

The rights of tribal people viz a viz the protection of environment

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INTRODUCTION

Tribal community in India has been most vulnerable community in the equal, domination and exploitation ridden society. They are on the breadline of their socio-economic and political rights. Even after centuries, the unchanged condition of Tribal communities is leading in India. The violation of fundamental human rights and the state brutality has been perpetrated on them, particularly on tribal women. Tribal communities have faced isolation and social discrimination like that of Dalits from the mainstream society. Understanding of current Tribal societies need a basic respect to the historical processes, which have determined the course of consecutive changes in ideological, political, economic and socio cultural life of the Tribal communities. The Indian democratic state accords several statutes in the constitution where the rights of Tribal communities are protected and social justice is determined for. However, the democratic experiment has not been successful in this respect. Therefore, there is a surge of Tribal movements in the country for their rights. All tribal people of India have a thing in common- they all share a history of injustice. The present project explores within the larger framework of human rights in general and how tribal rights violated in particular, in India.

DEFINITION OF TRIBAL PEOPLE, SCHEDULE TRIBE AND INDIGENOUS PEOPLE

According to Oxford Dictionary "A tribe is a group of people in a primitive or barbarous stage of development acknowledging the authority of a chief and usually regarding them as having a common ancestor. D.N. Majumdar defines tribal people as a social group with territorial affiliation, endogamous with no specialization of functions ruled by tribal officers hereditary or otherwise, united in language or dialect recognizing social distance with other tribes or castes.¹ Whereas indigenous people are those which have a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system.² The framers of the Constitution took note of the fact that certain communities in the country were suffering from extreme social, educational and economic backwardness arising out of primitive agricultural practices, lack of infrastructure facilities and geographical isolation, and who need special consideration for safeguarding their interests and for their accelerated socio-economic development. So, these communities were notified as Scheduled Tribes as per provisions contained in Clause 1 of Article 342 of the Constitution.³

CHARACTERISTICS OF TRIBAL PEOPLE

T.B Naik has given the following features of tribes in Indian context:

- A tribe should have least functional interdependence within the community.
- It should be economically backward (i.e. primitive means of exploiting natural resources, tribal economy should be at an underdeveloped

stage and it should have multifarious economic pursuits).

- There should be a comparative geographical isolation of its people.
- They should have a common dialect.
- Tribes should be politically organized and community panchayat should be influential.
- A tribe should have customary laws.

Naik argues that for a community to be a tribe it should possess all the above mentioned characteristics and a very high level of acculturation with outside society debars it from being a tribe. Thus term usually denotes a social group bound together by kin and duty and associated with a particular territory.⁴

CONSERVATION OF ENVIRONMENT

The environment be used in a way that is sustainable, and it ensures that the natural resources will be used in a manner that will meet the present day needs for the resource without jeopardizing the supply of the resource for future generations. By using the environment sustainably, the environment and the natural resources it provides will not be depleted or destroyed permanently - and will be available for human use for a very long time. If people do not manage the land properly and the resources are not being used sustainably, then the environment can be destroyed, and the conservation method will have failed. Gifford Pinchot, who lived from 1865 to 1946, was a leader in the conservation movement. As the United States expanded and more land was being converted for human use, Pinchot was bothered by the method used in transforming the land. At the time, most forests were being clear-cut, which is when all of the trees are removed at the same time. Pinchot did not like this method because he saw the forest as a valuable resource of timber. He thought that it should be managed in a way that enabled human development of the land but also ensured use of the natural resources.⁴

CONTRIBUTION OF TRIBAL PEOPLE IN CONSERVATION OF ENVIRONMENT:

Conservation of Biological diversity is essential in order to sustain the life of human beings as well as other forms of life. Human race has been dependent on plants both for their material needs and emotional needs since its evolution. All over the world people have developed intimate relationship with the surrounding vegetation. Such a close interaction prevails among various tribal communities throughout the world even today. The interaction has enabled to evolve a unique system of knowledge on the utilization and conservation of plant genetic resources.⁴ Cultural diversity in terms of ethnic groups gives us knowledge on the value of plant resources. The knowledge of ethnic groups on the

cultural, spiritual, social and economic values of plants can be of immense use to the entire humankind. It can provide many valuable genes for developing the crop plants that are extensively cultivated today. It can equip the humankind with several new chemicals for combating many human ailments. The very existence of cultural diversity is directly dependent on biological diversity. This traditional ecological knowledge of ethnic groups is not confined to mere sustenance only since the tribal communities depend upon biological resources for their spiritual, religious and cultural needs too. The tribal communities understand all these as life sustaining resources. Therefore they not only utilize them but also conserve them. Erosion of either of this diversity would greatly affect the humankind. Hence, both the biological and cultural diversity should be considered as a unit for a meaningful conservation. Medicinal properties of plants have been recognized and practiced by tribal communities as a tradition for thousands of years. Knowledge on some common medicinal plants of their locality is available with all the members of the community.⁴ Nearly 10 species of food plants, which were hitherto unreported, came into light during the Ethnobotanical studies on six tribal communities in the state of Andhra Pradesh in southern India.⁴ The tribal people have conserved several plants and endangered cultivars of agricultural crops such as rice, maize, millets, grains, legumes, fruits and vegetables which have originated under diverse agro-ecological climates in north -east, central and peninsular region of India, the indigenous communities have their abode, e.g. some of these indigenous cultivars of rice such as Pattambi, Champara, Valsana are conserved by Kurichya, Pariyar, Khasi, Jatin and Garo tribes in North East region - Manipur, Meghalaya, Assam and 150 wild cultivars of rice which are conserved by Santhal, Munda, Birhor and Gond tribes of Madhya Pradesh, Chhatisgarh, Orissa, Jharkhand and Bihar. These cultivars are genetically superior than existing cultivated rice varieties in characters like aroma, grain quality, protein content, digestibility and also found resistance to insects, pests and diseases. Tribal people have been using several plants for combating disease from centuries and are found wide acceptance in traditional medicinal use. Plants like *Equisetum ramosissimum*, *Argemone maxicana* are dried, powdered and paste is applied on infested portion of skin and on wounds. Plants like *Bauhinia purpurea*, *Sida acuta*, *Jatropha curcus*, *Grewia hirsutum*, *Albizzia lebbeck*, *Capparis deciduas* are conserved as used in muscular pain, cure of fever, headache, and body swelling. Plants like *Acorus calamus*, stem bark of *Bunchania lanzan*, stem and leaves of *Moringa oleifera*, *Achyranthus aspera*, *Gynandropsis gynandra*, *Bombax ceiba* are being used as antidote of snake - bite and scorpion sting.⁴

HINDRANCES FACED BY TRIBAL PEOPLE FORCED SETTLEMENT AND MARGINALIZATION:

The tribes of the Andaman Islands – the Jarawa, Great Andamanese, Onge and Sentinelese – are believed to have lived in their Indian Ocean home for up to 55,000 years. They are now vastly outnumbered by several hundred thousand Indians, who have settled on the islands in recent decades. Today, approximately 400 members of the nomadic Jarawa tribe live in groups of 40-50 people in chaddhas – as they call their homes. In 1990 the local authorities revealed their long-term ‘master plan’ to settle the Jarawa in two villages with an economy based on fishery, suggesting that hunting and gathering could be their ‘sports’. The plan was so prescriptive it even detailed what style of clothes the Jarawa should wear. Forced settlement had been fatal for other tribes in the Andaman Islands, just as it has been for most newly-contacted tribal peoples worldwide.⁴

ILLEGAL EVICTION: Stephen Corry, Director of Survival International, the global movement for tribal peoples’ rights, has slammed conservation groups, including some of the corporate "environmental groups" that I have challenged in many of my articles, for failing to achieve its stated objectives, partly because it routinely violates tribal peoples’ rights. In an article published this week by US journal Truthout and British magazine The Ecologist, Corry writes that governments, with the support of conservation organizations, are forcing indigenous peoples off their ancestral homelands in the name of “conservation”.⁴ The illegal evictions of tribal peoples in India, the torture and abuse of indigenous Baka “Pygmies” in Cameroon, and the mistreatment of the Bushmen in Botswana are just a few examples evoked by Corry, which Survival’s “Parks Need Peoples” campaign has exposed, according to a news release from Survival International. Conservation has to stop the illegal eviction of tribal peoples from their ancestral homelands.⁴ It has to stop claiming tribal lands are wildernesses when they’ve been managed and shaped by tribal communities for millennia.⁴ It has to stop accusing tribal people of poaching when they hunt to feed their families.⁴

PHYSICAL TORTURE: Tribal victims are invariably accused of "poaching," a term which now means any sort of hunting, including for food, with which conservationists disagree. That certainly doesn't encompass all hunting. Many conservation organizations, including WWF, don't oppose fee-paying big game hunting. On the contrary, they profit from it, even quietly whispering that it's a vital ingredient in conservation. Guards in tiger reserves intimidate and beat tribal people found on land that was once their ancestral forests. But at least they stop short of the torture to which the Baka

"Pygmy" people in Cameroon are subjected by anti-poaching forces. To return to the advertisement: Conservation is sending in soldiers, just as it always has. Heavily armed, government paramilitary squads accompany "eco-guards," which are equipped using WWF funds. They beat those thought to have entered the protected areas, which are in fact Baka ancestral homelands. Tribal people are assaulted even if they're merely suspected of knowing those who have gone in. Meanwhile, their land is logged and mined, including by WWF partners. A Baka man told us, "They beat us at the WWF base. I nearly died." WWF seems incapable of stopping these abuses. It has known about them for years, but is scathing about those who denounce them: Survival's "absurd" campaign to draw attention to them would, it claimed, help the "real" criminals.⁴

SEXUAL HARASSMENT: Women also have to be at the beck and call of officials and contractors who come to tribal areas to implement projects of development, the study observes. Some women have to undergo sexual abuse at the hand of officers. In order to get grants or subsidies for house construction and building of cattle-shed, women are sometimes forced to oblige to officials. There are no witnesses to the thousands of unreported atrocities on tribal women like rape, sexual harassment, and murders except the forests, mountains, and valleys, the report says. The government promotes and even rewards mixed marriages, between tribal women and settlers from other parts of the State, with monetary awards. But the settlers who marry tribal women usually have wife and children back home. After a period, the settlers go back to their own native places leaving their tribal wives and children in lurch. Among the sexual exploiters of tribal women, the people involved are the police, government officials, contractors, smugglers, flesh-traders, and immigrant farmers. Incidents of death and murder of tribal women have also become common; and almost in every case, the culprits go unpunished.⁴

CONSTITUTIONAL AND OTHER PROVISIONAL SAFEGUARDS FOR TRIBAL PEOPLE:

The Ministry of Tribal Affairs is the nodal agency for implementing the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The Act seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The Ministry, to ensure that the intended benefits of this welfare legislation flow to the eligible forest dwellers, has also issued comprehensive guidelines to the State/UT Governments on 12.7.2012 for better implementation of the Act. Further, to strengthen the Forest Right Rules, 2008, the

Ministry has also notified the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012. The schedule caste and schedule tribe (prevention of atrocities act) envisages various guidelines like, seizing of all illegal arms from non SC/ST from the identified area, setting up of vigilance and monitoring committee at state and district level by the state government. There is also the provision to set up the schedule caste and schedule tribe protection cell.⁴ The constitution of India, considered the mother of all the laws of India, incorporates in itself several provisions safeguarding the interest of the tribal people. The safeguards provided in the constitution can be demarcated into educational, economic and public employment safeguards and political safeguards. Under education, economic and public employment safeguards the constitution provides for prohibition of discrimination on the basis of caste, sex religion, place of birth, race⁴, equality of opportunity in public employment⁴, and promotion of educational and economic interest⁴ for the welfare of the schedule tribes.⁵ Under political safeguards comes the reservation policy in the house of people, that is, Lok Sabha⁵, state legislative assembly⁵, and Panchayat⁵

CONCLUSION

The preceding discussion on the rights of tribal people and the so called “conservation methods” used by the government shows a dubious picture on the part of the government which on one hand gives rights to tribal

people by way of constitution and other enacted provisions and on the other hand snatches away these rights by giving inbuilt powers to the forest authorities and enable them to make their own sweet interpretation of the enacted laws. The main hindrance faced by the tribal people can be summarised as illiteracy, which is played to their greatest disadvantage resulting in forceful eviction, marginalization, harassment etc. The Jarawa tribes are among those tribes which have become the human safari for the tourists. These problems should not be waited to be solved by the administration, courts or governments only, but initiative ought to be taken by the common man and other people concerned for the rights of tribal people. This problem can be solved by creating self help groups, making the tribal people aware of their rights, start income generation programs and increase their involvement. Apart from this boosting their confidence and making them independent will not only help them as a community as a whole but will also help the social structure of the society and strengthen the bond of humanity as a whole.

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<http://indigenouseoples.nl/indigenous-peoples/definition-indigenous>.
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4. Article 46 of the constitution

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