the Taj Group have been ordered by the High Court to 'immediately stop all its [*sic*] activities on the forest land in question and hand over its possession to the State Government'.⁹¹

Encouraged by this success, as well as the Provisions of the Panchayats (Extension to the Scheduled Areas) Bill coming into effect in the scheduled areas on 24 December 1996 (although not applicable to the Southern region including Karnataka), Adivasi villages were declared 'village republics' on 26 January 1996, heeding the call of the National Front for Tribal Self-Rule. The Taj Group has now appealed to the Supreme Court.

In the name of 'development'

Bonded labour

Kerala, unique in having voted to power the first communist government in the world, also has the distinction of having the best quality of life index in India, comparable to that of countries in the North. Relatively successful land reforms under the leadership of the communists and an organized working-class movement has led to better wages for workers and a more egalitarian distribution of resources. However, due to rapid infrastructural development and migration – particularly of non-Adivasi farmers – a situation of widespread bondage and landlessness has been created.

An official inquiry conducted by the state government on instruction from the Supreme Court confirmed the existence of bonded labour in Palakkad, as well as in Pathanamthitta and Wayanad districts. The resulting report found that several labourers were in bondage in Palakkad district.⁹² Ponnusamy (aged 16), son of Roovan of Vattulucky in Pudur Panchayat of Attapadi, is in bondage under Rangaswamy Gownder of Vattulucky hamlet. Roovan had been paid Rs 3,500 for making his son a bonded labourer for one year. Another of his sons, Govindan (aged 13), is working for Dorthumma Gownder residing at Ramakrishna Pudur. An amount of Rs 2,500 had been received for giving the boy in bondage for one year. Neither boy has been to school. Poverty had forced Roovan to hand over his sons. Chandran (aged 10), son of Maniyan, was found to have been sold to Dorthumma Gownder for Rs 2,500 for a year. The latter told the inquiry officials that he would be willing to let the boys go if the amount due to him is paid.

The inquiry reveals that the practice is prevalent in most of the villages in Attapadi including Kottathara, Kavundikkal, Puliapathy and Vannamthara. A large number of Adivasi girls are also in bondage. At Kavundikkal, the team found that,

'the Adivasis work for their masters, Gownders from Tamil Nadu, who are settled there. They work from 7 a.m. to 5 p.m. on daily wages. A man is paid Rs 12 and a woman Rs 8. As it is impossible to live with

*this meagre sum, they are obliged to pledge their utensils, cattle, etc. or mortgage their property. This marks the beginning of their bondage.*⁹³

The inquiry explains how the system of bonded labour works.

*When the tribal is in dire need of money, because of unemployment or similar reasons, the rich men lend them money on condition that a member or members of his [sic] family work for them until the debt is cleared. Once the money is accepted, the decision is unilateral. It is the lender who decides the daily wage and the interest for the loan. A bonded labourer at Kavundikkal in Attapadi is usually paid Rs 2 a day. It may increase to Rs 4 or 5 after several years. The loan will never be cleared because the interest will always exceed the wages by several times. So the bondage continues for ever. The bonded labourer is given only gruel (kanji), that too once a day.*⁹⁴

The report reveals that women and girls are sexually exploited. The official team also noted that bonded labour exists in Wayanad, and also in the colonies (settlements) where they were supposed to have been rehabilitated by the Kerala government.

Landlessness

Extreme deprivation has led to deaths from starvation, particularly among the landless. The state immediately attributed this to ill health until a few Adivasis were officially declared as having died of hunger. In Koduthura Adivasi colony of Kalpetta, for example, 81 families of 370 people reported four such deaths in mid-1994. It is estimated that over 30,000 in Wayanad are afflicted with hunger-related health problems.⁹⁵

Displacement from projects has resulted in greater landlessness. The hydroelectric projects in Chimmuni, Idukki and Karapuzha are well known to have displaced a significant number of Adivasis. In Karapuzha, land acquisition began in 1977 leading to the creation of 306 landless families. As lands were acquired, 200 families were evicted.

During the period 1984–5 to 1993, Rs 250,728,000 was spent in Wayanad for 'tribal development', and in Attapadi, over Rs 10,000 per family has been already spent in the name of development by various state welfare agencies in the last couple of decades. Of the 36,000 Adivasi families in Wayanad, 16,000 do not have their own house and 7,800 families still do not have any land.⁹⁶

A recent environmental study observed major changes in Attapadi.

*The forest area has come down from 406 square kilometres to 164 square kilometres. No area was shown as barren in 1971 but now 233.8 square kilometres is identified under this classification. The area under scrub was just 28.53 square kilometres in 1971 which has increased to 152.8 square kilometres.*⁹⁷

The study found that the major problem encountered in the valley was scarcity of water for drinking and for food production. It continued,

*The condition of local inhabitants especially the tribals is highly deplorable. Since 1962, a number of programmes have been launched and implemented by the Government [...] to improve the economic conditions of the tribals. But it neither improved their economic conditions nor brought them to the original conditions. Rather, it increased their dependence on governmental agencies. The per capita income shows that they are living below [the] poverty line.*⁹⁸

It should be noted that the suicide rate is also increasing among Adivasis.⁹⁹

In the Rural Landless Employment Guarantee Programme in Attapadi, the money meant for afforestation, soil conservation and water preservation was spent on roads. The programme stipulates that the work should be carried out by the government to generate employment of Adivasis, but instead the work was handed over to the contractors with the connivance of the officials.¹⁰⁰ This denied the Adivasis employment, and many believe that this type of corruption is common.¹⁰¹

Wayanad district has a large number of projects for the development of the most marginalized Adivasis. For example, the 526.35 acres Cheengeri Tribal Project was started in 1957 by the government to rehabilitate about 100 Adivasi bonded labour families who were to be given 5 acres per family within five years. The number has since increased to 250 families. Of the 526.35 acres, 182 acres were given to the Agriculture Department of which 100 acres have been turned into a coffee plantation under the guise of educating Adivasis. Also, 60.25 acres have been encroached upon by about 150 non-Adivasis. From 1957 to 1995, Rs 5,700,000 have been spent on this project.¹⁰² Since 1978, the Adivasis have been demanding title for the lands that they were to get under the project. On 1 March 1994 a symbolic march was made to Cheengeri stating that self-restoration would begin on 26 January 1995. The SC/ST Department issued an order on 3 January 1995 promising title to the land held by Adivasis. However, only 270.95 acres would go to the Adivasis, 182 acres to the Agriculture Department, and 10.25 acres for various government offices. Title deeds were also to be given to 147 'non-tribals'. Adivasi organizations are demanding an equal distribution or 5 acres per family as per the original decision.¹⁰³

On 25–26 January 1995, the Adivasis entered the Cheengeri Estate and 249 families settled on about 100 acres of land and erected huts. As a result, 143 were arrested and kept in Kalpetta police station without food. A further 241 were arrested on 6 February, including 54 women, before being released on 15 February 1995. Arsonists burnt down the houses after the Adivasis were arrested, and the authorities fenced the area off. A relay hunger strike took place for 48 days. Another 14 were arrested and remanded for 15 days. An injunction has since been obtained restraining the government from evicting the Adivasis.

The abuse of Adivasi women

With a matrilineal tradition, the women of Kerala enjoy a higher social status than women elsewhere

in the country. Adivasi women traditionally enjoy a prominent position in their community. However, Adivasi women are facing growing problems. They are seen as 'different' from other women – lower in civilization, development and status and stereotyped by non-Adivasis as being 'loose' women, because of their relative freedom within society. Non-Adivasi men are using them to try to gain access to land, and in order to subjugate Adivasi women and the wider community.

Wayanad has become a hub of struggles for land and against atrocities committed on Adivasi women, with the struggles' most well-known leader being C.K. Janu, an Adiya woman.¹⁰⁴ The region is also experiencing a huge growth in female single parents. Promises of marriage are made to Adivasi women and the men frequently abscond. Furthermore, Aakkolly Paniya colony of Appapara has seen many outsiders coming with false identities and marrying the young women, staying for two or three years and then leaving the women with several children to support. The problem has become so widespread that the Kerala government's State Women's Commission has begun to conduct DNA testing to determine paternity.

Thirunelli initially became famous for being a stronghold of the Communist Party of India, and then become a Naxalite (Marxist-Leninist revolutionary) stronghold in the 1960s. Towards the end of the 1960s, the anti-Naxalite repression brought the police, who began to sexually assault women under the cover of the anti-Naxalite operations.

Many Adivasi women are raped, others have been kidnapped or 'disappeared'. In one year 200 women were found missing in Wayanad district alone with about 20 of the sexually assaulted women committing suicide. Many others are dying from attempted abortions as a result of these rapes.

It is a common sight to see well-dressed Adivasi women, many of them in their early teens, frequenting the main streets of Mananthavady, Kalpetta and Sultan Battery of Wayanad. A study by the People's Council for Social Justice (PUSJ) which visited Wayanad states that,

*'the Paniya women were raped or enticed into beds with promises of marriage and then abandoned. Some estimates claim that there are more than a thousand Adivasi unwed mothers in Wayanad ... agents acquire agricultural land, promising to share profits with government servants who collude with them, or other financiers. The agents employ tribal women making them available to the bosses. They also recruit tribal girls for domestic services where the masters have sexual access to them ... The girls who get pregnant are returned home.'*¹⁰⁵

Adivasi women and girls who have been raped are understandably reluctant to talk. Ms Tamaban, a member of a panel which visited Thirunelli and other Adivasi areas, says that the women and girls refuse to testify because their parents are bribed by the rapists.

The PSCJ said prostitution of Adivasi women abounds. According to the study,

'when these girls return with money, they become role models for other impoverished girls. [The] drop out rate in schools is also high after the primary stage.'

There are instances of police covering up the rape of Adivasi women. For example, a 16-year-old woman was abducted and attacked in 1992 in Agali bus stand. Although her friend escaped and ran to the police station a few yards away, the culprits had crossed the river with the young woman. The police refused to give chase. The perpetrators names are known. A First Information Report (FIR) was made on 13 November 1992 as crime no. 229. But by November 1996 the FIR had disappeared from the police files. The negligence and quite often the complicity of the police are important factors contributing to the high degree of sexual exploitation of women.¹⁰⁶

The North-East region

The North-East region in India has the highest concentration of diverse Adivasi communities and other ethnic groups. This reflects its location at the meeting point between South Asia, South-East and East Asia. Many of these peoples have their kin in adjoining countries.

The boundary lines across the traditional Adivasi homelands are a legacy of British colonialism. In post-independent India, the territories of the Adivasis¹⁰⁷ have been further divided between the seven states of North-East India – Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. The contiguous Naga homeland forms part of Arunachal Pradesh, Assam and Manipur, and the whole of the state of Nagaland. The Garo and Khasi homelands are in Assam, Meghalaya and Tripura. The Mizos are in Manipur, Mizoram and Tripura; the Misings and Dueris are in Arunachal Pradesh and Assam. These divisions have made them minorities in their own territories. Some Adivasis have formed nationalist movements which are struggling for self-determination.

The peoples of the seven states

As the table shows, most of the seven states are predominantly inhabited by Adivasis.

Table to show North-East India's population, no. of STs and percentage of STs to total population

State	Total population	No. of STs	% of STs to total population
Arunachal Pradesh	865,000	101	63.66
Assam	22,414,000	23	12.82
Manipur	1,837,000	28	34.41
Meghalaya	1,775,000	14	85.53
Mizoram	690,000	5	94.75
Nagaland	1,210,000	20	87.70
Tripura	2,757,000	18	30.98
Total	31,548,000	209	25.80

Source: 1991 Census of India.

The main Adivasis of North-East India are from the hills: Abors, Apatanis, Garos, Jaintias, Jamatias, Karbis, Khasis, Kukis, Lakhers, Mizos, Nagas, Nishis, Reangs, and Sherdukpans; and from the plains: Boros, Misings, Rabhas, Sonowals and Tiwas, etc. Except for the Khasis, who belong to the Mon-Khmer group, almost all the Adivasis of the region belong to the Tibeto-Burman family. Out of 635 Adivasi communities, who have been studied by the

Anthropological Survey of India, 220 communities are found in the region.¹⁰⁸ According to the 1991 census, the total population of the region is 31,548,000 out of which over 8,000,000 belonged to the STs.¹⁰⁹

This region covers an area of 255,083 square km which accounts for 7.7 per cent of the country's total area. It shares more than 400 km of India's international boundary with Tibet in the north-east, Burma in the east and south-east, and Bangladesh in the south-west and south. North-East India is connected with mainland India via a narrow corridor between Bhutan and Bangladesh, just 20 km wide.

Historical background

Historically, the North-East region was never part of mainland India. The colonial incorporation of the North-East took place much later than the rest of the Indian subcontinent and stretches from the second quarter of the nineteenth century to the end of it. While the British acquired control of Assam in 1826, which was then made up of Brahmaputra Valley and ruled by the Ahoms, neighbouring Bengal had been annexed as early as 1765. The Garo Hills were annexed in 1873 and the annexation of the Naga Hills was completed in 1879. The subjugation of Mizoram was effected under the Chin-Lushai Expeditions 1881–90.¹¹⁰ After consolidation of most of the hill areas, the British decided to keep the hill peoples and plains peoples¹¹¹ under different systems of administration, due to the vast differences between the peoples in the two areas. However, like Adivasis in other regions of India, Adivasis' way of life was based on an egalitarian ethos. Social inequalities and servitude on the basis of birth were alien concepts. Most of the villages were run on democratic lines¹¹² in accordance with village public opinion. Furthermore, the control of and access to rich resources were, by tradition, both communally and privately owned. For example, among the Nagas, in addition to land owned by individual households, such as terraced fields and homesteads, there were clan and village community lands. Yet, much of the land and other natural resources were owned, managed and controlled by the traditional village councils in the interest of the community as a whole. This practice continues among almost all the Adivasi hill peoples of North-East India today.

Throughout British rule, the hill Adivasis were by and large left to continue their social and political activities according to their traditions and customs, with little interference. Furthermore, the Inner Line Regulation, 1873, was introduced to protect them from being exploited by people from the plains and also to regulate commercial relations. Later, under the Government Act of India, 1935, the hill areas were classified as 'excluded' and 'partially excluded' areas in which the provincial legislature had no jurisdiction. The excluded areas are now



Arunachal Pradesh, Lushai Hills, Naga Hills and North Cachar Hills. The former partially excluded areas are now the Garo Hills, and the Mikir Hills of Nowgon and Sib-sagar. The British portions of the Jantia and Khasi Hills are in what is now Meghalaya.

Although keeping the hill peoples (Adivasis) and plains peoples (non-Adivasis) separate from each other stemmed from their having different social practices, this can also be seen from the point of view of peoples being divided into ‘civilized’, ‘semi-civilized’ and ‘uncivilized’, with the ‘uncivilized’ having to be assimilated. The treatment meted out to the Adivasis during and since the British colonial period has been, at best, paternalistic.

When British rule in the Indian subcontinent was coming to a close, there was a proposal for the formulation of the North-Eastern Frontier Province. Sir Robert Reid, the then Governor of Assam, supported the proposal.

Personally, I am in favour of ... a North-East Province or Agency, embracing all the hill fringes from Lushai land on the south right round to Balipara Frontier Tract on the North, embracing on the way, the Chittagong Hill Tracts of Bengal and the Nagas and the Chins of Burma and perhaps their Shan states

too ... under some appropriate department at White-hall. The members of this federation shall not be subject to constitutional changes introduced in the Provinces of India.⁷¹³ Furthermore, Reid said, ‘We have no right to allow this great body of non-Indian animistic [sic] and Christians to be drawn into the struggle between Hindus and Muslims which is now and will be in future, with ever increasing intensity, the dominating factor of politics in India proper.’⁷¹⁴

Demands made by the hill districts

In 1929, in their memorandum to the Simon Commission, the Nagas stated that they wanted to be left alone. They said that they had never been conquered by any other peoples, and should not be subject to the plains peoples, with whom they had no social affinity.⁷¹⁵ (The plains peoples were Hindu or Muslim, while the Adivasis practised other religions.) In the meantime, the Khasis and Mizos also expressed their desire to be separated from Assam. The Khasis demanded that they should have the right to form a federation of their own within India. Among the Mizos, most wanted maximum autonomy, to control all

matters except for communications, defence and foreign relations. They also demanded the unification of all the contiguous Mizo territories.

The Mikirs (also known as Karbi) proposed setting up a separate new district, with all the Mikirs having a single administration, the envisaged district to be made up of all the hills inhabited by the Mikirs contiguous to the present Mikir Hills. It would be part of Assam with maximum autonomy. They also demanded protection of their social and cultural life, and against the alienation of their land by outsiders. They wanted to continue village administration by the village council, without interference from the central or provincial legislatures.

The Garos wanted to maintain links with the plains and wanted to be part of Assam. They demanded the adjustment of boundaries of the hills district to include all the Garos living in other districts contiguous to the Garo Hills to form a Garo Hills Union.

In general, the demands made by the Adivasis in the hills districts, including Abors and Mishmis and excluding Nagas, were for maximum autonomy within India, and for safeguarding their culture, land, language, social and customary rights. They had also demanded the redrawing of the boundary lines which had been redrawn several times by the British without consultation. The Adivasis were also particularly worried about the migration of plains peoples into their territories, hence they demanded the continuation of the Inner Line Regulation, which requires outsiders to get a permit to enter the hills districts.

Most of the demands and proposals put forward to the British government in India were submitted to the Bardoloi Committee (also known as the North-East Frontier [Assam] Tribal and Excluded Areas Committee) established in 1947, and a committee on the excluded and partially excluded areas in provinces other than Assam.

Constitutional provisions

These two committees' recommendations were incorporated in the Constitution of India and created the Fifth and Sixth Schedules.

The Sixth Schedule, which applied to the four states of Assam, Meghalaya, Mizoram and Tripura in the North-East,¹¹⁶ and is supposed to provide maximum autonomy to the Adivasis of the region, has failed to provide local self-government with real autonomy due to the very nature of its provisions.

We have already seen that the autonomy and performance of the Autonomous District Councils (ADCs) have been constricted by their financial dependence on the state. Furthermore, the legislation enacted by the ADCs requires the Governor's consent before it acquires the force of law. Preliminary processing of the legislation is done by the Deputy Commissioners of the concerned district. They also coordinate the bulk of the development programmes. Thus, at the district level, they hold considerable leverage of power over the ADCs, in spite of the rhetoric of autonomy.¹¹⁷

Moreover, the fact that legislation enacted by the District Councils (DCs) requires the Governor's consent, means that the state government acts as a constraint in the exercise of

autonomy. The ADCs can also be dismissed by the state government. The Karbi ADC has been dissolved on four occasions in the last decade. Karbi ADC has also alleged that no issue could be discussed by the DC without the prior permission of the District Magistrate. In all matters of appointment and expenditure too, the Governor held supreme power. (The ADCs in Mizoram had also gone through comparable experiences in terms of state and central government interference.) Such matters contributed to the Karbi and North Cachar hill peoples' struggle for the creation of an autonomous state within Assam.

From the way the ADCs under the Sixth Schedule have been treated, it can be seen that the autonomy of the councils has been severely limited. The 73rd Amendment of the Constitution relating to *panchayati* institutions has further revealed the extremely limited power of self-government conferred under the Sixth Schedule. This Amendment (Eleventh Schedule) has been assigned with 29 functions with financial support for the exercise of power and discharge of responsibilities. To make the supposed autonomy granted under the Sixth Schedule real, the positive aspects of this Amendment should be synthesized with the positive aspects of the Sixth Schedule. In this way, autonomy in its true sense could be enjoyed by the people for whom the Schedule had been enacted.

Autonomous movements

It was mentioned earlier that present-day North-East India was never part of mainland India even during the colonial period. It was colonial encroachment which had led to the drawing up of artificial boundaries through Adivasis' territories between India and Burma. Since then, these communities have been sealed in dimensions of territoriality which are opposed to their world view. Adivasis see territory in terms of family, community and regional ties, and also as an affirmation of their identity in the context of the dominant ideology of the nation state. But for post-colonial India, it is the ideology of territoriality which becomes the *raison d'être* for reproducing and maintaining a national security state apparatus. Subsequently, the state has treated the political demands of the Adivasis of the region as a 'law and order problem' and has resorted to extreme measures to keep the people under its control. This has led to the excessive militarization of the region and legislation like the Armed Forces (Special Powers) Act, 1972 (AFSPA). Most of North-East India has been under the AFSPA. But even in Meghalaya, where the Act has never been imposed, there is a high degree of militarization.

The Armed Forces Special Powers Act

In September 1958, Parliament passed the Armed Forces (Assam-Manipur) Special Powers Act. In 1972, the Act was amended as the Armed Forces (Special Powers) Act (AFSPA) to make it enforceable to all the states and union territories in the North-East region.

Contravening all democratic norms, AFSPA gives central government the right to declare an area as 'disturbed' and impose the Act, even if the state government does not deem such action necessary. While AFSPA specifies how it can be put into force, it fails to specify the conditions under which the authority would be justified in making such a declaration. And, unlike a state of emergency which can only be declared for a limited time under the Constitution, AFSPA can be enforced for an indefinite period, without review (some areas have been under the Act for nearly 40 years). This promulgates martial law through the back door. This is contrary to the Indian government's submission at the UN Human Rights Committee on the International Covenant on Civil and Political Rights (CCPR/C/76/Add.6) where it has claimed that 'the propriety of and the bona fides of the exercise of the power in this regard is always subject to judicial review'. Once in force, AFSPA gives unbridled powers to the armed forces. Even a non-commissioned officer is granted the right to shoot to kill on the mere assumption that 'it is necessary to do so in order to maintain the public order' and need only give 'such due warning as he [sic] may consider necessary' (Section 4a). It also gives armed forces personnel the right to enter, search and arrest without warrant, anyone on reasonable suspicion that 'he [sic] has committed or is about to commit a cognizable offence or use any amount of force necessary to effect the arrest' (Section 4c, d). Additionally, AFSPA merely states that after the military has made an arrest under the Act, they must hand the person over to the nearest police station with the 'least possible delay' (Section 5). But there is no definition of how long the delay can be.

Furthermore, AFSPA gives armed forces personnel virtual immunity for their actions. It establishes that no prosecution, suit or other legal proceeding can be brought against any personnel acting under the Act without central government's permission. This excludes the possibility of inquiry into the legality of their actions, and of any redress.

Once AFSPA is enforced, there are many instances of civil authorities having been stopped from carrying out their duties – especially during operations when the army 'controls movement' in the area. For example, in 1987, the Chief Minister of Manipur, Rishang Keishing, wrote in a confidential communiqué to the union Home Minister,

'The civil law has, unfortunately, ceased to operate in Senapati District of Manipur due to excesses committed by the Assam Rifles with complete disregard shown to the civil administration ... the Deputy Commissioner ... and the Superintendent of Police ... were wrongfully confined, humiliated and prevented from discharging their official duties by the security forces.'

In Assam, Manipur, Meghalaya and Nagaland, democratically elected representatives have been treated with mistrust and disregard. For example, in 1995, Mr Khomo, a member of the legislative assembly from Tuensang (Nagaland), was detained for a day in Mokokchung without any reason being given. On 5 March 1995, the Reshitriya Rifles (RR) personnel mistook the sound of a tyre bursting for gunshot and began firing at random.

They also shelled Kohima town. Eight civilians were killed and 20 were injured. When the Assam Rifles Deputy Inspector General, Ramesh Nagpal, rushed to the spot, his vehicle also came under fire from the RR. While Mr Nagpal escaped unhurt, his bodyguards were injured.¹¹⁸

The army also carries out major operations without informing the state. For example, the 57th Mountaineers Division of the army began 'Operation Sunnywale' in November 1995 in Manipur without informing the state government. During the same period army personnel were discovered tapping the telephone of the Governor of Manipur state.¹¹⁹ Most of the time, the civil administration, police and the magistrate have been unaware of the raids and arrests.

In Assam, where the AFSPA has been in operation for seven years, the army's power has been reinforced by the establishment of a 'unified command'. All the security agencies deployed in the state have been carrying out counterinsurgency operations coordinated by the army since 1997.

The North-East is increasingly facing a similar situation. The army set up an 'Army Development Group' (ADG) in early 1995. To project a clean image, 'Operation Good Samaritan' was launched by the army under the ADG in June 1995. The ADG is under the jurisdiction of the North-East Council (NEC) which is funded by central government. As part of this initiative, public buildings, roads and schools are constructed, a water supply ensured and playgrounds levelled out by the army. But this project has been denounced by the people. They feel that the army, through these projects, just gains greater access to the villages, to get information which can later be used for harassment.

Thus the civil authorities of these states have been severely constricted to the point that they cannot protect the interests of the people.

The emergence of Naga nationalism

Naga national identity was evolved well before the British left India. The Naga Club was formed in 1918 by Nagas who had either been Western educated or who had served in the British army in the First World War. In February 1946, the Naga National Council (NNC) was formed. The NNC submitted a memorandum to the British government on 20 February 1947 requesting the establishment of an interim government for 10 years, with the Indian government as the guardian power, after which the Naga people would decide their political future. In June 1947, the British government of India represented by Akbar Hydari, the Governor of Assam, entered into an agreement with the NNC. Under this agreement – the Nine Point or the Hydari Agreement, which recognized the NNC as the sole national political authority of the Nagas – it was decided that the Assam Governor, as the agent of the Indian government, would have a special responsibility for 10 years to ensure that the agreement was observed, and at the end of this period, the NNC would be free either to extend the agreement or to seek a

new one regarding the future of the Naga people. The agreement laid down the powers of the NNC with regard to agriculture, education, the judiciary and legislative matters, and the Public Works Department, and accepted complete authority of the NNC over land and its resources.¹²⁰

Contrary to this agreement, several NNC leaders, including A.Z. Phizo, the NNC's president, were imprisoned in July 1947. On 14 August 1947, the NNC declared the complete independence of the Naga people. In November 1949, an NNC delegation met the Governor General of India, C.R. Rajagopalachari, to convey the indignation of the Naga people at the way India was attempting to subdue them. The Governor General assured them that they were free to be separate from India. The NNC held a plebiscite on independence from India. In 1952, 99 per cent of the Naga people voted for independence.¹²¹

However, Pandit Nehru's government refused to recognize this. A boycott of the first general elections to the Lok Sabha (Lower House) in 1952 and mass civil disobedience followed. The Assam government stepped up its army presence, and the Assam Maintenance of Public Order (Autonomous Districts) Act, 1953, was enacted in order to deal with the 'law and order' situation. Thereafter, the Assam Disturbed Areas Act, 1955, was introduced to enable the Assam Armed Police and Assam Rifles to execute their tasks without legal constraints.

This repression strengthened the so-called 'underground' movement. In March 1956, the NNC inaugurated the Naga Federal Government (NFG) and formed a Naga Army to defend the people against the atrocities and massacres being perpetrated by the Indian armed forces. The late 1950s witnessed the devastation of Naga areas. The Indian armed forces indulged in unprecedented rape, murder, arson and looting; able-bodied men were taken as forced labourers, entire villages were razed to the ground, and animals and cattle were killed.¹²² 'Village grouping' was carried out. Village after village was uprooted and shifted to new locations.¹²³ These were virtual concentration camps, fenced and guarded by the army. As a result of constant interrogation, starvation and torture, many died in these camps. To give one example, Chishilime village (Nagaland) consisted of 80 families when the army rounded up the villagers in 1957 as part of the village grouping. When the villagers were allowed to return to their village after three years, only 40 families had survived.¹²⁴

It became clear, however, that the government could not win the Naga people over through armed might. In 1957, the Assam government, with the help of the Intelligence Bureau, set up the 'Naga Peoples Convention' (NPC). This was widely seen to be an attempt to give some concession to a section of Nagas, in order to break Naga solidarity.

In July 1960, the NPC comprising mostly government officials, signed a 16 Point Agreement on behalf of the Naga people with the central government. This agreement created the state of Nagaland – which is made up of only one third of the Naga territory – and it was placed under the Ministry of External Affairs. The NFG and NNC rejected the 'agreement'.

The extent of dissatisfaction with this 'agreement' is also evidenced by the subsequent unrest, which led to the

promulgation of the Nagaland Security Regulation, 1962, (AFSPA was already in force), which had special provisions for the 'maintenance of public order by the suppression of subversive activities endangering the safety or security of Nagaland'.

The Ceasefire Agreement of 1964 was an attempt to pave the way for further negotiations. Six rounds of talks between the central government and the NFG resulted in a deadlock in 1967.

In 1972, the central government declared the Naga Army, the NFG and the NNC as 'unlawful associations' under the Unlawful Activities (Presentation) Act no. 37 of 1967. Around the same time, the state of Nagaland was transferred to the Home Ministry, in contravention of the 16 Point Agreement of 1960 which says, 'The Nagaland shall be under the Ministry of External Affairs of the Government of India' (Section 2).

In 1975, the state of Nagaland was placed under the President's rule, followed by the declaration of a National Emergency. Central government then obtained, under duress, acceptance of the Indian Constitution by some of the NFG leaders. The Shillong Accord of 11 November 1975 was not acknowledged by A.Z. Phizo, NNC President. Other NNC leaders like Isak Swu and Th. Muivah denounced it outright. Subsequently Isak Swu, Muivah and Khaplang formed the National Socialist Council of Nagaland (NSCN) in 1980, which became the leading force in the Naga peoples' movement. (The NSCN was later to split into two factions, which temporarily weakened the movement.)

However, the recent peace initiative which has been ushered in with the declaration of a ceasefire between the Indian government and the National Socialist Council of Nagaland ([NSCN-IM] under the leadership of Swu and Muivah) has been welcomed by the Naga people with optimism and hope.¹²⁵ In the Indian Parliament also, when the former Prime Minister of India, I.K. Gujral, announced the ceasefire news, it was welcomed by all the members, cutting across party lines. It is seen as a sincere effort by both the Indian government and NSCN-IM to find a lasting, peaceful solution to the Naga political issues. This peace initiative has been offered without conditions being put on the Naga nationalists. Central government has appointed the former Mizoram Governor, Mr Kaushal, as the government representative to conduct political negotiations with the NSCN-IM. The ceasefire started in mid-1997.

Mizo insurrection

Prior to India's independence, some of the Mizo people in the United Mizo Freedom Organization advocated joining Burma. This idea was followed by a desire to fight for a hill state with maximum autonomy within India. But when Mizoram was hit by famine in 1959–60, which was badly dealt with by the Indian administration, the mood changed towards fighting for an independent Mizoram under the Mizo National Front (MNF).

In February 1966, the MNF took control of all the district headquarters except Aizwal. Retaliation by the army was vicious. Perhaps for the first time in the history of

independent India, towns and civil populations were aeri-ally bombed. Meanwhile, the MNF declared independence for Mizoram on 1 March 1966.

The methods used in Naga territories were also adopted in Mizoram between 1967 and 1970. Villages were evacuated to the so-called 'voluntary centres', 'protected' or 'progressive villages'. As many as 466 villages with 82 per cent of the total population were under military security. This was to alienate 'insurgents' from the people, and to deny food and resources to the 'rebels'. The Mizos' anger intensified as they were uprooted in their thousands and their homes destroyed. More and more young men and women joined the MNF. Mizoram was declared a 'disturbed area' under AFSPA. Years of violence and repression followed. Stories of detention, extortion, killing, rape, torture, and the destruction of property and damage of churches abounded. These widespread human rights violations were followed by an erosion of village institutions, their social fabric and their way of life.¹²⁶

The Mizos demanded the unification of the Mizo-inhabited contiguous belts covering the Burma tracts and portions of the Chittagong Hill Tracts (in Bangladesh), besides parts of Manipur and Tripura. In the face of stiff resistance from the MNF, the Mizo Hills were disentangled from Assam as a union territory under the North Eastern Areas Reorganisation Act, 1971. Under the same Act, Manipur, Meghalaya and Tripura got their statehood and the North East Frontier Agency (NEFA) was recognized as a union territory to be renamed Arunachal Pradesh. Yet, this was only a change of name. The existing lines drawn by the colonialists and later by independent India remained.

The signing of the Mizo Accord in 1986 led to the granting of statehood to Mizoram and the sanction of compensation to the victims of army atrocities of 1960–70. In May 1995, the central government was also compelled by the Guwhati High Court to sanction Rs 180,000,000 to 30,000 families who suffered during counterinsurgency operations by the security forces. As of mid-1998, however, the victims had not received the money.¹²⁷

only when the Boros were pushed into a corner, that a section of Boro people took up arms in the early 1980s and demanded a sovereign Bodoland. Today, the National Democratic Front of Bodoland is considered to be the strongest militant group of the Boro people, and it leads the struggle for a sovereign Bodoland.

Many of the Boro political issues could have been solved if the Indian state had treated the issues with understanding, instead of using force to suppress the grievances and demands of the Boro people. As well as using increasing force, the Indian state has reached an accord with the All Bodo Students Union (ABSU). The accord was signed between ABSU and the Assam government, with the central government acting as go between, in February 1993. It grants some autonomy to the Boros in the form of an interim Bodoland Autonomous Council (BAC).

However, this is seen as a way of coopting the Boro, without trying to find a lasting solution to the main issues. This, and the presence of a significant number of non-Boros in the proposed BAC, culminated in the Boro-Muslim riots in 1994 and Boro-Santhal riots in May 1996. Since the Bodoland accord was signed the Boro territory has yet to be established, and no elections to the BAC have been organized.

In the meantime, the state has used a variety of security forces to deal with Boro 'insurgency'. Intense militarization has resulted in widespread violence and repression. Civilians have been tortured and women have been gang-raped by the security personnel.¹²⁹ Almost all of the Boro villages have been subjected to army raids. These have traumatized the villagers; they live in constant fear of being detained or tortured.¹³⁰

Many other Adivasi peoples in the North-East are struggling to achieve degrees of autonomy, including the Karbi in Assam, and the Borok in Tripura. All are facing state repression and violence.¹³¹

The Boro peoples' struggle for autonomy

The Boro are the largest Adivasi community in Assam. They see the Hinduization of their people as one of the most effective weapons used by the Indo-Aryan community to divide, reduce and subdue their people. Boros converting to become Assamese-speaking Hindus have been added to the Assamese fold, 'reducing' the Boro population because the converts were presented as Assamese in the census.

The Boros formed the Plains Tribal Council of Assam (PTCA) in 1967, with the objective of attaining full autonomy. The PTCA demanded a union territory for the plains Adivasis on the north bank of the Brahmaputra, without success.¹²⁸ Since then the Boros have been struggling for an autonomous state within India to safeguard their social, cultural and political life, and to maintain their distinct identities. This was not a secessionist movement. It was

Conclusion

The progressive marginalization of Adivasis from all walks of the nation's life is a direct consequence of the path of nation-building undertaken by the post-colonial rulers. Many aspects of the lives of Adivasis have been dealt with in this Report, both generally and specifically. In the pre-colonial feudal era, there was a distinctly different political system in the Adivasi areas – a non-centralized participatory democratic system. Colonial laws, especially the forest and land related laws, intruded into the Adivasi territories beginning the process of colonization of these territories through a politico-administrative system that was in conflict with the traditional Adivasi system of self-governance.

The rulers of independent India adopted a system which retained parts of the colonial political arrangements and laws. A political arrangement of administration in varying degrees was adopted in some parts of the North-East and Central India along with constitutional provisions of different kinds of positive discrimination, privileges and protection. The lack of a mechanism for self-determination, coupled with an imposed colonial rule riding roughshod over self-governance, have resulted in increased alienation, frustration and unrest. This has also resulted in schisms being driven within and between Adivasi communities as well as with non-Adivasis.

An economic system and development model that is in opposition to the Adivasi ethos, world view and life was firmly adopted by the new rulers. This was also inimical to Adivasis' distinct and paramount relationship with nature. The progressive and rapid opening up of Adivasi areas for the expropriation of resources intensified. These resources were considered by the elite to belong to the state and therefore the Adivasis had no right over them. Moreover, the elite created a monopoly on these resources via laws in the name of national interests.

The economic agenda, centring around the development of urban-industrial areas through the rapid utilization of natural resources, meant building large dams, mines, exploiting forests for the market, building large industrial complexes close to the source of raw materials, and opening up the area for trade, commerce and tourism, etc. As the bulk of the nation's resources lay in the Adivasi territories, the burden of nation-building was placed on the Adivasis. The benefits of this process were handed over or diverted to the elites.

The constitutional arrangements that provide for protection and promotion of the interests of Adivasis – including the special political arrangements of partial autonomy, or of potential autonomy that are specific in some areas and not so specific in others – have failed to satisfy the needs and aspirations of Adivasis. Moreover, the dominant national system and institutions of governance and decision-making which penetrated into the Adivasi areas and proliferated, are in direct conflict with the Adivasis' traditional institutions and ways of life. Consequently, the polit-

ical struggles for genuine autonomy and assertions of rights have not only intensified but spread to most Adivasi areas.

The division of Adivasi contiguous areas among states within the union of India, and still further into politico-administrative units, have a pattern – the Adivasi areas were relegated to the fringes of these units. The state formation on the basis of the dominant linguistic groups divided the resource-rich Adivasi areas among them in total disregard for the fact that these areas were the Adivasis' traditional self-governing habitats. In areas where Adivasis were in the majority, the structures were but an extension of the dominant system and interests – economically and politically – though largely staffed by Adivasis. Geographical fragmentation ensures that Adivasis remain politically isolated, suppressed or insignificant in most places. Such divisions, along with modernization and homogenization, have suppressed their languages and cultures, pushing Adivasis into the cultural mainstream with dire consequences. A systemic internal colonization in some places has brought Adivasi communities to the brink of ethnocide. Attempts to carve out a political space beyond what is laid down in law and the Constitution are responses to this planned process of fragmentation. This has required the adoption of political means that are different from the prescribed political behaviour that marks the representative parliamentary democratic system. The state interprets such responses as anti-national or subversive, treating the Adivasis as a mere 'law and order problem', and unleashing its repressive machinery. Laws are enacted or elaborated to legitimize the state action wherever necessary. The judicial system is currently incapable of understanding the issues involved. The new economic policies, consequent to the adoption of globalization and liberalization, have further intensified the threats to the survival of Adivasis. The conflict between the institutions of the state and people have intensified and are often violent.

It is a fundamental requirement for justice that people should have the right to the means of subsistence and the right to live in community which, for Adivasis, means the right to their traditional territories and the natural resources with which they have a special relationship. There exists no alternative to this in the light of Adivasis' historical experiences. The violation of this not only means the disruption of lifestyles and the destruction of communities, but constitutes ethnocide. Their right to move freely and to settle in any part of the country is violated. Their inalienable right to participate in decisions that affect their lives as communities are violated by inadequate, inappropriate or patently unjust policies, programmes, laws and structures. Their right to protest is continuously violated with outright coercion and loss of liberty and life. Finally, the right to self-determination, which stems from the values of freedom and equality, are denied. Self-determination requires that the governing institutional order should substantially be the creation of processes determined by the will of the peoples governed.

Recommendations

1. International human rights standards

The Indian government should meet all international human rights standards according to its international commitments.

India should enable individuals to claim redress from international bodies for the violation of their human rights, i.e. the government should ratify the first Protocol of the International Covenant on Civil and Political Rights (ICCPR) and make the declaration under Article 14 of the Convention on the Elimination of Racial Discrimination, among others.

2. Recognition of indigenous peoples status for the Scheduled Tribes

MRG recommends that the Scheduled Tribes of India be recognized as indigenous peoples and urges the government to comply with its obligations under the ILO Convention no. 107 and to ratify the ILO Convention no. 169.

MRG further recommends that the Indian government presses for the speedy adoption of the UN Draft Declaration of Indigenous Peoples and lends its full support to all Conventions and human rights processes that promote and protect the rights of indigenous and tribal peoples.

3. Land rights

Given the unique relationship which Adivasis as indigenous peoples have to their land and territory, the government is urged to ensure that land acquisition takes place with the full and informed consultation, support and consent of Adivasis.

The Indian government has a responsibility to ensure that all national development projects make effective and sustainable use of natural resources. Furthermore, the government should make every effort to encourage and broaden the scope of meaningful community participation in the planning, developing and implementation of such projects, thereby recognizing and protecting the rights of Adivasi communities and fostering the practice of cross-communal partnership.

State and national legislation relating to Adivasis, such as the Forest Act, 1927, and the Wild Life Protection Act, 1972, should be reviewed and amended to fully protect the traditional rights of Adivasis.

To ensure a uniform, fair and consistent implementation of legislative, protective laws, a national land policy recognizing territorial rights of Adivasis should be formulated and implemented.

4. The conflicts (nationality movements) in North-East India

The recent peace initiative of the Indian government and the National Socialist Council of Nagaland has been widely welcomed. Such peace initiatives, along with unconditional political dialogue, should be promoted and encouraged. A genuine understanding of the various nationality movements, along with the demilitarization of the region, is fundamental to a lasting solution.

5. Strengthening human rights institutions

Existing institutions to protect human rights such as the National Human Rights Commission, State Human Rights Commissions and Human Rights Courts at the district level should be strengthened. They should be enabled to be more proactive, and to function autonomously and effectively with independent investigative powers. The Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989, should be firmly implemented so that actions can be undertaken against violations of the human rights of the Scheduled Tribes.

6. Strengthening specialized institutions

The office of the Commissioner of Scheduled Castes and Scheduled Tribes at the national level should be divided and a separate Office of the Commission of Scheduled Tribes created with statutory powers to act vis-à-vis the central and state/union territory governments.

7. Repeal of the Armed Forces (Special Powers) Act

The Armed Forces (Assam and Manipur) Special Powers Act, 1958, was amended in 1972 to the Armed Forces (Special Powers) Act. The UN Human Rights Committee found in 1991 that this Act violates Articles 6,

9 and 14 of the ICCPR, of which Article 6 is considered a non-derogable right.

MRG urges the Indian government to repeal the Armed Forces (Special Powers) Act.

8. Effective autonomy to Adivasi peoples

MRG recommends that the constitutional provisions under the Fifth and Sixth Schedules of Article 244 as well as the accords signed with Adivasi movements should be comprehensively reviewed by the government in consultation with the Adivasis.



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