

2014

REVIEWED INTERNATIONAL JOURNAL

VOL III Issues IV

**Electronic International
Interdisciplinary
Research Journal (EIJR))**

ISSN : 2277-8721)

Impact factor:0.987

Bi-Monthly

Chief-Editor: Ubale Amol Baban



**THE RIGHTS OF THE NATIVE COMMUNITY
IN TAMIL NADU -A STUDY**

History

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Abstract:

The word 'tribe' is a generic term used to identify distinct groups sharing certain characteristics. One need to be cautioned here that when we say common characteristics it does not mean identified, but characteristics identified by anthropologists with high degree of abstraction. In reality each tribal community is a word itself. They have their own distinct culture, language, political system, religion, territorial affiliation, and are self sufficient as a society.

Historically they are often pitched against non tribal for controlling the resources, mainly their ancestor land. Millions of tribal perished in this process. Many more they have been absorbed into non-tribal society, there by permanently losing their tribal characteristics. Presently the ethnic conflicts, incessant wars, conflict induced famines, development process and land hungry non-tribal are displacing the tribal freedom their ancestor land.

Many tribal communities have list their will to survive sacrificing their culture and lives at the altar of modernization and expansionism of Government in the name of the development. It is in situation of tribal now redesigned as Indigenous people seek to change the situation by



coming together on a common platform. They are right fully asserting their right to lead a life according to their ancestral ways without any interference from the so called civilized people.

. Awareness should be created among them in turn must protect their rights against explorative and pressure the government to safeguard their rights and implement welfare measures. The attitude of the people should be changed and must be fretted as criminal case and rules must be hard and fast towards untouchability. In equalities must be reduced and legal measures must be taken to reduce in equalities embedded in the society.

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"Tribe" refers to a group of clans under the recognized chiefs. Land is the soul of the farmers. But for the tribes, hills are more than the soul. The life, habits and thinking of tribes is much affected by the hill and its situation. Here its noteworthy to quote the words of Fredrick Angels, "Where man's productive instruments quality is less and the producers are weak, then there will be much domination of nature of men". The tribes are looked at with an inferior eye by the common people. UNO has announced the year 1993 as the International year of the Indigenous people as for the History of tribal



in Tamil Nadu there are different claims, and different studies, different accounts prevail. No authenticity of tribal history is found so as to arrive at proper understanding. It was during British rule in India, Many people attempted to draw out with anthropological outlook the history of Tamil Nadu Tribal, of course those research threw some light on different ethnic groups. After Independence, it is found very much lacking any fresh new evidences or facts about tribal history, despite several Universities, Research fellowships and scholarships. In our study survey and interactions, we would come across many studies, different accounts from each ethnic group of the different studies, many are with mythological blend. It cannot be simply rejected for the reasons on the pretext of lacking any reconcile evidence. Every studies, fables, and mythological narration in one way or other are found in their heritage, Custom and life style, as well in their physical and social structures and features. Over centuries- being driven to the brinks, the tribe is a social group the members of which live in a common territory has a common dialect, uniform social organization and possesses cultural homogeneity having a common pattern. But perhaps it is very difficult to find these characteristics in many tribal groups today on account of the changes that have been brought out by displacement.

Mishra Kamal K. in his article, 'National forest policy and tribal development, ' has very rightly said that Anthropologists and social researchers have often proved that the tribal economy, material culture, values, belief systems and social organizations are oriented neatly, so as to suit to their forest environment completely and perfectly. The process of socialization among the tribal children from a very young age makes them aware and familiar with the huge resource base around them, i.e. the forest, and also the means to exploit them meaningfully. Panda in his study. "The problems of displacement of displaced people: A study in the coal mines of Brajrajanagar, sambalpur, Orissa, focuses, regarding the compensation of their age old habitation which includes agricultural land, house, trees, well, kitchen garden (badi) etc., were neither paid property not it was satisfactory. Compensation for Bhogra land which was belonging to Zamindars was compensated on the basis of market price, but the compensation for Royati land paid on the basis of general government land. In case of service land, compensation was paid on a very nominal rate, which ranges from one third to half of the compensation for land. Behura in his Article, Environmental changes affecting Tribal women: problems and Solution', has noted Urbanism and Urbanization do not in fact help in the



amelioration of the problems of tribal women. And land has now appeared to be a constraint for development. There is not much land left in a most states for development of landless people. Development of people with minimum spatial dislocation is a necessity at present in India, which is certainly one of the challenges of development. Hansda in the article, Agriculture development in Tribal Areas' stands fully analyzed and thoroughly understood when he says there have been several theories about the original home of the tribal people, but none seem to have established why they migrated from the hills to the plains and from the plains to the hills. Normally they are all peace-loving people not accustomed to any kind of outside interference on their political and administrative changes in the recent past have had a certain impact on their way of life resulting also in loss of landed property and frequent changes of their habitat place. The growth or increase of their population and the pressure on land is also responsible for their movement from place to place or area to area.

Deprived Rights of Tribal People:

Consultation of leaders and elites in every stage of the implementation of housing programming or housing sites is extremely needed. Due provision for the village deity and other religious and institutional rights should be made. Right to have provision for dormitory houses and other existing systems, such as burials or cremation grounds, meeting places etc., should be given. The informal and formal right to carry on the local beliefs and dogma should be taken into consideration during the work of planning the entire site as well as designing the individual houses. Materials those are locally available should be used for the construction of houses. Local people should be employed for the construction of houses. Even after the construction is over tiles should be made locally available for repairing purposes and for the construction of new houses in future by the tribal themselves.

Tribal Right to Lands

Tribal are losing command over land because of inadequate appreciation by the administrative machinery, of the main land relationship in tribal areas, which is the quintessence of tribal life. Studies have revealed that when this man-land equation has become disturbed, it has proved to be disastrous to tribal economy and life, and they have been forced to quit their age-old habitat. Abandonment of the



natural habitat has brought about a deleterious effect on the economy and life of the tribal. The tribal were on the primary sector of economy and pursued an in differential and diffused economic mode, but were forced either by change of environment or by their migration to abandon it because of the loss of control on traditional rights over the natural resources. Now they have taken to several non-traditional economic activities. The tribal who have moved out of their habitats, have eventually encountered a sudden disruption of their social life, because it has happened that members of a lineage and at the same time even brothers, have moved to different places for livelihood. And thus they have been separated from each other. These have resulted in the breakdown of socioeconomic interdependence.

In tribal societies with the rapid change in environment or migration to a new place, the traditional right on the mode of division of labor gets disturbed. However, the onus of management of the family at this critical phase of life too revolves on the housewife. Tribal women make strenuous efforts to pull the family out of the existing predicament. This fact bears sample testimony to the important roles which tribal women play in their social life.

Whenever tribal families move to urban, industrial or mining areas so as to eke out an existence, they are confronted with strange experiences and in surmountable problems.

During the first few days the tribal remain completely disillusioned and dependent in the Strange environment, because of lack of food, water, shelter and place for defecation; kinsmen, friends and neighbors are not around to depend upon. Of course the problem somewhat eases out with the passage of time. In this endeavor the role of tribal women is extremely important. Their strenuous efforts bring hope and solace to every member of their family. They purchase women food provisions out of their concealed savings, procure water from far off places, collect fire -wood and prepare food for the family. In this kind of distress a tribal treats her husband as one of her children. Their strenuous efforts bring hope and solace to every member of their family. They purchase food provisions out of their concealed savings, procure water from far off places, collect fire-wood and prepare food for the family. In this kind of distress a tribal women treats her husband as one of her children. This is of course a metaphor, but it brings to light the fact that most often not the sense of responsibility of a



tribal man is better than that of a child. Temperamentally, a tribal husband behaves as a supreme lord towards his wife, and expects her to work for him, look after his crops and assets, bear children for him, serve food to him in time, pay for his drinks and keep him in good humor. It has been observed that whenever any drastic change in environment of tribal habitat occurred, the landless tribal preferred to migrate to an urban/industrial or mining areas where kings or co-villagers are already there, which has collapsed their right to livelihood. Because, one initially look up to fellow-tribesman for guidance and for assistance in securing employment.

Tribal never experienced the scourge of poverty in their traditional habitat and environment, because forest was a perennial and diverse source of edible items. But under the changed conditions and in the new surrounding they for the first time experience the dire and stark conditions of money economy. In a way tribal women are quick to rise to the occasion and in addition to their domestic rights and responsibilities are constrained to undertake wage labour. Being unskilled, they only market their physical labour, and unscrupulous employers unhesitatingly exploit their helplessness and make under payment to them. The change in the nature of work and work habits terribly affect the mind and body of tribal women. The tribal's, in the new urban environment at the outset feel like caged animals and birds. Particularly tribal women feel more uncomfortable in a slum where they are forced to live. They are unable to articulate in the slum and therefore feel miserable. This brings about a typical psychic affection to tribal women. The forced change from a natural, exuberant and free environment to an artificial constructed and tricky environment often irretrievably confuses tribal women.

The burden of constructing a hut in the new environment to a certain measure exclusively on women as they are the keepers of households. They take initiative in the location of an appropriate site and take the decision along with their moment of their leisure time to the construction of the hut, and collect freely available way-side miscellaneous building materials for speedy completion of the shelters. In the new environment the tribal village diviners, medicine men, occult-practitioners, socio-religious functionaries and mid-wives are not available for service. This implies that in the new environment they are deprived of the services of their socio-cultural functionaries, who assisted them to overcome crisis situations in their traditional society. In their native villages those specialists were part and parcel of social life.



1. Schools, education guarantee centers and alternative schools in tribal habitations for non-enrolled and drop out children.
2. Textbooks in the mother tongue for children at the beginning of the primary education cycle, when they do not understand the regional languages;
3. Suitably adapted curriculum and the availability of locally relevant teaching and learning materials for tribal students;
4. special training for the non-tribal teachers to work in the tribal areas, including knowledge of tribal dialect;
5. special support to teachers as per need;
6. deploying community teachers;
7. Bridge Language Inventory for use of teachers;
8. School calendars in tribal areas appropriate to local requirements and festivals;
9. Anganwadis and Balwadis or crèches in each school in tribal areas so that the girls are relieved from sibling care responsibilities;
10. Special plan for nomadic and migrant workers;
11. Engagement of community organizers from Scheduled Tribe Communities with a focus on schooling needs of children from specific households;
12. Ensuring sense of ownership of school committees by Scheduled Tribe communities through increasing representatives of Scheduled Tribes;
13. involving community leaders in school management;
14. monitoring attendance and retention of children;
15. Providing context specific intervention e.g. Ashram School, hostel, Incentives etc.

The National policy of Education

The policy of education was approved by the parliament in 1986. The policy gives special place to the education of the Scheduled tribes. Besides the general policy enunciating measures and directives for the rejuvenation of education in general, it states some special measures for the



education of the Scheduled Tribes. The following measures will be taken urgently to bring the Scheduled Tribes on par with other.

1. Priority will be accorded to opening primary schools in tribal areas.
2. The socio-cultural milieu of the Scheduled Tribes has its distinctive characteristics including in many cases their own spoken language. This underlines the need to develop the curricula and devise instructional materials in tribal languages at the initial stages with arrangements for switching over to regional language.
3. Educated and promising scheduled tribes youth will be encouraged and trained to take up teaching in tribal areas.
4. Residential schools, including Ashram schools, will be established in large scale. Incentive schemes will be formulated for the scheduled tribes, keeping in view their special needs and life styles. Scholarships for the higher education will emphasize technical, professional and Para professional courses. Special remedial courses and other programmes to remove psycho-social impediments will be provided to improve their performance in various courses.
5. Anganwadis, non-formal adult education centers will be opened on a priority basis in areas predominantly inhabited by the Scheduled Tribes.

UN CRC Committee

The CRC Committee has also expressed its concern "at the absence of an effective mechanism to collect and analyse disaggregated data of all persons under 18 years for all areas covered by the Convention, including the most vulnerable group (i.e. children living in slums, belonging to different castes and tribal groups, living in rural areas, children with disabilities, children who are living and/or working on the streets, children affected by armed conflicts and refugee children)."

IV. Labour and Employment Rights



UN CERD Committee

The Committee has gone on to note that "although constitutional provisions and legal texts exist: to ... protect the members of the scheduled castes and tribes, and although social and educational policies boon adopted to improve situation of members of scheduled protect them from abuses, widespread discrimination against them and the relative impunity of those who abuse them point to the limited effect of these measures.

UN CRC Committee

The CRC Committee has voiced its concern "at the widely disparate levels of enjoyment of the rights in the Convention by children living in different states, living in rural areas, living in slums and belonging to different castes, tribal and indigenous groups... [and] the existence of caste-based discrimination and discrimination against tribal groups, despite these practices being prohibited under the law."¹⁷

UN Human Rights Committee

The Human Rights Committee has added its voice to the growing concern that, "despite measures taken by the Government, members of scheduled castes and scheduled tribes, as well as the so-called backward classes and ethnic and national minorities continue to endure severe social discrimination and to suffer disproportionately from many violations of. their rights under the Covenant, inter alia inter-caste violence, bonded lab our and discrimination of all kinds. It regrets that the de facto perpetuation of the caste system entrenches social differences and contributes to these violations.

Conclusion:

In the year 2000 Human Rights Commission suggested the removal of "Criminal Tribes Act 1981" to prevent those who indulge in criminal activities often the UN committee which works against "Racial Discrimination" made the below mentioned suggestion in 2007. According to these criminal



Tribes Act 1981 scheduled tribes are also changed with baseless criminal cases and convicted under this Act. Even new this is happening regularly.

This act to take action those who “Indulge” in criminal activities often should be abolished and the scheduled illegally and convicted under this act should be given necessary rehabilitation. But till now this act has not abolished. So for condition is pathetic when we say pathetic, we mean every aspect of their living. If the government implements proposals probably this condition can be improved.

More over they are care free and disintegrated in like ambition and so they need to be concretized. This can be done only through edit education. The government must pay special attention to this aspect. Irular community people don't have necessary rehabilitation to rebuild their lives and these remains as black mark.

The Irular were not living with other. And they are living at bank of the river, lakes, and bear of the cultivating lands. They are still considered untouchables. Their children are not given opportunities to at least basic education. They don't have any income generating regular jobs.

They are being harassed by police with the help of the local people by putting baseless cases against them. They are still way below the poverty line. Their poverty, hunger, illiteracy, jobless, state becomes a vicious circle and keeps them in that same state always.

The tribal women and female child were sexually exploited and Harassed by the upper caste persons. Regarding that if the victims any complaint means the police men refuse to get that complaint. Awareness should be created and they in turn must protect their rights against explorative and pressure the government to safeguard their rights and implement welfare measures. The attitude of the Hindu people should be charged and undouchability must be fretted as criminal case and rules must be hard and fast towards undouchability. In equalities must be reduced and legal measures must be taken to reduce in equalities embedded in the society. To provide Human Rights education for Irular community. Establishment of special costs at the level of supreme & high count and district court to try cases of untouchability Effectively implement in spirit and action the scheduled caste and



tribal prevention of atrocities act (1989) and rules (1995)The other organizations such as, (i) Through the media of education these people living in the village should be made aware of the protection of Human Rights. (ii) Government must ensure that its law implements agencies work sincerely. (iii) To protect Human Rights, Serious effort to be made to end poverty, inequality and Economic Exploitation.

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