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# SUBALTERNS

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## DE(RE)SERVING SCHEDULED TRIBES

Restore Tribal Lands and Resources to Repeal Reservation

① There were dissenting voices on the issue of reservation in the Constituent Assembly Debates in the formative days of the Constitution of India. The arguments against reservation focused on compromise on the merit, advantage to the creamy layer, division of Indian society, etc. Constitutional provisions for reservations were finally approved but only for 10 years. Jaipal Singh Munda, the Oxford-educated tribal Member of Parliament from Jharkhand had then cynically asked the House whether those opposing reservation expected all Indian tribals to come up to his status within a period of 10 years only. The tragedy was that rather than looking at reservation as an instrument of empowerment of the deserving sections of society it was looked upon as a process of 'disempowerment' of a tiny minority, which was already powerful and affluent educationally, economically, socially and politically.

The current debate is as usual centred on the same false assumptions as above. While in the case of the Other Backward Classes (OBCs) it can still be debated whether some of them like Jats, Yadavs, Kurmis, Kunbis, etc. who are already economically, educationally, socially and politically powerful, should be extended the Constitutional provision to make them 'more powerful' thereby threatening to relegate the dalits and tribals to the background. One clear difference between such powerful classes and the tribal creamy layer, however, is that even if the latter are educationally and economically empowered, politically they are not. The ethnicity-based discrimination at the lower level continues even if the tribal creamy layer finds space at the higher level. Needless to say despite all its limitations the legislature on reservation has benefited tribals across the country. It has given voice to the voiceless and visibility in public space. It has empowered them to take on the money and muscle power of capitalists who are capable of 'buying' seats at medical and engineering colleges and at business schools.

② The lot of tribals has not improved in the last 58 years. It only shows a lack of political will. Despite all its achievements, reservation for tribals is only cosmetic and not a treatment of the root cause. The crux of the problem is the impoverishment and deprivation of the tribals of their own resources - *jal, jungle* and *jamin*. The "historical injustice" of centuries cannot be redressed in mere 58 years of half-hearted reservations to the tribals. Article 244 (Schedule V) of the Constitution has special consideration for tribals of Scheduled Areas. The Governor has the *suo motu* overriding power to repeal or amend any Act of the Parliament or legislatures that affect the land of the tribals or lands in Scheduled Areas and also the power to control money-lending. However, Governors of the Scheduled Areas have done little to improve the plight of the tribals in their respective states.

Tribal areas across the country are rich in mineral resources yet the benefits of these go to non-tribals. The example of tribals in Jharkhand is an eye opener in this context. As per the Tribal Research Institute Ranchi Report, based on the statistics of Census 1991, nearly 56.85 per cent of the General Population lacked the basic amenities of life such as electricity, drinking water, toilets, etc. When it came to the Scheduled Tribes as many as 80-90 per cent lacked such facilities. The population living below poverty line in Jharkhand was about 61.57 per cent and an estimate based on this statistic showed that 70-80 per cent of the tribal population was still below poverty line in spite of the vast natural wealth available to them. The alienation of nearly two-third of the total tribal land and the usurpation of tribal right in forest and forest-produce by the Government had further aggravated the plight of tribals.

Hence, land is the crux of the matter in the discourse on reservation for tribals. The colonial forces, which were responsible for the breakdown of the traditional socio-economic and political system of the tribals have now come back in a more sophisticated way under the guise of neo-liberalism, privatization and globalization.

③ Hence, democracy which initially galvanized the tribals as 'empowering' has now been reduced to a weapon of the rich, powerful and corrupt, to control the resources of the already marginalized sections of society. Indian democracy seems to have failed completely in protecting the tribals or else the government of Jharkhand would not have signed 42 MoUs within a span of two years with the likes of the Tatas and the Mittals thereby threatening the very survival of the tribals by displacing them and dispossessing them of their livelihood. How can the institution of democracy have moral authority while it has no political will to rehabilitate the affected families in projects like Sardar Sarovar Dam? Public opinion is being created by the elites where wild life and environment in general and tiger and elephant in particular are given prominence at the cost of tribals.

Therefore, tribals have only one message to those who have been opposing reservations, "Restore all our alienated lands and rather than you giving us reservations, we will give you reservations." Land for tribals is not simply a piece of earth but something that gives them livelihood resources, identity and dignity. Hence it is applicable even to those who have migrated to cities leaving their land behind. Only the restoration of their land can give them a life of dignity and equal opportunity, which is central to the reservation debate and not the merit. The arguments of merit, creamy layer and affirmative action are only an eye wash, an evasive tactics to take people for a ride.

Maybe taking a cue from their tribal brethren the dalits will say, "Abolish the caste system and the reservation will be abolished by itself."

Joseph Marianus Kujur