

ANTI-SLAVERY SOCIETY  
FOR THE  
PROTECTION OF HUMAN RIGHTS

REPORT FOR 1984 TO THE  
UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS

Discrimination against tribal people in India

The indigenous peoples of India are the poorest sector of society, they have the fewest opportunities for education, they are the worst clothed, worst housed and worst nourished. Many are the victims of debt bondage and forced to labour year after year for little or no reward. Tribal women are often the subject of sexual abuse and tribal children are known on occasions to have been kidnapped to serve as a cheap labour force far from their homes and families.

This report on the plight of tribal peoples in India has been produced by the Anti-Slavery Society in collaboration with the Delhi-based organization, Lokayan. This reputable body acts as a national forum for social and political action groups all over India. Its work is concentrated in rural and tribal areas where it provides research help to members of those Indian minorities who are the concern of this Working Group here in Geneva.

The Special Rapporteur, Mr Jose R Martinez Cobo in his Preliminary Report, defined the indigenous populations as those

"composed of the existing descendants of the peoples who inhabited the present territory of a country wholly or partially at the time when persons of a different culture or ethnic origin arrived there from other parts of the world, overcame them and, by conquest, settlement or other means, reduced them to a non-dominant or colonial condition; who today live more in conformity with their particular social, economic and cultural customs of which they now form part under a state structure which incorporates mainly the national, social and cultural characteristics of other segments of the population which are predominant".

Mr Cobo recommended that the indigenous populations of the Indian sub-continent be considered as part of the Sub-Commission's deliberations.

The Indian government promptly responded by stating that in the context of the above definition, the Scheduled Tribes of India could not be incorporated or termed as indigenous peoples. This rejoinder states that of the four elements which form part of the definition, only one, or at the most two, apply to the scheduled tribes.

Opposing the idea that the Scheduled Tribes consist of descendants of people who inhabited "the present territory of the country wholly or partially", the Government states that India is like "a melting pot". Further, it states that no sociologist, historian or anthropologist can with certainty state that the Scheduled Tribes are the only indigenous populations. Some historians have given this status to the Dravidian race who live in southern India, while some others have stated that the Indo-Gangetic belt was the original homeland of the Aryans and therefore they constitute the indigenous population. It is on this basis, that the government dismisses the first two criteria of the definition.

With regard to the latter two parts of the definition, the Indian government disagrees with the notion that in India the Scheduled Tribes are a "dominated or a non-dominant population group". They also state that this implies that the Scheduled Tribes are the only group that suffers discrimination. In fact, argues the government, there are a number of ethnic and cultural groups who are regarded as minority groups on account of their social, economic and cultural customs and traditions. Though they are distinguished as minority groups, they are not being discriminated against or dominated by the majority population. The Scheduled Tribes, therefore, constitute only one "segment of the Indian population and have distinctive ethnic, cultural, social and economic characteristics and traditions (and thus) they cannot be subsumed under the categorisation of indigenous populations which are discriminated upon".

It may seem that the definition of the Special Rapporteur took into particular account the plight of those who were colonised by White settlers in the continents of America, Australia and Africa. However, the intent that underlines the definition comes out very clearly in the last two criteria outlined by the Rapporteur. What is of crucial importance is not the fact that a group of communities might be the original settlers of the region but the fact that colonial policies affected in a significant manner their economies and cultures.

From this it can be argued that this can apply to some of the minorities of India.

Before and during the establishment of the British Indian Empires the indigenous forest dwellers were, by and large, isolated communities practising a combination of shifting cultivation and food gathering. Historical evidence indicates that though there was contact between forest dwellers and settled agriculturists - and in some very rare cases some of the settled agriculturists extracted revenue from forest dwellers - their economy and their culture remained largely free from outside interference. Even in cases where the forest dwellers exhibited traits of Hinduism, there was no integrating of the economy and the culture of the forest dwellers with those of settled agriculturists. Thus when colonisation in its march for resources penetrated these areas, it encountered relatively isolated, coherent and distinct societies with their own history and identity.

The term tribe (later changed to Scheduled Tribe by the Indian Constitution), is purely an administrative and legal term, and its usage by the colonial authorities symbolised and affirmed the distinctive processes which were unleashed on them by and through colonialism.

The first process that affected the tribes was the institution of private property on land which brought in non-tribal money-lenders and traders and which started a gradual process of land alienation. The second process began when the British instituted their forestry policy. Until then, the forest dwellers could migrate to interior regions and practise shifting cultivation and gather food. However, once the colonialists made forests state property, this practice was eroded. The tribespeople were trapped by the money lender/trader/contractor and the administrators of the British forestry policy. Both these policies brought in an influx of outsiders intent on usurping the resources of the tribals. This process is common to those groups that the British identified as tribals.

To a certain extent, the colonial administration recognised the impact that their land policy had on the forest dwellers. To protect them from land alienation, various legislation was passed in different areas and in some cases, certain areas were declared 'non-regulated'. From this followed a policy of protection with some British administrators wanting certain areas, such as the Chittagong Hill Tracts (now in Bangladesh) to remain isolated from outside influences. These protectionist policies led to the colonial administration identifying certain groups as indigenous. In 1935, they were reclassified as 'backward tribes'. However, such protective legislation did little in practice for the forest dwellers. Land alienation continued and was intensified by industrialisation.

Once independence was achieved in 1947, the ruling groups of India realised the need to integrate the forest dwellers whilst maintaining their cultural identities. In practice it was the integration that dominated. Post-independence Delhi introduced economic policies that integrated the tribespeople into the mainstream. The onslaught of the market forces was such that tribal subsistence economies and cultures were, by and large, undermined.

Almost all policies that the government had introduced - whether it was credit for seeds of high yielding varieties of crops, for wells, for fertilizers or for co-operatives - resulted in linking tribal society with the market economy. Having a very low material base, indigenous groups were in fact unable to compete with the more organised, capital - intensive external market forces.

The policy of discriminatory protection was available only to a few who became part of the mainstream economically and culturally; they often became mediators between the dominant population and large masses of the tribes people whose lives remained untouched by these policies of 'positive discrimination'. The situation was grave and cathartic.

An additional way of 'integrating' the tribespeople was through the introduction of an education scheme designed to meet urban requirements. The tribal children dropped-out of school in large numbers. In spite of the experiences of the past the education policy remains virtually unchanged.

Industrialisation was also promoted as the means through which growth and 'development' would result. The areas inhabited by tribal groups were rich in mineral resources and outsiders were given administrative, management and skilled jobs in tribal land while the displaced 'indigenous' populations were given unskilled exploitative jobs. In these regions where industrial activities were very heavy, the demographic profile, within a decade, changed dramatically.

As stated earlier, these processes created large-scale displacement of tribespeople. An earlier policy of land for land compensation gave way to the present policy of cash compensation. This benefited only those who could stake claims for land. Having resided in and around forests for centuries, tribal people had no legal proof of ownership. This made the rehabilitation process (even when cash compensation was given) infructuous. Hundreds of thousands of indigenous people have been thus brutally uprooted from their traditional habitats. Irrigation schemes, dams, and power generation programmes like super-thermal plants, had the same destructive impact with the benefits of these projects hardly accruing to the tribals.

To compound this further, private industry was given incentives to set-up plants in 'backward' areas. All over the country, this has not only meant a further erosion of sustainable tribal resources, it has also meant brutal displacement as the environment around these units became heavily polluted.

The detrimental effects of these processes were further magnified by the official forestry policy. There was an assumption that indigenous forest dwellers were responsible for deforestation and that the forests needed external management. The government of India put the entire administration of the forests into the hands of forest officials, and Forest Development Corporations were simultaneously set-up in individual states to exploit forest resources. The revenue of all these corporations far outstrips the official allocations for afforestation and conservation of forests. The commercialisation of forestry continues the process of denying tribespeople's access to forests and their products.

In the past few years, an ambitious social forestry programme has been launched to allieviate the pressure on existing forests and to meet the growing demand for firewood. In several areas, rather than afforesting waste lands, mixed forests have been cut down and commercial monoculture plantations set-up instead.

All these threats to the lives and livelihood of the tribal people were not silently accepted by them. There have been countless revolts and protests against colonial authorities and encroaching non-tribespeople since the early nineteenth century and these have continued unabated since independence. These rebellions made possible a growth of an alternative vision of polity and society which slowly crystallised, in many areas, (e.g. Jharkhand, Chattisgarh and now parts of Andhra Pradesh) to an assertion for sub-nationalism. In other areas (e.g. Thane and Dhulia in Maharashtra, and Chaibasa in Bihar) these assertions were a response either to displacement or to rapacious exploitation of natural resources and human labour. Agricultural labourers in these areas have organised themselves into mass movements.

The state's response has been characteristic. Either supporting or supported by local vested interests, it has mowed down almost all expressions of dissent. Whether they are political movements or small, individual actions, every protests has been perceived as a law and order problem to be met with massive repression. Three districts of Andhra Pradesh, for example, have been declared disturbed areas and 125 police camps are now installed in their villages. Innumerable false cases have been drummed up against protesting tribespeople who have then to face the additional

indignity of harassment by the legal processes. And yet, organising themselves is the only avenue available to them to fight for justice.

Today, therefore, inspite of a plethora of protective legislation India's indigenous people have very few rights. Their resources are now controlled by others, their cultures are disintegrating, their communities are breaking up and even their traditional political formations are being eroded. Displaced, they have no right over their lands. Migration to the outside settled agricultural areas or to nearby cities is their only option. Some of the men are employed, intermittently, in the unorganised industrial sector and the women in many cases, are reduced to prostitution. Except in some older mines and industries, they do not receive even a living wage. For those who still reside in their traditional habitat, the struggle for survival is becoming a slow and lost battle. The tribespeople are finding it difficult to exist.

Today the Scheduled Tribes are reduced to a colonial situation and are dominated by a system of values and institutions maintained by the ruling groups of the country.

The latter two criteria of the Special Rapporteur's definition clearly apply to the indigenous tribespeople of India.

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