



HUMAN RIGHTS AND TRIBAL JUSTICE: NATIONAL AND INTERNATIONAL PERSPECTIVE

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If we look at the media headlines today, the following spectacles and phenomena dominate information barrage:

- Bullish stock exchanges
- Crowded McDonalds and swarming beach resorts
- Swinging discotheques
- The sparkling Queen's necklace (Marine Drive)
- Malls, multiplexes, software parks, 'smart cities, swanky emporias, towers with all their glass and glitter.

Against this backdrop we have the sweeping gentrification of slums, burgeoning suburbia with their pools, golf courses, custom built vehicles, luxury condominiums and so on. The banner headlines bombard us with the news of India's arrival as an economic superpower with a phenomenal 8-9% growth GDP.

Before we point out the impact of this much-flaunted economic achievement on vulnerable segments like women, Dalits, ethnic and religious minorities, Adivasi, peasants and workers etc, we would like to deconstruct the myth of 8% growth and the stock exchange boom. This economic turning point as bloody pointer of early 21st century imperialism -with a century-long bloodthirsty trajectory of eliminating the peasants from the face of the earth, extermination of the indigenous people from most parts of the of the globe is the long tiring story of capital's insatiable hunger for This 8% growth has been achieved after the ruling classes of India and their political parties ruthlessly administered the shock therapy known as structural adjustments- liberalization packaged in the neoliberal paradigm, whose master narrative is known is as profit. Globalization -

which was capital response to its own contradictions and cyclical structural crises . Washington consensus was adopted to bail out global capitalism in the late 70s and early 80s. The comprador rulers of the third world gave up their shallow rhetoric of socialism, self-reliance, and the whole discourse of decolonization was reduced to the desensitized moribund terrain of history textbooks and development studies. In the 80s, as direct fallout of the debt crisis, structural adjustment policies of globalization were ruthlessly imposed by the Bretton woods institutions, at the behest of the imperialist masters especially American imperialism on Latin America (which it considered its own fiefdom). These policies devastated and pauperized the entire working masses and indigenous people of Latin America - while the local elites and the multinational corporations made money there was "boom'. China and India are having the present economic boom because capital has found new virgin acres to exploit. Most of the Sensex leaps are results of foreign institutional investment of speculative finance capital coming in to make a fast buck, and will withdraw at the first signs of the crisis. Then the entire edifice of aspiring Asian economic super-powers will collapse like a house of cards. One should not forget the meltdown of the economy of the so-called Tigers of South-east Asia'. On one side the depoliticized academia, and the

culture-vultures who romanticize tribal culture and their way of life, the governments objectify and museumize them, and the government of India showcases tribal culture in state-sponsored official APNAUTSAVS in London and Paris, while on the other hand. Shocking news of starvation deaths of Adivasi pours in from different parts of the country every day.

Adivasi -native people, indigenous people were condescendingly called Tribals' by the colonial masters, while the anthropologists made lucrative academic carriers by objectifying them through their studies, as if they are a different species to be showcased in the museums. There was decimation in the name of the white man's burden, arrogantly portrayed as the civilizing mission of the imperialist west. Human beings without private property or power hierarchies had existed for millennia, time immemorial. We started our journey from the caves, hunting, gathering, and struggling to save ourselves from the forces of nature. We were originally a part of the nature, coexisting with it in a mutually liberating symphony- without polluting and devastating the environment like the present day multi-national corporations, in their relentless drive for profit maximization and commodification.

a) A traditional occupation in a definite geographical area

b) A distinctive culture which includes the whole spectrum of a tribal way of life, that is language, customs, traditions, religious beliefs, arts and crafts, etc. in their occupational pattern, economy,

c) Primitive traits depicted in their occupational pattern, economy etc.

d) Lack of educational and technological development (Rahul Sen, Tribal movements during the colonial period. 1770-1947, pp206) etc. On the other hand, anthropologists in India are still to come to an agreement on a definition of the term. G.S. Ghurge made a distinction between tribals and non-tribals on the basis of religion, occupation and radical elements (1962), Desai elaborated on this by listing the following general

a) They live in unapproachable places, away from civilized people.

b) They belong to one of the following groups- Negroito Austriloid or Mongloids.

c) They use a tribal language.

d) They follow a primitive religion, which is based on principles of animism.

e) Their economy is of a primitive nature, such as collection, hunting,

g) They have nomadic habits and have a special interest in dance and wine.

According to S.C. Dube, a tribe is:

"An ethnic category defined by real or putative descent, characterized by a corporate self-

identity and a wide range of commonly shared traits of culture... they believe they have a common descent, consciously hold a collective self-image, and possess a distinctive cultural ethos, many elements of which are shared by the collectivity"

Majumdar, in his definition of a tribe, incorporated such traits as territorial affiliation, endogamous, ruled by tribal officers, common language or dialect, following tribal traditions, beliefs and customs etc (See D.N. Majumdar and Madan, an introduction to social anthropology. Asia publishing house, Bombay 1956). The Adivasi were the original inhabitants of the Indian subcontinent, with their sustainable agriculture, fairly gender-just democratic egalitarian social order with equality and collectivism as principles governing social life. "Vested with such revolutionary intent, all these movements, inspite of their diverse context, territory and actions, possessed one unitary objective-the re-establishment of the indigenous order with the concurrent rolling-back of the alien system. The essence of these movements is clearly delineated by Singh in his description of the Birsa Ulgulan as "...agrarian in root. and in its end, Birsa in his speeches, emphasized the agrarian factor and sought a political solution to the problems facing his people i.e. the establishment of a Birsaite Raj..." (see K S Singh- The Dust-Storm and the Hanging Vist: 1

study of Birsa Munda and his movement in Chotanagpur. According to Rahul Sen, "The indigenous communal social order of the tribes was in conflict with the private proprietary land tenurial system introduced by the colonial administration. This was the root cause of the repeated insurrection by the tribals. Consequently, the political solution invariably arrived at by the insurgents was reversion to the indigenous system, whether through rebellion or revivalism." (Rahul Sen, Tribal movements during the colonial period: 1770-194).

One of the main historical reasons for the tribal uprising in Chotanagpur was explained by Rahul Sen as follows: "In 1765, the then Mughal Emperor, Shah Alam II, granted the diwani of Bengal, Bihar and Orissa to the East India company. With this, Chotanagpur, a part of the subah of Bihar, passed into the hands of company administration. Although Chotanagpur came under company administration in 1765 itself, company officers first entered this region in 1770, when a troop of soldiers led by Captain Camac came to Chotanagpur to suppress some local Zamindars who were fighting each other. Captain Camac, thereupon, went on to reduce both Palamau and Chotanagpur Raj to tributaries of the company. As mentioned earlier, the administration of the region during this period was left in the hands of the Raja and his zamindars under a military collectorate set

up in 1771 and later under the supervision of a joint Judge Magistrate-Collector, with the constitution of the Ramgarh Regulation District in 1780.

The tribal uprisings in the South-west Orissa-Andhra-Bastar region were: the Kandh rebellion of Western Orissa, Gond rebellion of Adilabad, etc. The tribal movements in Rajasthan-Gujurat-Maharashtra region were: Bhil revolts of Rajasthan. The armed uprisings in Khandesh, Bhil revolts in Western Madhya Pradesh, the struggle of Gond in central Madhya Pradesh and present day Chattisgarh, the Devi movement of Surat, and so on. These uprisings produced inspiring martyrs like Tantya Bhil, Khajya Nayak, Motia Bhil, and many others this fierce resistance of the Adivasis from Rajmahal hills in the east to Khandesh in the west against the predatory encroachment of their habitat and the commons led to various compromises of the British colonial administration. To strike up different compromising arrangements with them including some nascent tribal land protection acts. Various administrative arrangements like the light areas act and agency area administration in Andhra Pradesh were the results of tribal revolt against colonial deprivations.

When the power was transferred formally from the British imperialists to the Indian rulers, almost all the colonial laws were kept intact. Draconian acts like the Indian forest

act, the Land acquisition act, etc, stayed on in the statute book. The Indian constitution recognized the pretentious autonomy conferred by the British by incorporating them into the fifth and sixth schedule of the constitution, and acts like 'Chotanagpur Santhal Paragann land protection act' and Agency Area acts continued in post-colonial India. This was the contradiction of the new Indian rulers commitment to the marginalized social and ethnic groups.

The Adivasis who faced this new exploitative structure and continued intrusion into their customary social and natural rights continued their struggle against the new Indian ruling classes for political autonomy rights over natural resources, commodification of commons and so on. While the rulers kept on subverting the autonomy provisions of fifth and sixth schedules of the constitution.

Jawarlal Nehru formulated the famous Panchsheel policies of non-interference for the tribal masses, which were shamelessly subverted by the post-colonial political class and the beaurocratic apparatus. Schemes like the 'Integrated tribal development programme' and various land proiectica acts were used to co-opt the political aspirations of the Adivasis. Due to the structural logic and beaurocratic apathy of the Indian state, all these pretentious, ameliorative measures were a total failure.

Reservations in the legislature, academia and the universities were used cleverly to indoctrinate and co-opt the emerging post-colonial tribal leadership, to get assimilated and support the new colonial order and the semi-feudal social structure. However, this doesn't mean the whole-sale rejection of the idea of reservation. In a semi-feudal society where democratic tasks are incomplete. the progressive and democratic forces should support all the struggles for reservation and positive affirmation. In a brahminical order, where the Adivasis, Dalits and majorities of OBC's are left out, The reservations and other rights didn't come as a charity from the so-called liberal capitalist order of the West or Third World regimes. They were achieved after what Ralph Milliband had written that these are the products of centuries of unremitting struggles of the underdogs against the ruling classes. (For a detailed theoretical analysis of various peasant and other subaltern revolts in Medieval England and India see Customs and commons' and 'Whigs and hunters' by EP. Thompson and 'Elementary aspects of peasant insurgency in India Guha in Subaltern studies Volume 1- Oxford University press, New Delhi) Construction of this neo-colonial and semi-feudal socio-economic order is one of the main causes of tribal land alienation and commodification of Adivasi culture and ways of life. Most of the Adivasis were

pauperised, driven by Ranajit into debt and bondage due to ruthless usury, rackrenting, cheating, were used by money lenders, dishonest merchants and landlords to usurp tribal land with active connivance of the corrupt politician beaurocracy, police and forest officers nexus. All this happened in spite of the land protection laws, constitutional provisions of autonomy, and pro-tribal rhetoric of the post-colonial state and the political class.

As a reaction to this usurpation of habitat and livelihood, and the shrinkage of their commons. tribal peoples have been offering resistance in the Narmada valley, Konel Karo, Kashipur, Kalinganagar, Hosangabad, Western MP and all over tribal areas in India. The tribal resistance movement of post-colonial India is also phenomenal. In the early decades after independence, tribal mobilisations and uprisings took off in several parts of India. One of the prominent movements was the struggle of the Adivasis in Dahanu and other areas of Thane district of Maharashtra. Here the Adivasis built up a strong resistance against local money-lenders, merchants and landlords against usury and other forms of bondage. The eminent radical leader of Maharashtra, the late Godavari Parulekar played prominent part in the tribal movements of Thane.

All these movements were met by heavy police brutalities. This unleashment of state

terror lead to the death of thousands of tribal activists by police firing- thousands were put behind bars. The state oppression of tribal movements is a daily experience in post-colonial India. There has been massive and gross human rights violations of Adivasis and other ethnic communities from the North East, Jammu and Kashmir to other struggling tribal communities. The Indian state has been enacting draconian repressive laws like 'Armed forces special power act', National security act', and a host of other black laws to trample the democratic aspirations of the indigenous people and ethnic minorities all over the country. There have been thousands of fake-encounter deaths, torture, rape and custodial death by the army and the paramilitary forces and the local police.

The betrayal of the Indian rulers of the democratic and political aspiration of Adivasis and other ethnic groups of large tracts of the country led to the movements of separate states and autonomous regions in the tribal dominated area. Some of the important movements the Jharkhand movement, the Gorkhaland movement, struggle for Gondwana state, Karbi Anglog. Bodoland and many others. The Tribals are playing important role in the Struggles led by different organized left parties and movements will without forgetting their heroic role in the Historic Telengana uprising which inspire generations. We call upon all the progressive and

democratic movement to support the Adivasi people's struggle for a separate state, political development and power and autonomy to decide their own path and social structure. These struggles are for the rights of the land, forest, natural resources and commons. Against eviction from dams mines and sanctuaries- now the Special Economic Zones

The Indian state conceded some of the demands to legitimize itself to maintain an inclusive democratic facade. It half-heartedly enacted some acts like the PESA act (under the 89th amendment of the constitution) and the recent bill on the tribal forest land rights. A renewed battle on this front is necessary to make these laws effective. The most horrifying aspect of the Adivasi social life in modern India is the saffronisation of tribals of Gujarat and other places, especially Westem M.P. The participation of tribals in the ghastly communal carnage under the direction of the Sungh Parivar in Gujarat in the year 2002 is the most disturbing factor for democratic politics. The fascist Sangh Parivar and the other revivalist organizations through liberal funding for the VHP by equally right-wing communal NRI's from abroad. These funds for saffronisation of the Adivasis is channeled through equally shady NGO's like Banvasi Kalyan Kendra. (For the retrograde rule of state-sponsored apolitical role of NGO's in indiginous communities, see the chapter "NGO's

in service of imperialism in The globalisation of Capital by James Petras and Henry Veltmeyer. And the funding of Hindu fascist NGO's In India by IDRf published by Communalism combat, Bombay) The Adivasis of all of India are struggling to preserve their way of life, and cultural identity.

Under the rubric of globalization, when new-liberal offensive is devastating the culture and commons of the indigenious people of India, thousands of acres of the land from Adivasis and farmers are taken away for attracting foreign direct investment and forcibly acquiring cheap lands for the Indian big business. The accelerated phase of neo-liberal economic policies is the present phase. Forcible acquisition of land from both farmers and Adivasis for SEZ's. What we are witnessing today in the SEZ's is the ruthless early 21st Century primitive accumulation through violent dispossession and intense commodification of the commons. There is a resistance going on by the local Adivasis and farmers against the forcible acquisition of their lands have led to struggles in Bajera Khurd, Singur, Nandigram, Pen Tehsil in Maharashtra. These are the frontier battle lines and important sites of resistance against imperialism and Indian big business. We call upon all the radical democratic forces to rally behind these struggles. The battle for Adivasi liberation should go on, notwithstanding the pro-Adivasi rhetoric of the

post-colonial Indian state, for six decades the socio-economic indices and the Morbidity pattern of Adivasis is quite depressing. The Adivasis are the most dispossessed, exploited, and marginalized social groups in India. More than 75% of Adivasis are below the official poverty line, with lowest per capita income, which is less than a dollar per day. The infant mortality rate and pre- and post-natal deaths are highest in tribal areas, with lowest life expectancy and literacy rate. Every year thousands die from diseases like gastro enteritis in the monsoon. The incidence of Tuberculosis, Polio and blindness is quite high. Thousands migrate to the cities due to displacement caused by mega-projects, famines, drought, indebtedness, etc. Official schemes like the ITDP, Antyodaya and public distribution systems are total failures due to lack of political will and bureaucratic apathy. After a long struggle by the Adivasi movements and the left and democratic movements, the government was forced to enact the employment guarantee act which is quite inadequate seeing the high incidence of unemployment and underemployment. We should demand to increase the expenditure on social sectors like health, education, maternal and infant care. Demanding that an expenditure of 10% of the GDP to be spent on health, education and social welfare. The struggle for forests and land rights,

political autonomy, resistance to Imperialist and Hindu fascist attack on Adivasi cultural identity and way of life, against human right violation, displacement, and rolling-back of the neoliberal offensive should be strengthened with renewed vigour.

In the post-Iraq world, under the hegemony of the frightening political project of "Pax Americana", in an era where the contradictions between the world imperialism led by the USA and the oppressed masses and nations of the third world is sharpening, we appeal to all the Adivasi movements to firmly ally with the struggles of the other oppressed entities and identities like workers. Peasants, Our ultimate objective should be the creation of a society without the exploitation of man by man, by man of woman, and human beings upon nature. We should all strive for a radical democratic social order, where the associated producers decide their own destiny. Long live the struggle for human emancipation.

References:

- Ancher, W. G., "Forcible Marriage" *25 Man in India* (1945).
- Baldwin, C. D., *Garro Law* (1933).
- Bareh Hamlet, *The History and Culture of the Khasi People* (1967).
- Barpujari, H. K., *Assam in the days of the Company* (1826-1856) (1963).
- Bohannon, Paul, "Law and Anthropology" in Sol Tax (ed.), *Horizons 0/Anthropology*.

- Burling, Robins, *Rengsangri* (1963).
- Bhowmik, K. L., *Tribal India : A Profile in Ethnology* (1971).
- Cantlie, Keith, *Notes on Khasi Law* (1934).
- Canter, Richard S., "Dispute settlement in Zambia" in Nader & Todd (ed.), *The Dispute Settlement Process-Law in Ten Societies* (1980).
- Costa, Guilio, "The Garo Code of Laws" 49 *Anthropos* 1041 (1945).
- Chattopadhyaya, K. P. • *Khasi Kinship and Social Organisation*.
- Chatterjee, Kamla Devi, *Tribalism in India* (1978).
- Choudhury, B. N., *Cultural and Linguistic Aspects of the Garos* (1969).
- Dalton, *Tribal History of Eastern India*. Raghavaiah, V., *Tribal Justice* (1977).
- Roy, Sripati, *Customs and Customary Law in British India* (1911).
- Roy-Burman, B.K., "Integrated area approach to tribal problems of the hill tribes of North Eastern India" K. Suresh Singh (ed.), *Tribal Situation in India*, 80, (1972)
- Saikia, K.N., "Gauhati High Court Law Research Institute" in *Gauhati High Court Commemoration Volume* (1948-1973) 25.
- Sar gma, Jangsan, *Principles of Garo Law* (1973).
- Saxena, H.S., *Safeguards for Scheduled Casus and Scheduled Tribes* (1980).
- Sinha, Tarun Char.dra, *The Psyche of the Garos* (1972).
- Suresh Singh, K.(ed.), *Tribal Situation in India* (1972).
- Tambiah, *Sinhala Law and Custom* (1968).
- Chadha VK, Agarwal SP, Kumar P, et al. Annual risk of tuberculous infection in

four defined zones of India: a comparative picture. *International Journal of Tuberculosis and Lung Disease*. 2005; 9: 569–575.

- Datta M, Radhamani MP, Sadacharam
- K et al. Survey for tuberculosis in a tribal population in North Arcot District. *International Journal of Tuberculosis and Lung Disease*. 2005; 5: 240–249.
- Chakma T, Vinay Rao P, Pall S, Kaushal LS, Datta M, Tiwary RS. Survey of pulmonary tuberculosis in a primitive tribe of Madhya Pradesh. *The Indian Journal of Tuberculosis*. 1996; 43: 85–89.
- Murhekar MV, Kolappan C, Gopi PG, Chakraborty AK, Sehgal SC. Tuberculosis situation among tribal population of Car Nicobar, India, 15 years after intensive tuberculosis control project and implementation of a national tuberculosis programme. *Bulletin of the World Health Organization*. 2004; 82: 836–843.

