

# The path to righting historical wrongs

The T.N. Govt. needs to set aside its electoral interest to create a self-governed path for tribal development



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The Tamil movie *Jai Bhim* portrayed the discrimination experienced by the Irula community, the second largest of the 36 tribal communities in Tamil Nadu. They are traditional healers, snake and rat catchers, but now primarily migrate to different places to work in brick kilns, rice mills, etc. Like many Adivasi groups in India, the Irulas also continue to suffer the stigma of criminality due to the Habitual Offenders Act, 1952, which replaced the colonial Criminal Tribes Act, 1871. This law is a “crude colonial construct”, which should be repealed at the earliest. The movie exposed the police atrocities, the insensitivity of Government officials and the struggles faced by the community.

The film generated a lot of discussion on the violence and negligence that the Irulas face, but not on the structural issues with governance and the negation of tribal communities’ concerns. For instance, a study by Jocelyn I. Lee and Steven A. Wolf in 2018 on the rate of the formal distribution of rights claims under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, commonly known as the Forest Rights Act, found that no title rights were issued in Tamil Nadu because of a ban on the issuance of titles by the High Court till early 2016. The ban was stayed only after the intervention of the Supreme Court.

The “development-induced displacement” trajectory adopted by the country has often been at the expense of the Scheduled Tribes (STs), either by way of exclusion or forced “inclusion” in a “mainstream” that is completely alien to their “world view” through what the Xaxa Committee in 2014 had called the “ashramisation” of the tribal. Displacement due to the encroachment and appropriation of land inhabited by STs, which are generally rich in forest and mineral resources, has been further intensified in the post-liberalisation period due to corporate interests.



Members of the Irula community playing traditional instruments near Karamadai in Coimbatore, Tamil Nadu. ■ SPECIAL ARRANGEMENT

Hence, the makers of the Constitution, even while underlining the importance of sharing the values of modernity with the STs, who have a great deal of heterogeneity among themselves, had been careful enough to provide a certain degree of autonomy to them to have a say in their development pursuit. Nation states have realised that certain elements in the tribal “world view”, with respect to ecology, language, democracy, equality, property rights, etc., hold important lessons for human progress and sustainable development. Accordingly, the Fifth and Sixth Schedules, which are governed by Articles 244 (1) and (2) of the Constitution, provides certain rights to tribes in the northeast and across India.

## Creation of Scheduled Areas

The Fifth Schedule had been also termed by the Mungekar Committee in 2009 for tribal development as a “Constitution within Constitution”. It allows for the creation of Scheduled Areas by the President of India. Though there are no criteria mentioned regarding the creation of Scheduled Areas, it has become the norm to use four factors, following the Dhebar Commission (1960-61), for the creation of these areas: preponderance of the tribes in the population; compact and reasonable size; underdeveloped nature of the area; and marked disparity in the economic standards of the people.

According to the 2011 Census, with a 1.1% ST population in Tamil Nadu,

Community Development (CD) blocks like Kalrayan hills in Viluppuram district, Kolli Hills in Namakkal district, Yercaud in Salem district and Jawadhu Hills in Tiruvannamalai district have a ST population of 80%, 96%, 67% and 91%, respectively.

The literacy rate in the four CD blocks range between 44% and 62%, whereas the overall literacy rate in Tamil Nadu as per the Census was around 80%. The proportion of non-agricultural main workers, an important marker of urbanisation, is less than 10% in three out of the four CD blocks, whereas it is 60% in Tamil Nadu overall.

The comparative economic backwardness of the STs living in Tamil Nadu is evident from the fact that as per the National Family Health Survey (NFHS) in 2015-16, only 55%, 65% and 37% of ST households compared to 75%, 78% and 61% of all the households in Tamil Nadu had access to clean fuel, concrete houses and sanitation facilities, respectively. The primary survey conducted by the Madras Institute of Development Studies in 2014-15 also revealed that the average size of agricultural land among all landowning sample tribal households in Tamil Nadu was a mere 1.42 acres with a landlessness of 52%. The landlessness among the Irula and Paniyan communities was 89% and 68%, respectively.

These four blocks should be declared Scheduled Areas. Till now, areas with more than 50% ST population had been declared Integrated Tribal Development Project (ITDP)

areas in Tamil Nadu. With the enforcement of the Fifth Schedule, not only are Panchayati Raj Institutions reserved for STs under the Panchayat (Extension to the Scheduled Areas) Act, 1996, but three kinds of autonomy are made available to the STs through the gram sabhas: developmental autonomy pertaining to land alienation, land acquisition, tribal sub-plan, social sector institutions, etc; autonomy over the resolution of disputes as per tribal laws and customs; and autonomy over the ownership and management of natural resources.

## Need to be reconfigured

Additionally, compact tribal areas of reasonable size, constituting villages with no less than 50% tribal population, can be identified in CD blocks with a significant tribal population to demarcate new administrative areas, which can then be brought under the purview of the Fifth Schedule by declaring them Scheduled Areas. This would be only fulfilling a commitment made in 1976 by the Government of India and reiterated by the Mungekar Committee.

Apart from the Scheduled Areas, villages where STs are in minority but still in sizeable numbers should be brought under already existing ITDP areas, which are being governed in Tamil Nadu with the advice of the Tribes Advisory Council (TAC). The TAC is an advisory body and three-fourth of its members must be from ST communities.

The Tamil Nadu Government needs to show political will and set aside its electoral interest to create a self-governed path for tribal development. Of course, these measures alone are not the panacea to all tribal problems. It should be complemented with clear policies and a plan for tribal development reflected in the yearly Tribal Sub-Plan (TSP). The formulation of this plan must include representatives of different tribes in Tamil Nadu. In this context, the promulgation of the Tamil Nadu State Commission for the Scheduled Castes and Scheduled Tribes Act, 2021, is a step in the right direction.

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