

Globalization in the Fifth Schedule Areas – Alienation of Lands and Resources of Tribals in India

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The Fifth and Sixth Schedules of the Constitution were specifically devoted to the protection of the hundred million adivasis spread across the country today. The Indian Constitution thus provided legal safeguards to adivasi communities and all its policies regarding utilisation of resources, whether land, water or forests were based on social equity rather than on market economy. The philosophy of decentralisation, community and customary practices under the system of traditional village panchayats formed the basis of the Five-Year Plans of India. However, fifty years of Constitutional safeguards to protect the adivasis from exploitation had not saved them from losing their lands and livelihoods to non adivasis as state inclination to uphold and implement the laws was far from enthusiastic.

As strategies of colonialism were defeated and led to revolts in most developing countries, the powerful nations restructured their global agendas through neo-imperial liberalisation philosophies. This process of globalisation has invaded India too since the introduction of the New Economic Policy of the Nineties, which is a complete reversal of the welfare and socialistic essence of the Indian Constitution.

Until the nineties India was guided by the socialistic model of development where the role of the state was clearly welfare and social justice was its fundamental mandate. Since the nineties, the public sector has been heaped with the choicest of abuses and accusations for having failed to deliver any progress to the nation. The resources available in the Scheduled Areas were considered as having vast potential for exploitation and the new economic policy reflected a clear inclination of the state's reverence towards the private sector in these regions. The protective and welfare role so far played by the state suddenly began to shrink once the state decided to make accessible these natural resources to global and private powers.

In a globalised situation, it is the market and not community which is the focal player. It is centralisation of resources and decision-making, increasing communities' vulnerability to political vagaries and industrial interests. In such a political and economic ideology, state as a social institution loses its legitimacy. The laws and policies are no longer aimed at social justice and social welfare but at maximisation of profits and maximum exploitation of resources. Hence, the new economic policy's primary goal is to redefine the role of the state and reframe laws to suit global interests. Due to the influence of these powerful transnational lobbies, legitimate governments in countries like India have become weak and corrupt. Under pressure to transfer control over resources from

Adivasis to private and global industry stakeholders, legitimate governments are allowing themselves to undergo Constitutional changes to the detriment of their constituent communities.

The subsequent changes in policies and laws in India, or where ever possible the contravention of laws by the State in the Scheduled Areas has been the immediate consequence, thereby exposing the remote tribal in unknown hamlets to the fangs of globalisation. All laws and policies relating to the Scheduled Areas - the land transfer regulations, the Forest Act, the Environment Protection Act, the Land Acquisition Act are all under immediate threat of repeal, dilution or amendment. While these laws clearly portray the need for protection of people and resources, the new policies call for exploitation of resources at the cost of people. These contradictions between law and policies are leading to industrial lobbying for amendment of the laws and the very tampering of the Constitution.

In India, the tribal areas are repositories of rich natural resources containing most of the nation's wealth - whether geological, social, ecological, environmental, economic or aesthetic. Forests, minerals, agricultural produce, medicinal plants and biotic species, river systems, heritage and tourist sites, and multiple other resources make the tribal regions much coveted by macro industrial stakeholders and development players. Hence, conflict of interest between the local communities and these powerful lobbies is a growing threat to the survival of the ecology and the tribal people. The policy of liberalization and the new State perceptions of utilisation of resources are diametrically opposed to the adivasi worldview of resource exploitation and this divide has only widened further with the intrusion of globalisation's market oriented philosophy of development.

In India, particularly the Eastern and Western Ghats are the catchment to a number of rivers which form the life systems for the large 'development' projects built during the '60's and '70's. The diversity of natural resources available in these forests brought in two major stakeholders from the outside during this period – the non tribals who wanted to occupy the rich lands of the tribals and the state which launched its apparently public / national interest projects which were largescale, capital intensive and causing millions of people, mainly dalits and adivasis to be uprooted from their lands.

Today private mining industries, power projects, dams and other industries projected as 'development' projects are avariciously eyeing the abundant natural wealth to take advantage of the poverty and illiteracy of adivasis, their inaccessibility to information, their lack of political voice and the lack of public awareness of atrocities and violations committed by these industries in these remote areas to the world outside, and the opportunities for committing ecological havoc with impunity.

Impact of the New Economic Policies on Adivasis:

The experience of adivasi communities in India where ever globalisation had descended has proved that indigenous knowledge systems, livelihoods, lands and forests have been brutally over ridden by these forces. The state is transferring control over resources from communities and even from itself to industries and private institutions, resources are being exploited not because there is an urgent and immediate need for their utilisation, there is no long term or planned perspective to the utilisation of these resources, and these resources are being made available and sustained not for the optimal usage and majority benefit but for private interests.

Due to these pressures on tribal lands, a very significant and alarming trend that is visibly upsetting is the depreciation in the percentage of ST cultivators from 68.18% as per 1961 Census to 54.50% in 1991 Census and an increase of agricultural labourers from 19.71% to 32.69%. This clearly indicates the alienation of tribal lands for various purposes like construction of dams, mining projects, setting up of forest based and other industries, notification of wildlife sanctuaries, construction of government infrastructure and encroachments by non tribals.

As a result of increased pressure on the resources in the scheduled areas and the invasion of external populations particularly in the context of large projects like mining which brought in floating populations, have led to formation of big townships, tertiary sectors like trade and related activities for catering to the needs of the new populations in the townships, and new forms of economic activities. While the adivasis have been displaced and pushed into the fringes of these areas, the natural resources were victim to largescale destruction directly for industry purposes and indirectly by the new populations. The adivasis have been gradually reduced to casual labourers from owners of their lands and forests and have been forced to shift to other desperate forms of unskilled labour like construction work, domestic servants, vending, petty trades and even to prostitution.

The dependence of adivasis on the natural resources not only for their food but also for other domestic and health needs has been largely curtailed by these destructive consequences. In the absence of any state support to fulfillment of their needs, basic amenities or medical services, their conditions of living have worsened to oppressive heights. The vast differences in consumption patterns of adivasi communities and those of the new external societies who have no affinity to the land and its resources, has also led to the imbalance in utilisation of natural resources and further denial of the same to adivasis.

While the state has displaced and uprooted adivasis from their natural way of life without a forethought, there has been no corresponding attempt to build up the literacy levels and skills of these forest dwellers in order to confront the new economic situations. As a result they have ended up as debris in the globalised policies unable to access the resources which were their life sustaining forces or to compete with the mainstream society to be absorbed into alternate economies. Those absorbed in the new industries

and projects were minimal compared to the extent of displacement and the destruction of traditional livelihood.

Implications of the new policies on Adivasi Children and their Rights:

The new economic policies have serious impact on the adivasi children whose right over access to natural resources, livelihood opportunities, right to primary education and health, protection from atrocities and human rights abuses and the right to uphold their traditional and customary practices, are under serious threat due to the changes in laws and policies.

Impact of land alienation and forest depletion on adivasi children:

The most serious threat to the adivasi people in the country today is the pressure on the Fifth Schedule. Both Central and several state governments are seriously making efforts to amend the laws prescribed under the Fifth Schedule and their corresponding state laws in order to allow private and corporate players to take over tribal and forest lands. Violation of the Fifth Schedule has occurred in many states like in Andhra Pradesh where the Land Transfer Regulation Act was ignored while giving mining leases in scheduled areas to private companies. Private mining has been taking place in Rajasthan, M.P, Orissa, Maharashtra and other Fifth Schedule states.

In A.P, until we as a social action group fighting for tribal land rights, questioned the legality of the leases by mobilizing the tribal communities and raising a legal battle, this transgression was overlooked. The Supreme Court verdict in the Samatha Vs the State of A.P in 1997 clearly stated that the mining leases were in violation of the Fifth Schedule and that they apply to all states having Fifth Schedule. However, even after the Judgement, the pressure on the Fifth Schedule continues and the state is trying to dilute the spirit of the schedule by proposing amendments to the effect of allowing private mining.

The seriousness of this issue is that, if the Fifth Schedule were to be amended for the sake of private mining, other industries would quickly push for similar amendments which would ultimately lead to the complete nullification of the Fifth Schedule. At present, the Divestment Ministry is aggressively lobbying either for parliamentary or judicial means of amending the Samatha Judgement and the Fifth Schedule, which are the primary custodians of adivasi rights over their lands. If the state bows to these pressures, the future generations of adivasis would be left with no control over lands or other natural resources.

Alienation of land to non tribals and increase in external populations has led to dangerous proportions in certain states like Jharkhand and Chattisgarh where there is a strong non – tribal lobby demanding for right to nativity and therefore, right to ownership of lands, employment and all other opportunities provided to the adivasi people, as their population has become the majority or equal in strength to that of the tribals. This is a

serious threat to the tribal youth and children both in terms of diminishing control over land and employment/livelihood opportunities.

This situation is more critical in areas where projects/industries are proposed as strategies adopted by industries to sabotage any community protests are centred around inciting the youth with false promises of jobs. Most often, it is the non tribal youth who have better educational qualifications and who do not stand to lose lands if projects are set up, that demand for projects, resulting in conflicts between communities. With the growing involvement of local political parties and corporate mafia who provoke the youth into violent support of projects, there have been several instances of communal clashes. Very recent examples of this trend are the Utkal Alumina Project in Orissa where such clashes led to police firing and the death of three tribals in December 2000, and the attacks on tribals and activists in Nagarnar (Chattisgarh), which were spearheaded by non tribal youth under the aegis of local political parties to set up the NMDC Steel Plant against tribal interests.

The loss of control and access to land seriously threatens the tribals and their livelihood which is entirely dependent on land and forests. In the absence of Constitutional protections, tribals are being forced to become landless labourers or marginal farmers. This is clearly visible where ever such opportunities were available like in the neighbouring State of Orissa where earlier, the public sector and at present the private sector are occupying tribal lands. With the support of the state machinery, these players (NALCO, HAL, reservoir projects like Kolab and Jolaput, are a few examples) have displaced tribals, sometimes multiple times and forced them into migration from southern Orissa (Koraput, Raigada, Kalahandi and other districts) to Andhra Pradesh. Particularly the Khond tribe in A.P which had originally migrated from Orissa are mostly landless and some of them have occupied forest lands for which they face constant harassment from the forest department. Where tribals were displaced by dams like the Nagarjuna Sagar dam in A.P, they are today living in towns as maids, quarry workers, bonded labourers, rickshaw pullers and agricultural labourers. Tribal children are introduced into these activities in order to supplement the meager incomes or to pay off the incessant debts.

With the increasing threat to ownership of lands and the growing pressures of population (both external and internal), in A.P it has led to fragmentation of land and shrinking of per capita land availability. Moreover, the highly degraded state of our forests and depletion of forest produce, has become a serious threat to the survival of the next generations of tribals. Their traditional land use practices like podu (Jhum) cultivation have become unsustainable, economically and ecologically, thus exposing them to the accusations of the state and the external peoples.

The alternate economies proposed to 'wean' them away from these unsustainable practices are corporatisation of resources like mining, tourism, film, holiday and entertainment, pharma, agri based industries and the like or trying to get them out of the hills and forests down to the plains. However, in reality, as adivasis are not equipped with education or non-land based skills, promises of employment and income generation

by industries or by government, to local communities have never been fulfilled on this ground.

The second main occupation of the tribals, which is collection of forest produce, is also getting suppressed when non tribal populations and industries are encroaching on their lands and cutting down forests. As forest species are getting extinct and distance between villages and forests are getting wider, collection of NTFP has reduced and has seriously affected the local economy and nutrition of tribals. Lack of sustained food security has led to high degree of malnourishment and starvation among tribal children and increased their susceptibility to death and disease. Several cases of this have been reported last year in Orissa, Maharashtra, A.P and Chattisgarh.

In the case of land alienation for the sake of projects, communities displaced are never properly rehabilitated or compensated. We do not have a law which provides for rehabilitation and the displaced are dependent on the vagaries of companies. The rehabilitation procedures followed so far has proved that families are neuclearised, transforming adivasis from culturally rich communities to degraded shanty towns. This has thrown entire families into a state of poverty and lack of livelihoods, forcing them to migrate and break up social relationships. Rehabilitation programmes are implemented with complete disrespect for tribal needs of housing, drinking water and other basic amenities. Even schools and health centres if provided for children, are bare and superfluous. The long years of shifting from place to place, the lack of foodgrains, the fatigue of clearing fresh patches of land for cultivation, the death of livestock which are underfed due to lack of fodder and water – all have serious consequences on the health and well being of children. The submergence of several villages in the Sardar Sarovar project has stories of death and starvation in each of the villages displaced or submerged. Children and youth are forced into bonded or casual labour for lack of proper sustenance.

Socially, the influences of external communities have degraded the social and cultural values of tribals, exposing the children and youth to vices like gambling, alcoholism, idleness, prostitution and crime. The youth become frivolous and fritter away family incomes on wasteful expenditures and have developed a deep disrespect for their traditional livelihoods or cultures. They are neither interested in economic activities like agriculture or collection of forest produce nor are they capable of competing with mainstream societies for tertiary sector employment. This is especially common in tribal regions where largescale projects like mining were set up and this has become the greatest malaise of the tribal regions where cultures have degenerated as association with land and nature has disappeared.

With respect to women and girl children in such situations, a critical issue is the problem of 'benami' form of marriages. Young adivasi girls are lured into marriage by non tribal men in order to enjoy rights to lands and properties. Land alienation in many of the scheduled areas of Adivasi regions took place in this manner where the non-tribal families heap the rewards of the lands owned by the tribal woman who, on the other hand, remains a mere concubine or is deserted by the husband. Such situations have worsened in industrial areas where adivasi women are left to fend for themselves and

their children. It is reported that in the iron and coal mining regions of Orissa, malnourishment and infant mortality is very high among adivasi children and is mainly due to the fact that women are deserted and have few economic opportunities.

In traditional adivasi cultures, women enjoy a higher social status compared to the women in our mainstream society mainly due to their significant contribution to the tribal economy and agriculture. This reflects in the social status and rights enjoyed by women. When land alienation takes place, adivasi women become landless labourers or depend largely on the male incomes which has a direct impact on their social degradation. Bride price has been replaced by dowry due to these changes because of which the girl child even among adivasis today, is being looked down as a curse. In some communities like the Lambadas, sale of female infants is steeply rising both due to growing poverty and due to increasing social prejudices against girls. Women are also forced to migrate to other villages and towns in search of labour when they lose their lands.

Impact on Education:

Their constant fight for survival and forced migration in search of settled agriculture has left them with no opportunities for their education. The high rate of illiteracy among some of these primitive tribal groups has ensured that the children do not acquire any other occupational skills apart from shifting cultivation and collection of forest produce. The low level of education and awareness coupled with high mortality continues to perpetrate social hazards like child marriages, child motherhood and increased the incidence of IMR and MMR. As awareness among adivasis to educate their children is a growing phenomenon, state resources for education have stopped to rise correspondingly, thereby creating a huge gap even in primary education. As tribal areas are commercially not lucrative, private sector is reluctant to step in, leaving the job to philanthropic and voluntary organisations, to fulfill the needs of tribal education.

To quote the example of A.P, out of a population of 41 lakhs, the literacy rate among ST men, as of 1991 Census, is a mere 25% and that of women is 8.6%. Official figures for drop out rate at the primary level of education among ST's is around 82%. While the enrollment of tribal children in primary schools is 4,57,748 students, those who reach high school level in the entire state are about 10,000. Dropout rate among tribal children is highest in the primary level itself (66%). From a total population of 20,56,664 ST women, there are just 21 women with post graduate degree! The drop out rate among ST girls is 89.20% most of which is in the primary level itself. In districts like Visakhapatnam where there is a high concentration of Primitive Tribal Groups like the Khonds, Gadabas, Porjas the female literacy levels are much lower (7.83%) than the state average. State allocations for social sectors like health and education since the Nineties, especially in the tribal context, has become heavily dependent on bilateral loans and projects which is increasing the influence of the international financial institutions in policies related to these sectors. With displacement and land alienation, with drastic cuts in state subsidies on food and basic amenities and with policy shifts to user-pay models, the quality and reach of education to the tribal people has come down tremendously. They are further caught in the vicious trap of illiteracy and new forms of exploitation from landlords, moneylenders and even the state machinery.

Traditional forms of land alienation are giving way to corporate control as tribals are having to shift to cash and commercial crops from their traditional consumption and organic nature of agriculture. In several places like Adilabad, Khamman, Warangal districts, tribal farmers who have followed the mainstream plain area farmers in growing tobacco, chillies, cotton and other cash crops have become highly indebted to big agri-based companies leading to starvation, suicides and increase in child labour and thereby exposing them to high levels of pesticides and inhuman work conditions.

People's Struggles: Atrocities on Adivasi Children:

There is a surge of local adivasi movements in several places where people are no longer willing to be displaced or to be treated as residues of development. They are opposing land alienation from dams, mining and other forms of industries where adivasi sacrifices are being demanded. Correspondingly, atrocities against tribals to suppress local protests are getting high handed both by the state and by corporate bodies. Brutal attacks on adivasis have increased where women and children are also being beaten, killed, put in false custody or harassed into submission. Such atrocities on adivasi children was witnessed in several places in the recent past – in Nagarnar (Chattisgarh), in Koel Karo (Jharkhand), in Kasipur (Orissa), in Muthanga (Kerala) and there is no record or repentance from the authorities regarding these crimes.

Conclusions:

- **Globalisation and privatization are the key focal areas of our new economic policy. This policy is being aggressively introduced in the tribal areas which are rich in natural resources in order to cater to the global corporate and private interests. As the tribal areas are safeguarded by Constitutional protections like the Fifth Schedule, there is a determined attempt to amend or violate the laws by the State itself in order to pursue its privatization policies. Hence, there is an urgent threat to the lands and natural resources of the tribal people as well as to their customary practices and traditional rights**
- **Food security, potable drinking water and sanitation will be a serious crisis in the health and survival of adivasi children as these resources will become less accessible to tribal communities due to their commercialization**
- **Adivasi children forced to compete with a highly imbalanced and exploitative external society**
- **Therefore, protection of the Constitutional laws is the first saviour of adivasi children's rights to land and resources as global greed to exploit their natural resources will strangulate their lives in future.**
- **Primary education and awareness of legal and traditional rights the most important vehicle of creating tribal assertion among the next generations of adivasis**

- **Urgent need to lobby for an education which is relevant and supports the ecologically sustainable forms of livelihood which is symbiotic with adivasi life**
- **Assertion of tribal self rule, right to ownership and decision-making over natural resources and right to information**
- **Civil society groups need to provide a strong platform for advocacy and lobby for adivasi constitutional rights and to vehemently oppose globalization, privatization and commercialization of resources and lands in the Adivasi areas.**