

Globalisation, Land Alienation and its Impact on the Right to Livelihood of the Tribal Communities in Kerala

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Abstract India has the second largest tribal population in the world. According to the 2011 Census, tribes constitute 2% of the total population. India has around 461 ethnic groups and they constitute India's indigenous population. India has provided the tribal communities with several protections through laws and constitutional provisions. Despite this they are suffering from many problems. Globalisation ushers in mammoth changes which influence the social, economic, political and even cultural scenario of a country. In India, the mainstream globalisation model has neglected the inclusive growth of economy and has largely concentrated on promotion of gross domestic product, thus creating unhealthy consequences. Its impact has been drastic on the tribal who have been displaced in large numbers by developmental projects which have ignored effective rehabilitation. The neo-liberal movement has not only deprived them of their identity but also their livelihood rights pushing them into abject poverty. The impact of globalisation on the tribal life is also evident in the State of Kerala. The 2011 census report records the overall tribal population in the state as 4,84,839. There are 36 tribal communities across Kerala and 'Paniya' tribes are the biggest tribes among them. The highest concentration of Scheduled Tribes in Kerala is in Wayanad followed by Idukki. The rapid technological advancement and interplay of market forces and the rising power of neo liberalism has led to eviction of the tribal from their land, denying them a right to live with human dignity. Examples of such invasions are ample in the State of Kerala. The paper discusses the impact of globalisation on the Tribal community in Kerala. It seeks to find answers and give suggestions as to how globalisation must be managed in a sustainable manner, respecting the rights of tribal people particularly their right to livelihood. The paper concludes by making suggestions as to how globalisation must be made more sustainable, keeping in view the rights of Tribal communities in Kerala. Strong steps to be taken by the Government to mobilise more assistance to these communities. Any growth model that is adopted must give due respect to the rights of subsistence and cultural identity of these communities. The impact of

globalisation should be such that it makes those who already have a comfortable existence more comfortable and plunge the others into a more dilapidated state.

Keywords Globalisation, Tribals, Livelihood, State of Kerala

Globalisation is a process of interaction and integration among the people, companies and governments of different nations, a process driven by international trade and investment and aided by international technology. This process has effects on environment, on culture, on political system on economic development and prosperity and on human physical well-being in societies around the world. (1)

There are many other definitions given by learned persons. According to A. K Ojha, Globalisation is a process of structural adjustment increasingly emerging as a kind of irreversible process that challenges the importance of the authority and welfare functions of the State, the complex implication of which are far reaching to the developing countries. (2)

According to sociologist, Ronald Robertson "Globalisation as a concept refers both to the compression of the world and the intensification of the consciousness of the world as a whole both concrete global interdependence and consciousness of the global whole" (3)

Globalisation is deeply controversial. Proponents argue that it allows poor countries and citizens to develop economically and raise their standard of living while proponents claim that the creation of an unfettered international free market has benefited multinational corporation in the western world at the expense of local enterprises, local culture and common people. (1) Globalisation is a double-edged sword. It is a controversial process that assaults national sovereignty, erodes local culture and tradition and threatens economic and social stability." It brings instability and unwelcome change exposes workers to competition from imports and undermines government. (4)

There is no doubt that globalization has ushered in massive changes in the economy which has in turn shown its reflection in the social, political and cultural scenario of the country. In India, the mainstream globalisation model has neglected the inclusive growth of economy and has largely concentrated on promotion of gross domestic product, thus creating unhealthy consequences. Its impact has been drastic on the tribal who have been displaced in large numbers by developmental projects which have ignored effective rehabilitation. The neo-liberal movement has not only deprived them of their identity but also their livelihood rights pushing them into abject poverty. The United Nations Declaration on Rights of Indigenous People (UNDRIP) adopted in 2007 recognises among other things indigenous people's rights to self-determination autonomy and their right against forcible displacement and relocation from their lands or territories without free, prior and informed consent. According to the World Bank, development projects involuntarily displace one million people every year from their lands and homes in developing countries. (5) In India alone between 1951 and 1990 around 21.3 million persons were displaced by development projects. Among this number 8.54 million (40%) were tribal or indigenous people and only 2.12 million (24.8%) were resettled. (6)

A growing number of environmentalists and social activists have misgivings about development projects such as dams, industries, mines, railways and roads which impact people's livelihood in different ways. Some of them are displaced (DP) away from their homes. Some others lose most of their land and other sustenance but are not physically displaced and are called project-affected persons (PAP). (6) Most projects count among the DPs/PAP only those who are deprived of their individual land. (7) Most of those who are deprived of their community property resources (CPRs) or other livelihood such as service providers depending on the village as a community are rarely counted among them. (8)

This article focuses on the impact of globalization on the rights of tribes, particularly the violation of their right due unsustainable developmental activities. The paper gives special attention to the tribes in Kerala.

1. Tribes in India- Globalisation and its Impact

The word 'tribe' is generally used for a socially cohesive unit associated with a territory, the members of which regard them as politically autonomous'. (9) Under the Indian Constitution Scheduled Tribes means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 (10) to be Scheduled Tribes for the purposes of this Constitution. (11) According to the Lokur Committee the

essential feature of such community includes- indications of primitive traits ;b) distinctive culture; c) shyness of contact with the community at large; d) geographical isolation; and e) backwardness (12). The Imperial Gazetteer of India, 1911, defines a tribe as a "collection of families bearing a common name, speaking a common dialect, occupying or professing to occupy a common territory and is not usually endogamous though originally it might have been so". (13)

The tribal population of India is around 8.6 percent of the total population of the country which is larger than any other country in the world (14). The tribal population is increasing along with the Indian population but at a rate lower than that of general population. The general population from 1951 to 2011 has increased by 849.46 million. The tribal population from 1951 to 2011 increased by 85.1 million. The percentage of tribal population to total population has increased only 3.31 percent from 1951 to 2011. (15) According to the National Crime Records Bureau's report (NCRB), a total of 5,885 cases of atrocities against indigenous peoples/tribal were reported in the country during 2011, as compared to 5,425 cases in 2010, showing an increase of 8.5% over the year. (16)

The process of globalisation has made unprecedented change in the lives of indigenous people across the world, though the degree of exploitation and marginalisation vary from state to states and tribal group to group. Tribal's as a homogeneous group across India has paid the price for the globalisation process led development which was reflected through the large scale so called developmental projects leading to displacement from the forest, alienation from the land and livelihoods threatening their very existence. This phenomenon is accurately illustrated by the example of the central Indian tribal belt where the states like Orissa, Jharkhand and Chhattisgarh have had enough displacement of the tribal people and alienation from their livelihoods. (17)

The Fifth and Sixth Schedules of the Constitution were specifically devoted to the protection of the hundred million tribes spread across the country. The Indian Constitution provides legal safeguards to adivasi communities and all its policies regarding utilization of resources, whether land, water or forests based on social equity rather than on market economy. (17) But this has not shielded them from the detrimental impact of globalization.

Indigenous people throughout the world sit on the "frontlines" of globalization's expansion; they occupy the last pristine places on earth, where resources are still abundant: forests, minerals, water, and genetic diversity. All are ferociously sought by global corporations, trying to push traditional societies off their lands. (17)

2. Existing Legal Protection

The tribes in India have been given a protective cover by the Indian Constitution and this has facilitated their

upliftment to a large extent. (18) Further there are several legislations that also exist for their protection like the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Many schemes have been designed for their benefit. (19) Constitution of India (20) and other state laws prohibits any transfer of property belonging to tribal communities or the land which is being cultivated by these people for a long time. In both *Sri Manchegowda v. State of Karnataka* (21) and *Lingappa Pochanna v. State of Maharashtra* (22) the Supreme Court ruled in favour of the protection of adivasi lands: in the former case nullifying private purchases of adivasi land and in the latter allowing the State to enact legislation aimed at restoration of lands to adivasis. The Supreme Court had ruled in *P Rami Reddy v. State of Andhra Pradesh* (23) that prohibitions against transfer of adivasi land to persons who were not adivasis were necessary given the poor economic status of adivasis. In *Samatha v. State of Andhra Pradesh and Ors* (24) the Supreme Court declared that the transfer of tribal land to private parties for mining was null and void under the Fifth Schedule. Thus we can see that the courts were also protective about the well-being of the tribes and protective of their right to livelihood.

With regard to the protection of the tribal rights over community forests and other lands, following the central legislation introduced in 1996, the Gram Sabha (Village Assemblies) in the tribal areas has been entrusted to protect the community rights over community land and forest. The Environment Ministry of India has also tried various measures to curb the problem of encroachments. In the guidelines issued by the Environment Ministry on September 18, 1990, State Governments were asked to evict all ineligible categories of pre 1980 settlers and encroachers after October 25, 1980. (25)

The Scheduled Tribe and Other Traditional Forest Dwellers Act in 2006 recognizes the ownership rights of tribes and other forest dwellers who are living or cultivating a specific land for a very long period of time. (26) The Act (27) protects the individual and community rights of tribal people in forest areas and their right to free and prior informed consent in event of their displacement and resettlement. This Act denies right to any land which they have not been cultivating prior to December 13, 2005. (28) Those who are cultivating land but don't have document can claim up to 4 hectares, as long as they are cultivating the land themselves for a livelihood. (29) Those who have a patta or a government lease, but whose land has been illegally taken by the Forest Department or whose land is the subject of a dispute between Forest and Revenue Departments, can claim those lands. (30) Law provides the right to for to use and/or collect Minor forest produce things like *tendu*, *patta*, herbs, medicinal plants etc. "that has been traditionally collected (31), grazing grounds and water bodies, traditional areas of use by nomadic or

pastoralist communities. Section 5 gives the community a general power to protect wildlife, forests, etc. This is vital for the thousands of village communities who are protecting their forests and wildlife against threats from forest mafias, industries and land grabbers, most of whom operate in connivance with the Forest Department. (32) Even though the Act has been said to be landmark legislation, landless Adivasis do not get even a piece of new land under this Act. Moreover, in Wayanad the survey for giving ownership to Adivasis on the forest land under their possession as per this Act has not been finalised so far. (33)

The existence of legal regulations and mechanisms are not in itself sufficient to counter the surmounting alienation of land. Their implementation is far from satisfactory.

3. Tribal Community and Kerala

The total Scheduled tribe population in Kerala is 4,84,839. Out of this 4,33,092 are in the rural areas and 51,747 in urban areas. (34) The Scheduled tribe population constitutes 1.45% of the total population and this has grown from 1.14% in the last census. The highest proportion of Scheduled tribes has been recorded in wayanad (18.53%) and the lowest in Thrissur (0.30%) (34).

There are 36 tribal communities across Kerala and Paniya tribes are the biggest tribe among them. *Cholanaikkans*, *Kurumbas*, *Kattunaikkans*, *Kadars* and *Koragas* are the five primitive tribal groups in Kerala. They constitute nearly 5% of the total tribal population in the State. Cholanaikkans can be said as the most primitive of them and found only in the Malappuram District. Only a handful of families are living in the Mancheri hills of Nilambur forest division. Kattunaikkans, another lower-hill community related to Cholanaikkans, are mainly seen in Wayanad district and some in Malappuram and Kozhikode districts. Kadar population is found in Thrissur and Palakkad districts. Kurumbas are living in the Attappady Block of Palakkad district. The Koraga habitat is in the plain areas of Kasaragod district. Land is the mainstay of the tribes and more than 90% are dependent on agriculture and allied activities. (35)

The tribal communities in Kerala have been historically marginalized and oppressed just as in other parts of India, due to the interplay of many factors; particularly the impact of globalization and privatisation. It has taken a heavy toll on their life. The life of a tribal is intrinsically linked to their land. Land alienation brings catastrophe into their lives and that is what has happened in recent times. The number of landless tribes has increased in the last decade. At present, only 10 percent of the Adivasis in the State possess agricultural land. (36) As already stated the reasons for land alienation are many but the researcher is

concentrating on those related to the developmental activities. Recent rapid technological advancement and unrivalled economic and political strength of world capitalism and the rising power of neo-colonialism through the G-8 directly and the IMF, WB, IRBD, etc. as agencies have created favorable conditions for the evasion and extraction of natural resources from the ecologically fragile territories of tribal people. (13) Capital intensive project has eroded into their social, cultural and economic life. Illegal acquisition of land by private sector companies like Suzlon which erected 31 windmills in Pallakad district is a very good example. (13) The study of Jose Murickan highlights some of the displacement figures among tribes in Kerala. (37) The Idamalayar project displaced between 100 and 150 tribal families. Sixty seven percent of those displaced in the Pooyamkutty hydroelectric project were tribes. The Neriamangalam Hydel project displaced 150 tribal families. The Periyar Tiger Reserve displaced fourteen tribal families. The rehabilitation package for these families was also denied because they had no documents for land in their possession. (13)

The entire tribal population in the Chalakudy river basin had been badly affected by the series of projects, including dams, hydel projects and other related human interventions over the years. "Not only the Kadars, but also the Muthuvas, Malayas, Mala Malasars, and Mannans have been put to suffering by such interventions in the past. Dams and hydel units forming part of the Parambikulam Aliyar Project (PAP) such as the Sholayar, Upper Sholayar, Parambikulam, Peruvrippallam and Thoonakkadavu as well as the Peringalkuthu dam have contributed to this. Construction of the now-defunct forest tramway through the area had also displaced several tribal colonies. (38)

What used to be seen as a cornerstone of the Kerala model was now perceived as having silenced the voices of marginal communities, particularly the tribes. (17) One of the big criticisms on the Kerala model of development was that it was not inclusive to the tribes, fisher folks, Dalits and few sections of Muslims of the State. (17) The post globalised developmental projects and developmental dreams of the state have again made by the deprivation of the tribes of Kerala and the developmental divide has increased between the tribal and non-tribal in the state. (13) Just to reinstate the gravity of land alienation amongst the tribal in Kerala, the author seeks to put forward the data of a study done by the Cochin University of Science and Technology (Cusat)'s Centre for the Study of Social Exclusion and Inclusive Policy for the State Planning Board. The study was completed in 2014 and it states that the average landholding of a Kerala tribal family has steadily plummeted from 2.77 acres to 1.30 acres to 0.66 acres over just the last three generations. (39) It also confirmed significant inter-community differences in the standard of living. The Kurumar community from Wayanad, for example, falls in the medium Standard of

Living Index (SLI) category while the Kurumbar and Kattunaykars fall in the low SLI category. (40)

4. Suggestions

- The Kerala Government would do well to take note of the progress made in the restoration of alienated land to the tribal in particular the primitive tribes as recommended by the Dhebar commission. The Dhebar Commission (1960-1961) stated that within Scheduled Tribes there existed an inequality in the rate of development. During the fourth Five Year Plan a sub-category was created within Scheduled Tribes to identify groups that considered being at a lower level of development. This was created based on the Dhebar Commission report and other studies. This sub-category was named "Primitive tribal group in Kerala, they are – Cholanaikayan, Kadar, Kattunayakan, Koraga, Kurumba.
- The tribal community practically has zero participation in development matters with no autonomy in any form of decision making at present. There is a need to change this. Any development activities affecting their lives must be carried forward after in depth discussion with the community. They can be told about the pros and con of the development projects planned to be undertaken by the Government and their suggestion must be taken.
- According to Chathukulam and John, tribes have been largely left out of the gains of the vaunted Kerala model of development. (41) Model of development has to be inclusive only then it can be called sustainable. In order to make it more inclusive, the procedures must be transparent and the tribal must be taken into confidence.
- Better implementation of existing legislations
- Deterrent punishments to be meted out to the non SCs and STs who continue to be in possession of land belonging to the STs even after evictions orders by the court.
- Implementation of proper rehabilitation packages for tribes who are displaced which is not seriously taken into consideration. Successive governments have given hundreds of acres of land for tribal rehabilitation in many parts of Attappady such as Sholayar, Kottathara, Adwanapetti, Mulagangal, etc., but not a single tribal family has occupied the land as it is unsuitable for human habitation and is far away from their traditional settlements. (42)

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- (1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be
- (2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group with in any tribe or tribal community, but save as a foresaid a notification issued under the said clause shall not be varied by any subsequent notification PART XVII OFFICIAL LANGUAGE CHAPTER I LANGUAGE OF THE UNION
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- [12] Government of India, *The Report of the Advisory Committee on the Revision of lists of Scheduled Caste and Schedule tribes*, Department of Social Security, (1965)
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- [18] Art 15, 16, 17, 46, art 160, 244, 330, 332, 334, 342, 371 A, B, C, F, G, H
- [19] <http://www.legaldesire.com/rights-of-tribals-in-india-with-rspect-to-access-to-justice>
- [20] Schedule 5
- [21] AIR 1984SC1151
- [22] AIR 1985SC389.
- [23] AIR 1998SC1626.
- [24] AIR 1997SC3297
- [25] <http://www.legaldesire.com/rights-of-tribals-in-india-with-rspect-to-access-to-justice/>
- [26] Under Section 3(1) (h) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the rights of settlement and conversion of all forest villages, old habitations, un-surveyed villages and other villages in forest, whether recorded, notified, or not, into revenue villages have been recognized as one of the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands
- [27] Grants legal recognition to the rights of traditional forest dwelling communities, partially correcting the in justice caused by the forest laws
- [28] Section 4 (3)
- [29] Section 3 (1) (a) and 4 (6)
- [30] See Section 3 (1) (f) and (g)
- [31] Section 3 (1) (c)
- [32] <https://forestrightsact.com/what-is-this-act-about/>
- [33] http://shodhganga.inflibnet.ac.in/bitstream/10603/46446/15/15_conclusion.pdf
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107.ecc. Murugan, a tribal activist, whose father, Danda Mooppan, was the tribal head Vattalakki, said, “We had 15 acres of land. But it got alienated years ago. Though a court ordered restoration of 12 acres, nothing has been done till now despite our running from pillar to post for the last one decade.”