

A Study on Human Rights and Realities of Tribals' Lives in India with Special Reference to the Palakkad District, Kerala

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Abstract

The concept of human rights is not similar for people living in different layers of society and subsequently facing different levels of injustice. The meaning of human rights for the upper class that has a high standard of living may be the protection to their life, property and freedoms i.e., the enjoyment of their existing privileges. Likewise, for the marginalized who suffer from poverty and poor standard of living, human rights essentially is the Right to Development. The main objective of the paper is to identify and measure the impact of implementation of the Forest Act, 2006 for the protection of the human rights of tribes in Palakkad district. It also analyses the cause and the effect of atrocities and exploitation encountered by the tribes and the role of Government and Non-Governmental agencies in promoting, safeguarding and protecting tribal rights.

Keywords: *tribes, human rights, exploitation*

Introduction

The Forest Rights Act, 2006 compensates the "historical injustice" inflicted upon the forest-dwelling tribes who were denied of their traditional rights to forest lands and resources in the last couple of hundred years. This Act aims to restore the alienation of tribes from their own habitat caused by past policies and laws. **(Ministry of Tribal Affairs, 2021)**

Prior to the colonial rule, there were no exploitations from outsiders and they were free to gather forest produces from the forest. Colonial rule extinguished forest people's rights and expropriated them to live in severe insecurity and poverty. The relationship between the state and the forest dwellers was in turbulence for more than a century, and the colonial state sought to take over control of the forests and delegitimize forest people's use of the forests. Even after the independence, tribes were in conflict with the government. **(Nair, R. 2006)**

By the passing of Crown's Forest Act in 1865, Tribes lost autonomy and they became trespassers in the land that had been theirs since time immemorial. This act violated social, economic and cultural rights of the tribes. Forests and

other resources in tribal areas were increasingly seen as commodities and their lands expropriated by Government.

The British rule took control of the forest and forest resources and started using these resources to make profit. This approach was quite different from that of the tribes who have dealt with forest land and natural resources from time immemorial. The rules and regulations created by the British were continued in India even after Independence and it pushed the tribes to receiving end, tagging them as "encroachers" and law breakers in their own land. Even now the majorities of tribe live below the poverty line, have poor literacy rates, suffer from malnutrition and diseases and are vulnerable to displacement and seasonal migration. They are also subjected to physical, psychological and sexual exploitation.

Private companies and government procured the tribal land in the name of development. The local tribes became labourers and victims of liberalization, privatization and globalization. In India, the indigenous people were used as vote banks by the politicians, and as cheap labour in the big farms and construction companies. Market forces and

the profit-making values of the market economy affected the tribal identity and changed their life style and traditional values. Government of India passed the Scheduled Tribes Forest Rights Act in 2006. It compensates the "historical injustice" inflicted upon the forest-dwelling tribes who were denied of their traditional rights to forest lands and resources in the last couple of hundred years.

The concept of human rights is not similar for people living in different layers of society and subsequently facing different levels of injustice. The meaning of human rights for the upper class that has a high standard of living may be the protection to their life, property and freedoms i.e., the enjoyment of their existing privileges. Likewise, for the marginalized who suffer from poverty and poor standard of living, human rights essentially are the Right to Development.

Review of Literature

Avinash Singh (2015) in his article "Forest Right and Tribal affairs in contemporary India" emphasizes that since tribal population in India is being very diverse in nature, the government organizations should involve actively and deliberately in bringing out a holistic ruling in tribal population. The paper studies, highlighting the present status of tribal in India, and how the Forest Rights Act accomplishes the issues related to them.

Sumant Kumar (2019) in his book, "Tribal rights in India: Challenges and Achievements in the 21st century", discusses the reasons behind the failure of the policies and strategies, instituted for the tribal development. The article states that Development of tribal is very complicated issue for the government as it needs full attention from place to place and state to state.

Agarwal, Ahmad, Singh, Shukla, Kori, & Garg (2018) In this important work, the author states that the customary rights of tribes over their forests were for the first time legislated under the FRA, in 2006. Predominantly, the law concerns the rights of individuals that are acknowledged under the forest act; however the right of tribes as a society based endeavour has been ignored.

Bachani & Bhullar (2018) The earth is a home to sustain lives and thriving forests. The legislative intent to correct a historical injustice is commendable and other

forest dependent communities do have an excellent interest in protecting forests. In fact, in several cases, harmful development activities that put forests at risk are being undertaken. Unique wildlife is pushed to the brink of extinction, while indigenous people are uprooted from their traditional homes.

Objectives

The main objective of the study is

- To identify and measure the impact of implementation of the Forest Act, 2006 for the protection of the human rights of tribes in Palakkad district.
- To analyses the cause and the effect of atrocities and exploitation encountered by the tribes and the role of Government and Non-Governmental agencies in promoting, safeguarding and protecting tribal rights.

Hypotheses

- 1) The Forest Right Act, 2006 promoted the protection of the human rights of the tribes of Palakkad district.
- 2) Tribes residing in ITDP area are more human right protection than tribes residing in Non-ITDP areas by the implementation of the Forest Right Act, 2006.
- 3) There is a significant different among the tribes of Palakkad after the implementation of Forest Right Act, 2006.
- 4) Male tribes have enjoyed more human right protection than female tribes after the implementation of the Forest Right Act, 2006.

Methodology

The data for the study were collected from both the primary as well as the secondary sources. The primary data were collected from tribes, Government officials of various departments, political and social leaders and social workers of the area, local people etc. Participant observation, interviews and application of interview schedule among the tribal respondent's area are the sources of primary data. The secondary data were collected from the academic books, journals, Government orders, publications and records of the State Planning Board, Forest research institutes and various tribal

development agencies and the Department of Tribal Development etc.

Sampling Techniques

The method used for sample selection in this study is multi-stage cluster sampling method. In the first stage, the seven tribal communities Irula, Muduga, Kurumba, Kadar, Malasar, Eravallans and Paniyans were considered as clusters for selection of samples. All these clusters were included for sample selection. In the second stage all the settlements of these seven communities were considered as clusters for selection of samples. The purposive sampling method was followed in the selection of clusters. A total of 400 tribal respondents from 210 households constitute the sample of this study. Out of the 400 samples, 200 were selected from ITDP area and the remaining 200 from Non-ITDP area. A pre-structured interview scheduled was applied for the data collection. Personal interviews, participant observation and participatory rural analysis (PRA) were also used as tools. The Collected data have been analysed by making use of the following statistical techniques SPS Analysis, Percentage Analysis, Analysis of Variance (ANOVA), T-test for Equality of Means.

Discussion and Results

Tribal Respondent by Locale

Table 1.1: Tribal Respondent by Locale

Tribal Respondent by Locale		Count	% of Total	Total
Area of residence	ITDP Area	68	17.0%	200
	Muduga	66	16.5%	
	Kurumba	66	16.5%	
	Kadar	50	12.5%	
	Non-ITDP Area	50	12.5%	
	Eravallans	50	12.5%	
	Paniyans	50	12.5%	
Total	Count	400	100.0%	400

Source: Survey Data

For the study, 400 samples were taken out of which 200 were selected from ITDP area and the remaining 200 from Non-ITDP areas. Table 1.1 shows the categories and percentage of respondents respectively

Forest Right Act, 2006

The FRA, 2006 focuses on compensate "historical injustice" endured by the forest-dwelling tribes. British rulers denied their traditional rights to forest lands and resources which they were enjoying in the last few hundreds of years. The land they have occupied for generations were proclaimed "Reserved Forest land" or "protected areas". The Act aims to reverse the alienation of tribes from their own surroundings caused by past policies and laws.

Knowledge of Forest Acts and Laws

Table 1.2 Knowledge of Forest Acts & Laws

Knowledge of Forest Acts & Laws		Yes	No	Total
Total	Count	360	40	400
	% of Total	90.0%	10.0%	100.0%

Source: Survey of data

Table 1.2 shows that 90% of the tribes have some knowledge about Forest Acts and laws. This awareness was mainly imparted by the Government departments, Media and NGOs. It is noticed that the tribes have no effective platform or organization to argue for their rights. This table displays that all of them have some kind of knowledge about Forest Acts.

Source of Knowledge about Forest Acts

Table 1.3 Source of Knowledge about Forest Acts

Source of Knowledge about Forest Acts		Tribal Department	Forest Officials	NGOs	Media
		Yes	Yes	Yes	Yes
Total	Count	400	368	400	368
	% of Total	100.0%	92.0%	100.0%	92.0%

Source: Survey data

Table 1.3 shows the source of knowledge about Forest Acts and Laws. It proves that Tribal department, Forest Official, NGOs, and Media give knowledge about tribal act and laws.

Ownership of Land

Table 1.4 Ownership of Land

Ownership of Land		Own	Government land	Others	Total
Total	Count	256	94	50	400
	% of Total	64.0%	23.5%	12.5%	100.0%

Source: Survey data

Table 1.4 shows that 64.0% of tribes have their own land. 23.5% of tribes who live in the forest and the remaining do not own any land.

Land Received after Forest Rights Act 2006

Forest Right Act - 2006 says that the forest dwellers should be given a maximum of 4 hectares of land for cultivation.

Table 1.5 Land Received after Forest Rights Act 2006

Land Received after Forest Rights Act 2006		Yes	No	Total
Total	Count	84	316	400
	% of Total	21.0%	79.0%	100.0%

Source: Survey data

Table 1.5 shows the land acquisition after the implementation of the Forest Right Act. It indicates that only 21.0% of respondents have received land by implementation of the Forest Right Act. 79.0% of tribes did not get land due to many reasons such they are living in private estate, deep forest area, own land etc. It proves that land is not distributed properly.

Corruption in Land Distribution

Table 1.6 Corruption in Land Distribution

Corruption in Land Distribution		Yes	No	Total
Total	Count	308	92	400
	% of Total	77.0%	23.0%	100.0%

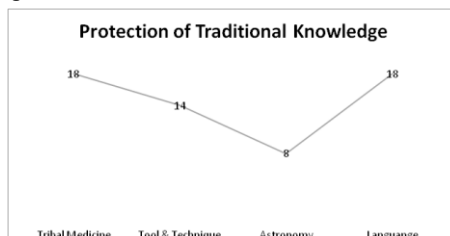
Source: Survey data

Table 1.6 shows tribes' view about corruption in land dealings. 77.0% of respondents felt that there is corruption in land distribution under Forest Act by government officials.

Protection of Traditional Knowledge

Forest Act 2006 states that Traditional knowledge of the tribes related to tribal medicine, tools and techniques of agriculture, Astronomy, language etc. should be protected.

Figure 1.1 Protection of Traditional Knowledge



Source: Survey Data

Figure 1.1 show that most of the traditional knowledge of tribal community has almost vanished today. Only some tribal respondents transferred traditional knowledge to the new generations. It is also interesting to know from the survey that Non-ITDP areas transfer more traditional knowledge to new generation than ITDP area.

Cases Charged Against Tribes

Table 1.7 Case Charged Against Tribes

Case Charged Against Tribes		Before FRA, 2006	After FRA, 2006
		Yes	Yes
Total	Count	122	34
	% of Total	30.5%	8.5%

Source: Survey of data

Table 1.7 shows the cases charged against the tribes by forest department before and after FRA, 2006. It proves that 30.5% tribes faces different types of charges before FRA, 2006 but now it is only 8.5%. It proves that most of the cases were on related to collection of minor forest products and cutting trees.

Conclusion

The study concluded that the Forest Right Act, 2006 promoted the welfare of tribes and protected their human rights living in Palakkad District of Kerala. The study found that ITDP area is more benefited than non-ITDP areas. This is because the ITDP area enjoys more infra structural facilities, governmental attention, active support of NGOs etc. According to this study in the district of Palakkad, the

FRA, 2006 has generally promoted tribal welfare and awareness of their rights and benefits except a minority. The socio-economic and political developments are happening with the implementation of the FRA, 2006.

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