

UN WORKING GROUP ON INDIGENOUS POPULATIONS

Seventeenth Session, July 26-30, 1999

Geneva, Switzerland

Agenda Item no. 5: Indigenous Peoples and Land Issues

Statement by Indian Confederation of Indigenous and Tribal Peoples

Madam Chairperson, distinguished members of the Working Group, honourable government representatives and indigenous brothers and sisters from around the world, I bring warm greetings to you from my fellow Adivasi peoples from India.

Madam Chairperson, I wish to highlight the land issues pertaining to the Adivasis of India with particular reference to the central belt where majority of the Adivasis live today. As is the case with the indigenous peoples everywhere else, land is the umbilical chord for their existence materially and, more importantly, spiritually. The latter aspect is very often undermined but the fact of this far migration from the plains to the hills in search of whatever land could be found, suggests that the Adivasi cannot exist without land. In recent times only when there are no forests and hills left to take shelter, the Adivasi is compelled to move to the cities in order to make a living.

As is wellknown, Adivasi areas ~~were~~ were the last frontiers to conquer for the British in India. This opening up operation began from 1765 from Calcutta, Bombay, Madras and Delhi, the then centers of power in British India. Beginning with extracting the forest resources, the process expanded to mining operations and, in post-independence India, to industrialization and urbanization in the name of nation building. While the administration -- both before and after independence -- has been aware of the Adivasi presence as a distinctive group of people, and have had protective measures by treating those areas wholly or partly 'excluded' from the normal administration (Scheduled District Act 1874, Government of India Act 1919, 1935, State Reorganisation Commission, 1954) it was done only because of the resistance from the Adivasi communities all over the country with varying intensity. The Adivasi rebellions during the entire 19th century are witness to that. The rebellions were in reaction to the far reaching national laws of Permanent Settlement 1793, Indian Forest Act 1869, 1878, 1927 and 1952, The Land Acquisition Act 1894 and the Coal Bearing Act 1957. The government response to these rebellions was brutal repression followed by local laws with provisions of limited autonomy in matters of land management. However, the local laws could be overridden by national laws in the public interest where the Adivasi is considered no public. Thus on the one hand we have the policy of non-imposition from outside and letting the Adivasi areas develop in accordance with their own genius, as expressed by our first Prime Minister Jawaharlal Nehru, on the otherhand the modern temples in the form of big dams, power plants and industries all were built in the Adivasi areas displacing more than 15 million (one fifth of the entire) Adivasi population. While the constitution devotes not less than 23 articles on the provisions for safe guarding the interests of the Adivasis, in practice annihilation and disintegration of the Adivasis is what seems to be in the agenda through :

1. Dissection and distribution of the Adivasi peoples in such a way that they are a minority wherever they are and thereby compelled to give in to the wishes of the majority dominant ruling groups;
2. Scheduling in such a manner that a great many of them (about one fourth) are outside the scheduled areas. An Adivasi loses his/her identity as an Adivasi outside his/her scheduled area. Thus there are about 8 million Adivasi people having moved from the Jharkhand area, not recognised as Adivasi there. Instead they are encouraged to take on the mainstream identity as scheduled castes, at the bottom of the Hindu caste hierarchy;
3. Non-recognition of the Adivasi languages and religions, even though some of the tribal languages (Santali, Mundari, Kurukh) have more speakers than several constitutionally recognized languages.

Conversely and simultaneously the Adivasi areas are being swamped by external populations so that this process of disintegration is complete as fast as possible. Even in the Adivasi majority areas in the Northeast the trend is that of becoming an Adivasi minority area. The first target of the external population is the Adivasi land. From no landlessness one fourth of the Adivasis (about 20 million) are already landless. The irony is that a great many of them have become labourers in their own lands! There are laws with provisions for restoration of Adivasi land taken away forcefully or transferred illegally, but real restoration hardly ever takes place.

In the background of this gloomy picture the parliament has recently (in December 1996) has passed the Panchayat Extension (to the Scheduled Areas) Act which has a ray of hope in the Adivasi areas as it promises autonomy to all Adivasi villages within the Scheduled Areas (=Adivasi areas). Among other things, it promises to the Gram Sabha (village council) full control over community resources, which is to say land, water and forest. Included are also education health and communication. While the funds for development are to come from the state, the village will provide the certificate of their utilization.

Only time will tell how far this law is implemented, In the meantime the Adivasis continue their struggle for survival.

Through your good offices, Madam Chairperson, I urgently call upon the government of India to get expedited the matter of formulation of appropriate laws on the part of the concerned states and get them implemented in the true spirit of decentralization of the democratic process as intended by the above mentioned Panchayat Extension Act.

Thank you, Madam, for your kind attention. — Ram Dayal Munda
Chief President