

GLOBALISATION IN THE FIFTH SCHEDULE AREAS – ALIENATION OF LAND AND RESOURCES FROM PEOPLE

Development carnage under the New Economic Policy and its submission to the powers of globalisation have led to a process of conscious and systematic annihilation of the first people – the Adivasis- of this country. The founding fathers of the Indian Constitution, were, with right insight, seriously concerned with the plight of certain deprived and backward sections of the Indian society, and brought into the constitutional framework some special legislations, in order to protect them and their resources.

The Fifth and Sixth Schedules of the Constitution were specifically devoted to the protection of the 80 million adivasis spread across the country. 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 for 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.

Until the nineties the country was guided by the socialistic model of development where the role of the state was clearly welfare and social justice was the fundamental mandate of the state. 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 Constitution.

It has ushered in an era of corporate, especially Trans-national control of resources where the state is handing over the national resources to industries on the pretext that state has failed to deliver. In other words, industry has become the state and has been given the carte blanche to frame the education, health, social, industrial, environment, legal policies - all leading up to the extremely urgent need for privatisation.

Conflicts over rights on land and other natural resources are arising out of swift changes in the New Economic policy of India resulting in a shift in ownership and control over the resources and the means, methods and extent of exploitation. These changes are a direct influence of the industry sector to steer the state away from the socialistic democratic philosophy and to adopt a free market oriented approach. The paradigms of economic development are far removed from community needs and rights, particularly those of dalits, indigenous people and other marginalised poor in the country.

The Fifth Schedule Areas:

Availability/Extent of Resource:

The country has 67.8 million (1991 Census) adivasi population living in the Fifth Schedule areas of eight states of Andhra Pradesh, Chattisgarh, Jharkhand, Himachal

Pradesh, Gujarat, Madhya Pradesh, Orissa, Rajasthan and Maharashtra and in the eight north-eastern states. Their percentage to the total population of India is 8.1 with a sex ratio of 972 while that of the total population is 927. As per 1991 Census, 87.19% of ST population depended on agriculture, either as settled and shifting cultivators or agricultural labourers or as collectors of forest produce. These figures corroborate the close association with land and forests as a means of survival, livelihood and a social way of life for the tribal people.

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. The official figures for land alienation in the Planning Commission report of January 2000, the area alienated from tribals in all the states is 9,17,590 acres and those displaced between 1951-90 are 21.2 lakhs (39.4%).

Almost 80% of the forest and mineral resources of the country are found in the scheduled areas the exploitation of which have been the primary causes of land alienation among the adivasis. These areas, 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.

They were based on the Nehruvian philosophy of development where the voiceless millions living in the midst of these resources have to forfeit their livelihoods for the progress of the nation. Thus the setting up of energy and hydro electric projects, public sector industries like mining, development of a network of roadways and railways in these scheduled and forest regions for the transportation needs of the industries and the expansion of government infrastructure were the important vehicles of economic growth undertaken by the state.

By 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 shift in the state's reverence for the private sector. The protective and welfare role so far played by the state suddenly began to shrink from the 1990's once the state decided to make accessible these natural resources to global and private powers. The subsequent changes in policies and laws or where ever possible, contravention of laws by the state in the scheduled areas has been the immediate consequence thereby exposing the remote tribal in an unknown hamlet to the fangs of globalisation.

Issues and questions relating to availability and extent of resources:

It is true that the scheduled areas are a repository of rich natural resources and they hold most of the nation's wealth, whether physical, social, ecological, environmental, economic

or aesthetic. The resources have been sustained over the centuries and maintained with little destruction more due to the social and cultural practices of the forest dwelling tribal communities whose systems of livelihood ensure minimum harm to the ecology. 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.

The experience of indigenous communities in other developing and underdeveloped countries outside India where ever globalisation had descended has proved that indigenous knowledge systems, livelihoods, lands and forests have been brutally over ridden by these forces. Experiences of all these communities have been gruesomely similar – that state transferred control over resources from communities and even from itself to industries and private institutions, that resources were exploited not because there was an urgent and immediate need for their utilisation, that there was no long term or planned perspective to the utilisation of these resources, commercialisation and commodification of resources became the primary concern and not ensuring that the resources were available and sustained for optimal usage and for majority benefit.

Their experiences have further proved that resources conserved for millions of years were depleted beyond repair within a short period of globalised economies and that it has led to aggravated poverty of communities living in the areas of these resources while the industries and private institutions prospered enormously. This aggressive nature of resource exploitation has led to civil wars, strife, famines, political disturbances and violence in an otherwise peaceful communities before globalisation took away their resources. Some of the Fifth Schedule areas in India have been witness to such destruction mainly where mining projects and dams were built.

Population Dependence and Status of Resources in last ten years:

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 migrant populations, 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 wage earners 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 fulfilment 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. Those absorbed in the new industries and projects are minimal compared to the extent of displacement and the in-migration of outsiders.

Law and Policy changes related to globalisation:

In order to adapt to the globalisation processes ushered in at a feverish pace, the political powers and policy makers have made a complete reversal of the Indian Constitution where ever people's rights and control over resources are concerned. 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. It is commercialisation of resources and profit gains to global powers and global corporates that is of crucial importance.

In such a political and economic ideology, state as a social institution loses its recognition. The laws and policies are aimed not at social justice and social welfare but at maximisation of profits and maximum exploitation of resources. The Indian state after independence was carved under the socialist model where state had an important social responsibility to the backward and neglected communities. The laws framed under the Constitution were based on these principles. Hence, the new economic policy's primary goal is to redefine the role of the state and reframe laws to suit global interests.

Mining industries, power projects, dams and other industries projected as 'development' projects have been avariciously eyeing the abundant natural wealth, the poverty and illiteracy of adivasis, their inaccessibility to information, their lack of political voice and the lack of exposure 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.

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. These laws clearly portray the need for protection of people and resources while 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 the present context where good governance and transparency are being publicised by most state governments, it implies not effective administration and implementation for people's benefit but removal of bottlenecks hindering industrialisation and globalisation.

The Fifth Schedule under attack:

One of the important Constitutional components, thus under attack of globalisation is the Fifth Schedule and the safeguards provided to the adivasis. As mentioned earlier, 80% of the country's resources are found in the scheduled areas, which implies that the Fifth Schedule has to be immediately nullified. The severe pressure and lobby from

transnational corporates and financial institutions has unleashed a vehement denouncement of state on all the laws related to the fifth schedule. The land transfer regulations prevalent in the scheduled areas are being diluted or amended by the Centre and the state governments under the deceptive garb of bringing in economic development to the adivasis.

Mining is one of the largest industries in India which is causing a serious threat to the Fifth Schedule. Most of the public sector mining projects and those areas proposed for future mining are being handed over to the private mining conglomerates with foreign direct investment. Adivasi movements against these projects have been raising the legality of such mining leases as in Andhra Pradesh where bauxite, calcite and limestone leases were given to private industries. The Supreme Court verdict in the case of Samatha Vs the State of A.P and Others in 1997 that all mining leases to private industries in the Scheduled Areas were null and void, created a furore among the industry and political powers who are bent on selling away adivasi lands and mineral resources.

Instead of standing corrected, the state has started gearing up all strategies for dishonouring the judiciary and the Constitution. It appealed to the Supreme Court for a revision of the order. When this was struck down it has initiated a process of amendment to the Fifth Schedule. The Ministry of Mines circulated a secret document dated 10th July 2000 (No.16/48/97-VI to the Committee of Secretaries stating that there was an urgency to amend the Fifth Schedule to allow mining industries for obtaining leases in scheduled areas.

The proposed amendment flies in the face of constitutional guarantees and safe guards to the adivasis and is in complete violation of the spirit of the fundamental rights. It is a clear indication that the new globalisation policies are steering the government towards finding ways of repealing the laws under the fifth schedule either by legislative or judicial changes to the law. The policies of several state governments, especially those undergoing structural adjustments of the World Bank and other global financial institutions have come up with new strategy papers where mining takes precedence over protection of the people and the forests where these resources are found in the scheduled areas.

Some of the state governments like Andhra Pradesh are pushing for parliamentary action for the amendment. The state government in A.P, in its desperation to transfer tribal lands to mining companies in contravention of the Land Transfer Regulation Act of 1959, has pressurized the Tribes Advisory Council, the statutory advisory body in tribal affairs, to pass resolutions for amending the Act. Such negative signals from the government cannot be ignored or taken under naïveté assumptions that they are meant for the progress of the communities living in the fifth schedule areas.

The controversy over the sale of the public sector undertaking BALCO in the state of Chattisgarh to a private mining industry, Sterlite stands as a contradiction between law and the changes in policy decisions under the new economic era. The constitutional provisions and those of the Supreme Court in the Samatha Judgement notwithstanding, the government has privatized the company inspite of stiff public outcry and justifies the sale on grounds of capital requirements. Keeping aside arguments of development and divestment of industries, the legal fact is that the state has become the primary violator of laws and the constitution and this trend of state behaviour beyond law speaks of the alarming nature of globalisation in policies relating to social sectors.

Changes to Forest and Agriculture policies and laws affecting adivasis:

National properties like forests are finding back door means of being transferred to industries as they contain vast potential for commercial activities like tourism, film and holiday industries, corporate plantations, etc. The dwindling forest resources have come under highly funded and publicized 'people's programs' like the Joint Forest Management (JFM). The new global strategies of forest protection and regeneration in the scheduled areas in the name of decentralization and share of powers over forests to communities, has spelt disaster to Adivasis. Lands occupied by them for shifting (podu) cultivation and agriculture are being reclaimed by the government through such programs.

Corporate partnerships for raising plantations through the mechanism of JFM using jargons like community forestry are seen as imminent dangers to the forest policy and the Forest Conservation Act. In Andhra Pradesh the forest department brought out a Government Order (N0.112) in the year 2000 for entering into tripartite agreement with industries and Vana Samrakshana Samithis for raising plantations. It was only after strong protests from NGO's and opposition parties that the government hastily withdrew its subversive tactics of privatizing forests in the name of forest and tribal development.

There is an inherent threat to the adivasi way of agriculture and economic practices as the new 'Visions' and strategies of many of the state governments and those at the Centre are shifting their focus to corporatisation of agriculture. In the scheduled areas traditional methods of cultivation are contemptuously regarded by government machinery and there is an invasion of new technologies of farming, small landholdings are to be replaced by large corporate farming, local traditional crops are under attack from high yielding and genetically modified seed varieties, farmers are being pushed into shifting to cash crops and mono-crops which is totally contradictory to the diverse cropping pattern of adivasi communities.

Most of these changes are being brought about by either the development projects from multinational finance institutions like IFAD and the World Bank or through encouragement of agriculture based industries to provide loans, seeds and market linkages directly to adivasi farmers. It is tragic that the fifth schedule areas, which are the few regions in the country which have rich biodiversity of agriculture, sustainable organic methods based on self-reliant economy, are being wiped out with these new unsustainable systems.

Without a proper knowledge and information of the new technologies and their impacts on their surrounding natural resources, the adivasi farmers are coming under the noose of such transnational policies leading to indebtedness and even mass suicides like in the case of Andhra Pradesh.

People's Struggles against alienation of resources:

Thus in the scheduled areas, where people's problems have been neglected over decades and they have not been rehabilitated or compensated by earlier projects, the state is going ahead with new projects at an unimaginable pace. With this kind of development, it cannot rely on the short memories of people because memories are indelible. It is this blatant pandering to global forces and outright injustice to communities which is spearheading revolts, people's movements and protests from all corners of the Fifth Schedule areas in

the country today. The adivasis have realised that conflict between them and state cannot be resolved when private interests are projected as public/national interests and people are forced to forego their rights over their resources.

The history of adivasi regions is replete with revolts and rebellions whenever state policies violated the customary practices and laws of the people. The subjugation of adivasi cultures in the pre and post British administration have led to disturbances and violence in many of the tribal regions so much so that special laws had to be introduced hastily to contain the insurgencies. Right from the 1700's starting with the revolt of Paharias of Rajmahal Hills, the Kol insurrection in 1831-32, the resistance of Koyas, the refusal of Tana Bhagat to pay taxes and the famous Birsa Munda rebellion in Jharkhand and Kumaram Bhimu's revolt in Gondwana, the adivasis have shown their pride in resisting any destruction to their traditional laws and relations with the natural resources.

Much as the nineties have become a decade of repression of people's rights over resources, they have also become the decade of people's movements fusing links and making their voices stronger and more assertive.

Kasipur Block of Raigada district in Orissa has a predominant adivasi population who have been agitating against the joint venture aluminium plant of Alcan (Canada), Indal (India) and Norsk Hydro (Norway) called Utkal Alumina International Ltd since 1993. A strong people's movement called Pradrutika Sampadana Surakshya Parishad evolved out



Public Meeting and Demonstration by Adivasis of Kasipur against police firing in Maikanch

of the struggle for protection of lands and forests by the Adivasis. The inability to suppress the movement led to a police firing in December 2000 where three Adivasis were shot dead.

In Koel Karo, one of the longest drawn adivasi struggles in the country, the desperation of the state and the mounting pressure of the multinational forces to destroy the people's movement against the construction of the dam and to open up the scheduled areas for mining projects, is violently reflected in the police firing in January 2001 that left ten persons dead.

In Anantagiri, the tribals who drove the Birlas, one of the biggest industrial houses in India, out of their lands and won a landmark judgement in the Supreme Court in 1997 have stirred up a hornet's nest by nullifying all private mining leases not only in their lands but in all the fifth scheduled states in the country



Public Rally for Adivasi Rights in Jharkhand - October, 1999

In Jaduguda, Jharkhand, the Adivasis are still struggling against the neo-liberal policies of nuclearisation. The fatal impacts of radiation from uranium mining to the local communities, especially to women, which the state is brutally trying to prevent the people from exposing to the world outside, is violative of all constitutional, ethical and social responsibilities.

Corporate terrorism in Chattisgarh by large companies like Jindals have reached demonical

proportions under state patronization. The Adivasis and activists protesting against alienation of lands and forests to mining and other industries in this adivasi state are facing human rights abuses under the garb of industrial development.

In Mendha Lekha of Maharashtra where Adivasis have defied state interference in their decisions over their lands, forests and water, there is a quiet revolution and assertion of the supremacy of the village institution. Privatisation of their forests, commercialization of their resources and centralization of powers of the liberalization government are prohibited from entering their village, standing steadfast to the customary practices of their forefathers.

The Narmada Bachao Andolan has gained the widest publicity and has been the biggest people's movement in India in the last two decades. The movement has been one of the first to raise some fundamental issues of large development projects and people's, particularly those of adivasis, rights over their natural resources and their impact on livelihoods and forests

There are thousands of such struggles large and small, in many corners of the adivasi regions in India today. They symbolise the people's growing dissent towards state policies and the state's slavery to the global and multinational powers. The nineties have proved that the state has begun to play a dichotomous role in discharging its responsibilities vis-à-vis policies and laws. It speaks voluminously of the decentralisation, people's / communities' participation, transparency and good governance – all terminology imported from international institutions. On the other hand, the state has also come up with some positive constitutional changes like the 73rd Amendment and the New Panchayat Raj (Extension to tribal areas) Act.

However, these changes have no relevance or earnest implementation as the economic policy aims at liberalisation of national resources and opening up of the scheduled areas and all natural resources to industries, private and foreign. The forests and natural wealth in these areas are the only remnants of national assets of the country and the decision to pass on this wealth into the hands of industries reflects the shortsightedness and the treachery underlying the new economic policy. It also speaks of the desperation of the debt trap that the country is viciously caught in for which the natural resources in the adivasi regions have to be sold out and left barren. The sale of Balco is the beginning of

this demise and the future proposals waiting for clearance show the path to imminent doom.

Adivasi movements are refusing to allow this demise to become a reality and are becoming more assertive. The isolated struggles of the earlier decades have learnt to fuse linkages and grow into larger collective voices. They have realised that unless this strength is built, it is impossible to confront the globalisation forces. Indigenous communities from Asia, Africa and Latin America are also seen participating in building up this community of protestors and to bring in pressure on each other's countries and international institutions.

Like the profound statement of an elderly adivasi village leader fighting the Indian multi-national the Birla group, "Companies are like monkeys. We have to keep a constant vigil and shoe them away to protect our crops and lands"



National Protest Conference and Rally by Adivasis Against Amendment of Fifth Schedule of Constitution, New Delhi: July, 2001

Samata
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