

Assimilating Adivasis: The Kerala Model¹

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Abstract

Most Adivasi communities and their home lands in the southern part of Western Ghats are divided primarily amongst the states of Kerala and Tamilnadu. The political and economic trajectory of Kerala is said to have placed the State as a total contrast to the rest of the country in terms of human development comparable only to the developed nations. Despite an insignificant just over 1 percent of the population of the state, they have been able to be able to corner centre stage of the State politics for the last two decades or so. This has brought to the fore, the gross injustice and discrimination meted out to them by the governments, political parties and the mainstream population as well. It has exposed the consistent saga of betrayals and injustice puncturing the face of an egalitarian, enlightened and progressive State and its people as an evolved democracy with vibrant democratic institutions. The presentation examines the double-faced dealings that have pushed the Adivasis of Kerala to a state of indignity and destitution. How is this stark deviance within the State managed? Has Kerala managed a vibrant model of self-deception? But every once in a few years, the Adivasi struggles have successfully ripped apart this apparition to expose its ugly underside. Now it's clearly the path of self-determination making a clear break away from a paternalistic overbearing State that could pave the way forward. The Adivasis expect recognition to their political claim to this legitimate path.

Background: Who Are the Kerala Tribes?

The tribal regions in the country can be essentially divided into seven almost contiguous regions namely the southern region, the south-central region, the north-central region, the western region, north-western region, north-eastern region and the island region. The southern region consists of the southern states of Kerala, Tamilnadu and Karnataka, particularly concentrated on the trijunction of the states and all along especially the Western Ghats. Nationally while 8.61 percent of the population is Scheduled Tribes (STs), 5.29 percent of the total ST population of the country as on 2011 is found to inhabit the southern region. The ST population as percentage of the total population of Kerala, Karnataka and Tamilnadu is 1.10 percent, 6.95 percent and 1.45 percent respectively. Of the 36 ST communities in Kerala, 26 of them are found in Tamilnadu and 11 in Karnataka. In other words, the majority of the ST people in Kerala have their counterparts and families across the states, particularly in Tamilnadu. In fact, the traditional homelands of these tribes have been divided amongst the states, and within states by districts, taluks, gram panchayats, and revenue villages pushing them into the periphery within these administrative boundaries. While the mainstream and the government sees the ST population of Kerala as Kerala tribes the people see themselves primarily as a specific tribe living divided amongst the various states.

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The result is that tribal situation is studied with the refusal or reluctance to look at ST communities as they exist in reality, as peoples. Instead they are looked at through the prism of a false artificially created frame which possibly distorts and fragment the existential reality of ST communities. Therefore there is a continuing distortion as though there are tribal communities that belong to Kerala when in reality what belongs to the tribal people of this part of the Western Ghats are taken over and colonized; and tribals mostly dwell in what are appropriately named by the mainstream as ‘tribal colonies’.

Table 1: Basic Demographic Data (2011)

Name of the State/UT	Karnataka	Kerala	Tamil Nadu	India
Total Population	61,095,297	33,406,061	72,147,030	1,210,569,573
ST Population	4,248,987	484,839	794,697	104,281,034
% of STs in the State to total State population	6.95	1.45	1.10	8.61
% of STs in the State to total ST population in India	4.07	0.46	0.76	--
Sex Ratio compared with non-ST in parenthesis	990 (972)	1035 (1085)	981 (997)	990 (938)

Sex ratio is an indication of the status of women in that community. Kerala has always topped the ranking with a very favourable sex ration for both general population as well as ST population. What has not often been noted is that Kerala along with its neighboring state of Tamilnadu with most STs common between them, are the only 2 states in the country where the sex ratio of STs is lower than that of the corresponding non-ST population of the State. The ST sex ratio in 2011 was 1035 for STs as compared to 1085 in the general population in Kerala and 981 as compared to 997 in Tamilnadu. In all other states in the country, the sex ratio of STs is better than that of the general population (990 as compared to 938 was the corresponding national figure). It would be pertinent to question why the status of ST women is lower than that of the status of women in the general population of these two states.

Table 2: Number of Scheduled Tribes

Name of the State/UT	Karnataka	Kerala	Tamil Nadu	India
Number of ST communities	50 Second largest number of notified STs after Odisha (62)	36 (11 in Karnataka) (26 in Tamilnadu)	36	693

PVTGs	1. Jenu Kuruba 2. Koraga	1. Cholanaikayan (a section of Kattunaickan) 2. Kadar 3. Kattunayakan 4. Kurumba 5. Koraga	1. Kattunayakan 2. Kota 3. Kurumba 4. Irula 5. Paniyan 6. Toda	75
PVTGs with a population of less than 1000 persons (2001 census)	-	1. Cholanaicken 326	1. Todas 875 2. Kota 925	19

There are 5 Particularly Vulnerable Tribal Groups (PVTGs) in Kerala (75 at the national level) with also the only cave dwelling PVTG in the country namely Cholanaikayan whose population is just 326 and possibly on the way to extinction.

Table 3: ST population and decadal growth rate

Name of the State/UT		Karnataka	Kerala	Tamil Nadu	India
ST Population	1991	1,915,691	320,967	574,194	67,758,380
	2001	3,463,986	364,189	651,321	4,326,240
	2011	4,248,987	484,839	794,697	104,281,034
Decadal Growth Rate among STs	1991-2001	80.82	13.47	13.43	24.45
	2001-2011	22.7	33.1	22	23.66
Decadal Growth Rate among Total Population	1991-2001	17.51	9.43	11.72	22.66
	2001-2011	15.60	4.91	15.61	17.64
% of STs in the State to total State population	2001	6.55	1.14	1.04	8.20
	2011	6.95	1.45	1.1	8.61
Annual exponential growth rate of Scheduled Tribe Population between Census of India, 2001 and 2011		2.04	2.86	1.99	2.12 (as compared to 1.69 for the whole population)

While the decadal growth rate of Karnataka for the period 1991-2001 was an extraordinarily unnatural 80.82, it is interesting to note that Kerala state had a high decadal growth rate of 33.1 during the period 2001-2011.

Tribal Development: Whither Governance?

Tribal development is a function of governance to which the tribal people have been subjected to. No tribal habitation in Kerala has been brought under the Schedule V area as under Article 244 of the Indian constitution. The southern region as such has no Scheduled Area. This has a history. When the Britishers began colonization of the Indian sub-continent, the only community

Table 4: Tribal Development

Name of the State/UT	Karnataka	Kerala	Tamil Nadu	India
Scheduled Area	Nil Karnataka PR Act 1993	Nil Kerala State PR Act, 1994	Nil TAC constituted Tamilnadu State PR Act, 994	In 9 States; Rules only in 4 states
ITDPs/ITDAs Pockets	5	7	9	194
MADA	-	-	-	259
Cluster	-	-	-	82
Districts with above 50%	-	-	-	90
Districts with 25-50%	-	-	-	62
Districts with above 25% of ST population	-	-	-	152

that refused to subjugate themselves to the British reign but instead continuously waged war. Perhaps the reason was that the Adivasis were the only people who knew what 'freedom' was all about; the rest of the people were largely either enslavers or the enslaved primarily reflected through the widespread prevalence of the caste system that dominated the sub-continent. However, there were exceptions. In Kerala this was particularly so amongst the Paniyas and Adiyas who do not have a living memory of ever having owned land. Their memory begins with being born to be slaves and continue to be slaves in the afterlife.

The persistent battles led the British to buy peace by various administrative arrangements as the Scheduled District Act of 1874. This got incorporated subsequently into the Government of India Act of 1919 and later the Government of India Act of 1935. The tribal dominated hill areas of the northeast became the "excluded areas", literally being excluded from the purview of the British though incorporated as part of the British empire. The central Indian region was designated as the "partially excluded areas", excluded partially from the application of British laws. The traditional self-governing structures were more or less left to themselves though incursion and expropriation of resources increased. The southern region did not feature in this

arrangement; so too other regions as the tribal dominated areas of Assam and W.Bengal for instance. What seems to have been common is that all these areas were areas where British companies had set up coffee and tea plantations. Bringing these under the British total control along with British laws was required for the protection and expansion of these plantations. The Constituent Assembly entrusted with the honourable job of crafting the Constitution did intensely debate the Adivasi question. The administrative arrangement of the British in essence was brought forward into the Constitution through the Schedule VI for the Excluded Areas and Schedule V for the Partially Excluded Area. While Schedule VI areas were incorporated into the Constitution undergoing changes through various amendments, it was left to the President of India to notify the Schedule V Areas. Through an amendment to the Scheduled V in 1976, the President was empowered to add newer areas to the list of Scheduled Areas as prior to this the President could only rescind part of existing Scheduled Areas.

Interestingly the government of Kerala had actually proposed a Scheduled Area of 1,064 square miles with a total population of 1,76,129 as per 1961 Census, out of whom 1,12,000 or 63.5 per cent were Schedule Tribes (STs). However, this was not followed up. Considering the fact that there were a large number of tribal habitations waiting to be included as Schedule V areas, the state governments were expected at least to ensure that the Tribal Sub-Plan Areas are made to be co-terminus with Scheduled Area. Many states such as, for instance, Maharashtra went ahead in this direction. The 73rd amendment in 1992 made the panchayat raj system of local-governance mandatory leaving out the Schedule V areas amongst others, for which it was stipulated that the Parliament is to enact separate legislation. Responding to this, Adivasi organizations in the country came together as National Front for Tribal Self-Rule demanding a law for local governance in the Schedule V areas and politically developing the concept of village self-rule. This political process also interacted with various Adivasi organizations in Kerala; Panavalli (in Wayanad district) agitation and declaration of self-rule was interpreted by the mainstream, including the then Kerala government and a section of the progressives as secessionist, quite absurd and flight of fancy it may seem, but nevertheless could be an indication of the extent such globally discredited ideas as integrationist and assimilationist continue to be popular in the state. It must be remembered that the ILO Convention 107 of 1956² (India signed this) 'a first attempt to codify international obligations of States in respect indigenous and tribal populations' 'the first international convention on the subject...was adopted by the ILO at the request of the UN-System' was critiqued by indigenous people within and outside the UN leading to its substitution with ILO Convention 169³ (India did not sign this) to remove the assimilationist approach of the earlier Convention 107. The UN Declaration of the Rights of Indigenous Peoples of 2007 to which India is a signatory, now provides a detailed comprehensive frame.

The report of the Committee constituted by the government of India headed by Dilip Singh Bhuria to recommend the provisions for the extension of Panchayat Raj to the Scheduled Areas was submitted in 1995. The Panchayat (Extension to Scheduled Areas) Act was enacted in 1996, a result of primarily the political struggle and engagement of National Front for Tribal Self-Rule. Amongst other recommendations, the Bhuria Committee Report t also stated that the process of bringing all tribal habitations within Schedule V was not yet complete; some states including

² <http://www.ilo.org/indigenous/Conventions/no107/lang--en/index.htm>

³ <http://www.ilo.org/indigenous/Conventions/no169/lang--en/index.htm>

Kerala had not even begun the process. Further the so-called A.K Antony - C.K Janu Agreement of 16 October 2001 also included the agenda of bringing tribal habitations under Scheduled V which was not even taken up since then. The National Advisory Council (NAC), Government of India, in its Recommendations on Panchayat (Extension to the Scheduled Areas) Act, 1996 dated 31 December 2012 under Section 3 ‘Other Recommendations to the Central Government’ stated that Kerala state should consider bringing tribal habitations under Schedule V. Once again, in view of the continuing saga of broken promises of the Kerala government, the widely popular ‘*nilpu samaram*’ of the Adivasi Gothra Mahasabha once again brought this in as central to their demands which the government formally conceded on 18 December 2014. Even though the government this time has sent a proposal to the central government, it is unlikely that this proposal will see the light of the day just as the unanimously passed law ‘Plachimada Coca-Cola Victims’ Relief and Compensation Claims Special Tribunal Bill of 2011’ which received a negative reaction from the earlier UPA government and an outright rejection from the NDA government. Though pertaining to Kerala, the fact remains that these have national ramifications which itself is sufficient enough to consider the need to take up these issues as part of a larger national political process and struggle.

Having been subject to the mainstream governance system, the STs reflect largely the trajectory that the mainstream itself has been subjected to in general compounded with specific neglect at best.

Table 5: Health Indicators of Scheduled Tribes

<i>Name of the State/UT</i>	<i>Karnataka</i>	<i>Kerala</i>	<i>Tamil Nadu</i>	<i>India Range</i>
<i>Infant Mortality Rate (2001)</i>	69	64	65	88 (55-113)
<i>Under-five Mortality Rate (2001)</i>	97	89	92	129 (76-175)
<i>Life Expectancy (Years) (2001)</i>	65.2	66.4	66.1	60.9 (55-68.6)

Though the health indicators show that the status of STs in Kerala is by far much better than the all India average, they are comparable to that of the status in the neighbouring states of Karnataka and Tamilnadu, definitely better off than them reflecting the general better off status of the State as a whole.

Table 6: Households seeking health care from traditional healers

<i>States/UTs</i>	<i>Less than 1 percent</i>	<i>1-10 percent</i>	<i>10-25 Percent</i>	<i>25 and above Percent</i>
<i>Karnataka</i>	13	1	3	8
<i>Kerala</i>	3	1	-	-
<i>Tamil Nadu</i>	12	-	-	-
<i>India</i>	133	29	55	191

Source: International Institute for Population Sciences (IIPS). District Level Household and facility Survey, (DLHS-3), 2007-08: India. Mumbai.

However, the propensity of ST population seeking healthcare from traditional healers is far less than the all India picture, but also remarkably less when compared to the adjacent states.

Table 7: Sources of treatment seeking among Scheduled Tribes and Non-Scheduled Tribes

<i>States/ UTs</i>	<i>Scheduled Tribes</i>			<i>Non-Scheduled Tribes</i>		
	<i>Public</i>	<i>Private</i>	<i>Others/ NGOs</i>	<i>Public</i>	<i>Private</i>	<i>Others/ NGOs</i>
<i>Karnataka</i>	47.2	51.8	1.0	41.0	58.1	0.9
<i>Kerala</i>	89.8	9.5	0.6	60.4	39.1	0.5
<i>Tamil Nadu</i>	77.3	17.9	4.8	63.5	35.8	0.7
<i>India</i>	77.3	20.2	2.6	47.7	47.2	5.1

Source: International Institute for Population Sciences (IIPS). District Level Household and facility Survey, (DLHS-3), 2007-08: India. Mumbai

Consequently the STs of Kerala are overwhelmingly dependent on public health service indicating better availability and efficacy besides affordability of the service. However, the public health services in tribal areas show a general shortfall (see table below) in health personnel despite the higher utilization of services in the state by STs. In contrast the health human resource is largely surplus in the neighbouring states though not as much in public demand as that of Kerala.

Table 8: Doctors at PHC, & Physicians, Pediatricians, and Specialists at community health centers (CHCs) 2012

<i>States/UTs</i>	<i>Doctors at PHCs in Tribal areas, 2012</i>		<i>Physicians</i>		<i>Pediatrician</i>		<i>Any Specialist</i>	
	<i>Required</i>	<i>Shortfall</i>	<i>Required</i>	<i>Shortfall</i>	<i>Required</i>	<i>Shortfall</i>	<i>Required</i>	<i>Shortfall</i>
<i>Karnataka</i>	131	*	28	11	11	9	20	20
<i>Kerala</i>	0	0	12	NA	90	85	116	107
<i>Tamil Nadu</i>	66	*	20	20	0	0	0	0

Source: Rural Health Statistics, Health Intelligence Bureau, Ministry of Health and Family Welfare, Government of India, 2012

* Surplus

Table 9: Drinking Water & Sanitation

<i>Name of the State/UT</i>			<i>Karnataka</i>	<i>Kerala</i>	<i>Tamil Nadu</i>	<i>India</i>
<i>Availability of tap water within the households (2011)</i>	<i>Availability of tap water</i>	<i>ST</i>	21.3	14.5	17.3	10.7
		<i>Non-STs</i>	35.6	21.7	28.8	28.5
	<i>Tap water from</i>	<i>ST</i>	15.5	10.6	15.0	7.9

	<i>treated source</i>	<i>Non-STs</i>	28.5	17.4	24.3	23.3
<i>Households with sanitary facility (2011)</i>	<i>*Improved sanitary facility</i>	<i>ST</i>	26.9	62.8	32.2	17.4
		<i>Non-STs</i>	50.6	90.3	46.1	44.3
	<i>Open defecation</i>	<i>ST</i>	66.9	25.7	60.3	74.7
		<i>Non-STs</i>	43.3	3.4	45.4	47.2
<i>Households with drainage facility (2011)</i>	<i>Closed Drainage</i>	<i>ST</i>	13.7	9.2	21.1	6.1
		<i>Non-STs</i>	27.0	25.5	25.4	19.4
	<i>Open Drainage</i>	<i>ST</i>	34.7	14.1	17.9	16.7
		<i>Non-STs</i>	34.6	21.3	25.0	34.7
	<i>No Drainage</i>	<i>ST</i>	51.6	76.8	61.0	77.3
		<i>Non-STs</i>	38.3	53.2	49.5	45.9
<i>Households using cooking fuel (2011)</i>	<i>Clean</i>	<i>ST</i>	14.3	10.5	30.6	9.5
		<i>Non-STs</i>	35.0	37.0	48.7	31.1
	<i>Domestic</i>	<i>ST</i>	65.1	79.0	32.1	43.7
		<i>Non-STs</i>	50.3	59.9	26.6	31.5

The State generally showed poor availability of tap water and where available, the water from the tap water was not from treated source. But the sanitary facilities were better with the least open defecation in the southern region. Again, drainage system was almost non-existent. The state had the least closed drainage and least open drainage too amongst the three southern states. The state had the least closed drainage and least open drainage too amongst the three southern states. The state had the least clean cooking gas available with the STs and correspondingly showed highest dependence on firewood for fuel in the southern region.

Table 10: Occupational structure by types of sector among Scheduled Tribes and Non-Scheduled Tribes

Name of the State/UT		Karnataka	Kerala	Tamil Nadu	India
Primary	ST	68.5	45.8	63.4	65.7
	Non-STs	45.6	22.0	33.6	43.0
Secondary	ST	12.8	30.4	17.1	19.8
	Non-STs	16.9	38.3	32.8	27.6
Tertiary	ST	18.7	23.7	19.5	14.5

	Non-STs	37.5	39.7	33.6	29.4
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The occupational structure showed STs to be least dependent on the primary sector, land. This may perhaps be an indication of high land alienation and landlessness, and/or shift influenced by the general occupational structure and transformation in the state in general. The State has higher percentage of STs in the manufacturing (secondary) sector followed by the service sector, which conform to the general trend nationally but in different degrees.

The Forested Homelands: Enclosed and Excluded

The Western Ghats is increasingly coming under the protected area regime of National Parks and Wildlife Sanctuaries (see Table 11 & 12). The Madhav Gadgil Committee Report on Western Ghats and the subsequent Kasturirangan Recommendations on the Madhav Gadgil Report are yet to be resolved including the area to be brought under the Eco-Sensitive Area. Meanwhile, 36 sites in the Western Ghats have been brought under the Western Ghats World Heritage tag with 12 of them falling within Kerala, mostly in the Adivasi homelands.

Table 11: Protected Area Network

<i>Name of the State/UT</i>	<i>Karnataka (6,482.521 sq kms)</i>	<i>Kerala (2,382.52 sq kms)</i>	<i>Tamil Nadu (3,829.82 sq kms)</i>	<i>India (1,61,221.57 sq kms - 4.90% of area)</i>
<i>No of National Parks</i>	5 (2472.18 sq kms)	6 (558.158 sq kms)	5 (307.84 sq kms)	102
<i>No. of Wildlife Sanctuaries</i>	22 (4,003.431 sq kms)	16 (1,822.862 sq kms)	21 (3,521.95 sq kms)	515
<i>No. of Conservation Reserves</i>	2 (3.79 sq kms)	0	1 (0.03 sq kms)	47
<i>No. of Community Reserves</i>	1 (3.12 sq kms)	1 (1.5 sq kms)	0	4

Table 12: Tiger Reserves Core & Buffer Areas

<i>Name of the State/UT</i>		<i>Area of the core / critical tiger habitat (In Sq. Kms.)</i>	<i>Area of the buffer / peripheral (In Sq. Kms.)</i>	<i>Total area (In Sq.Kms.)</i>
Karnataka	<i>Bandipur</i>	872.24	584.06	1,456.3
	<i>Bhadra</i>	492.46	571.83	1064.29
	<i>Dandeli-Anshi</i>	814.884	282.63	1097.514
	<i>Nagarahole</i>	643.35	562.41	1205.76

	<i>Biligiri Ranganatha Temple</i>	<i>359.10</i>	<i>215.72</i>	<i>574.82</i>
	<i>Total</i>	<i>3,182.034</i>	<i>2,216.65</i>	<i>5,398.684</i>
<i>Kerala</i>	<i>Periyar</i>	<i>881.00</i>	<i>44.00</i>	<i>925.00</i>
	<i>Parambikulam</i>	<i>390.89</i>	<i>252.772</i>	<i>643.662</i>
	<i>Total</i>	<i>1,271.89</i>	<i>296.772</i>	<i>1,568.662</i>
<i>Tamil Nadu</i>	<i>Kalakad-Mundanthurai</i>	<i>895.00</i>	<i>706.542</i>	<i>1,601.542</i>
	<i>Anamalai</i>	<i>958.59</i>	<i>521.28</i>	<i>1479.87</i>
	<i>Mudumalai</i>	<i>321.00</i>	<i>367.59</i>	<i>688.59</i>
	<i>Sathyamangalam</i>	<i>793.49</i>	<i>614.91</i>	<i>1408.40</i>
	<i>Total</i>	<i>2,968.08</i>	<i>2,210.322</i>	<i>5,178.402</i>
<i>India – 47 Tiger Reserves</i>		<i>38770.30</i>	<i>29906.17</i>	<i>68676.47</i>

The impact of protected area regime can be understood in terms of its implications only if seen within a larger geographical space as an eco-region. There are 11 Tiger Reserves in the 3 southern states span an area of about 12,000 sq kms, mostly adjoining to each other, of which 7,000 sq kms is designated as Critical Tiger Habitat or Core Area which by law is to be made inviolate; in other words, the people living in this large landscape are to be evicted without having their rights being determined and recognised under existing law (Forest Rights Act, 2006 for which see below). It is pertinent to note that not a single one of the Tiger Reserve in the region (so too all across the country) have followed any of the provisions required to be followed by law as under Sec.38 V of the Wildlife Protection Act 1972 as amended in 2006. This is besides the fact that the Forest Rights Act 2006 implementation has been extremely poor in the region. Another 25,000 sq kms are marked as Elephant Reserve though not a statutory category but of which 8,000 sq kms is already within the protected area regime. It is unclear what this means to the people inhabiting the area most of whom are Adivasis. Incidentally, in adjacent Mudumalai (also a Tiger Reserve in the Nilgiri District of Tamilnadu) in August 2010 there was an order to demarcate 2,822 hectares from the 44,800 ha plateau for a proposed elephant corridor. In 2007, the government issued an order to acquire 208 ha of private land from within this area for this corridor which in 2010 increased to 1,710 ha. Though being adjudicated in the court of law, presently in the Supreme Court, this is the first such corridor being proposed and litigated. The judgement could set in the precedent for what is to come in future. The region is slated to emerge as the world's largest tiger and elephant habitat. The region is a highly contested zone between populations within the region and from outside the region. What would this mean to the Adivasis whose homelands these are?

Table 13: Elephant Reserve

<i>Elephant Range</i>	<i>Elephant Reserve</i>	<i>Date of Notification</i>	<i>State</i>	<i>Total Area (Sq. Km)</i>	<i>P.A. in ER (Sq. Km)</i>
<i>Brahmagiri-Nilgiri-Eastern Ghat Landscape</i>	<i>1. Mysore ER</i>	<i>25.11.02</i>	<i>Karnataka</i>	<i>6724</i>	<i>3103</i>
	<i>2. Wayanad</i>	<i>2.4.02</i>	<i>Kerala</i>	<i>1200</i>	<i>394</i>

<i>(Karnataka - Kerala- Tamilnadu- Andhra)</i>	<i>ER</i>				
	<i>3. Nilgiri ER</i>	<i>19.9.03</i>	<i>Tamil Nadu</i>	<i>4663</i>	<i>716</i>
	<i>4. Rayala ER</i>	<i>9.12.03</i>	<i>Andhra</i>	<i>766</i>	<i>525</i>
	<i>5. Nilambur ER</i>	<i>2.4.02</i>	<i>Kerala</i>	<i>1419</i>	<i>90</i>
	<i>6. Coimbatore ER</i>	<i>19.9.03</i>	<i>Tamil Nadu</i>	<i>566</i>	<i>482</i>
	Total			15,338	5310
Anamalai-Nelliampathy- High Range Landscape <i>(Tamilnadu - Kerala)</i>	<i>1. Anamalai ER</i>	<i>19.9.03</i>	<i>Tamil Nadu</i>	<i>1457</i>	<i>300</i>
	<i>2. Anamudi ER</i>	<i>2.4.02</i>	<i>Kerala</i>	<i>3728</i>	<i>780</i>
	Total			5185	1080
Periyar-Agasthyamalai Landscape <i>(Kerala - Tamilnadu)</i>	<i>1. Periyar ER</i>	<i>2.4.02</i>	<i>Kerala</i>	<i>3742</i>	<i>1058</i>
	<i>2. Srivilliputhur ER</i>	<i>19.9.03</i>	<i>Tamil Nadu</i>	<i>1249</i>	<i>568</i>
	Total			4991	1626

Responding to a major crisis unleashed by an eviction order of the Ministry of Environment and Forests in May 2002 to evict all encroachers in the forests by September of 2002 (about 3 lakhs evicted and over a hundred killed in violent clashes), a nationwide struggle of forest dwellers for forest rights broke out⁴. The result was the enactment of what has popularly been referred to as the Forest Rights Act 2006 (Scheduled Tribes and Other Traditional Forest Dwellers Recognition of Rights) Act, 2006). Though Kerala government responded immediately after the Rules was notified in 2008 by constituting a working group to suggest an appropriate approach, the impetus all but died down as quickly.

Table 14: Status of Forest Rights Act 2006 as on 31.12.2014

Name of the State/UT	Karnataka	Kerala	Tamil Nadu	India
No. of claims received	2,60,679 (2,56,104 individual & 4,575 community)	37,535 (36,140 individual & 1,395 community)	21,781 (18,420 individual and 3,361 community)	39,59,019 (38,62,155 individual and 96,864 community)

⁴ See details at www.forestrightsact.com

		community)		
No. of titles distributed	7,700 (7,604 individual and 96 community) (2.93 %)	24,599 (65.53 %)	Nil (3,723 ready)	15,56,676 (15,26,969 individual & 29,707 community) 40,124 ready (39.31 %)
Extent of forest land for which titles distributed (in acres)	36,536.12 (10,292.85 individual and 26,242.67 community)	33,018.12	Nil	72,09,746.25
No of claims rejected	1,73,539 (1,71,296 individual and 2,243 community) (66.57%)	7,889 (1.02%)	Nil	17,13,519 (17,09,654 individual and 3,865 community)

Kerala's achievement in percentage of titles issued with reference to the number of claimants was second to Tripura in the country with titles distributed to 65.53% of claimants for a mere 33,018.12 acres. If one were to go by the official records of forest as land use in Kerala as per the Forest Survey of India, a minimum over 9 lakh hectares of forest land should have been recognised; but an insignificant 1.48% of the area has so far been recognised. Most of these are individual rights. It is recently that community forest resource rights of Kadars have been mapped and recognized in Trissur District which is a welcome sign. However, whether this would become a statewide phenomenon remains a question.

Table 15: Minimum Potential and Achievement under Forest Rights Act 2006

<i>Name of the State/UT</i>	<i>Karnataka</i>	<i>Kerala</i>	<i>Tamil Nadu</i>	<i>India</i>
<i>Villages having forest as land use</i>	7,130	317	1,938	1,68,770
<i>Area under forest as land use (in ha) as per FSI</i>	27,51,113.85	9,03,599.44	19,00,140.67	323,48,442.08 (42.27 % of total forest area)
<i>Area recognised as on 31.12.14 (in ha)</i>	14,785.64	13,361.96	0	29,17,680.79
<i>Maximum percent achievement</i>	0.54 %	1.48 %	0%	9.02 % (3.81% of total forest area)

Robbed and Thrown Out: Nowhere to Go

Kerala's model of development is also attributed to the distributive justice with regard to land. The Kerala Land Reforms Act 1963 though benefited a significant section with tenants getting land rights (homesteads rights rather than the much touted 'land to the tiller') actually made the tribal land grabbers the tenants reversing the intended objective negatively benefiting the more

powerful land grabber in the case of tribal . This provided the first legitimate wave of land alienation. Kerala Private Forest (Vesting and Assignment) Act, 1971 planned to put about half the land thus acquired to agriculture also benefiting STs. But caught up in numerous litigations first and later with the Forest Conservation Act 1980, this did not take off in any major way. The Kerala Scheduled Tribes Act (Restriction on Transfer of Lands and Restoration of Alienated Lands), 1975 made all transactions of Adivasi lands between 1960 and 1982 invalid and was to be restored to the original owners. It also restricted transfer of Adivasi lands to non-Adivasis from 1982, without the prior consent of the authorities. However, Rules were formulated and notified full ten years later in 1986. In 1988 a petition was filed in the High Court which in October 1993 directed the government to “dispose of the applications pending before them within six months”. Nothing much happened but instead the ‘Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Amendment Bill, 1996 was passed by the Assembly which the President of India rejected for violation of Constitution. This Act primarily substituted restoration of original lands with providing ‘alternate lands’ up to 5 acres only. An earlier version was returned by the then Governor. Later the Kerala Restriction on Transfer and Restoration of Lands to Scheduled Tribes Act was enacted in 1999. It applied only to transfer of 'lands' as defined to mean 'any agricultural land' and regularised all transfers of land, which do not exceed two hectares. Only land in excess of two hectares would be restored, and in all other cases alternate land would be given to the extent of two hectares. The transferee can retain possession of the land (agricultural land) up to an extent of two hectares. The government has to recompense the tribal applicant his loss by restoring an equal extent of land by way of allotment from the government land. Further the beneficiary tribal has to pay an amount equivalent to the amount of consideration received by such member at the time of the transfer. This was challenged in the High Court which struck it down as unconstitutional. However, the Supreme Court conceded the law as legitimate and within the purview of the powers of the State and concluded that the restoration of actual land is required only in Schedule V areas which the Kerala did not have. However, even this is still not implemented. This is the fate of a legislation that is clear and strong. In contrast, the adjacent states of Tamilnadu and Karnataka does not have any comprehensive legislation to protect tribal lands as Kerala. It is in the context of the abject failure of the Kerala government repeatedly showing itself to be unwilling to implement its own laws meant to benefit the STs that the Adivasi demand for Schedule V area notification becomes valid and legitimate. With the Scheduled Area notification, the Kerala government will have to pass an amendment to the Kerala Panchayat Raj Act 1994 incorporating the provisions of the Panchayat Raj (Extension to the Scheduled Area) Act 1996. There is a provision in this law that transfers the power to restore alienated land and protection of land from alienation to the Gram Sabha.

Table 16: Legislations for Protection of Tribal Land

<i>State</i>	<i>Legislation in force</i>	<i>Main features</i>
<i>Karnataka</i>	<i>The Karnataka Scheduled Caste and Scheduled Tribes(Prohibition of Transfer of Certain Lands)Act, 1975</i>	<i>Act prohibits transfer of land assigned to SCs and STs by government. No provision to safeguard SC/ST interest in other lands.</i>
<i>Kerala</i>	<i>The Kerala Scheduled Tribes (Regulation of</i>	<i>Act of 1975 made applicable with</i>

	<i>Transfer of Land and Restoration of Alienated land) Act, 1975. The Kerala Restriction On Transfer By And Restoration Of Lands To Scheduled Tribes Act 1999</i>	<i>effect from 1st June, 1982 by notification of January, 1986; prohibits transfer of land of tribals and provides for its restoration.</i>
Tamil Nadu	<i>Standing Orders of the Revenue Board BSO 15-40. Law against land alienation not enacted.</i>	<i>BSO 15-40 applies only to Malayali and Soliga tribes. Prohibits transfer of assigned land without approval of DC.</i>

Conclusion

Kerala has had a strong history of democratization of its society with anti-caste movements and the left movements which generally saw the Kerala society show a liberal and progressive political consciousness which became the dominant discourse. This is in contrast to other states where such discourse has remained and still remains so at the periphery. This has also, for instance, had its influence in the formal system of local governance. The panchayat system was mandated by law to transfer 29 subjects in terms of funds, functionaries and functions to the panchayat raj structure. Amongst all states in the country, Kerala is recognized to top the list. Besides, there has also been initiatives such as the ‘People’s Plan’ intended to go beyond what is prescribed in law. Also as nowhere else in the country, 40 percent of the funds are allocated to the panchayat as untied funds opening up the space for certain autonomy for people’s planning. The point to be noted is that this has opened up the space for people to contest. It is interesting to note that though ST population is a mere 1.45 percent and in numerical terms less than 5 lakhs, yet the Adivasi issue has come up front and remain a top political issue since the 1990s. This is not the situation in the adjacent states of Kerala, or in many states elsewhere.

In contrast to this positive situation, what one also sees in addition is the development initiatives in the hill regions, be it Wayanad, Idukki or for that matter Attapady of Palakkad District (through the special vehicle called Attapady Hill Area Development Society, a government initiative). Unlike the development neglect that one comes across in most tribal regions in the southern and central region, one finds that the tribal regions of Kerala are fast transforming into well serviced urban clusters. What has been arguably accepted is that the tribal area has been developed but which pushed out the tribal people to destitution and utter misery. The result has been the now well documented traumatic saga of ‘unwedded mothers’, sexual abuse of Adivasi women by non-Adivasi men, and hunger deaths, particularly in Wayanad and Attapady. There has been widespread migration of Adivasis to other states and stories of body bags returning abound as are the migrating Adivasi women becoming alcoholics. The recent large scale starvation deaths of infants in Attapady had sent waves of despair across the state. All these are happening in a State that is more democratic and where ST development and welfare programmes are better implemented. It clearly indicates that the Kerala Model of assimilation of STs through welfare and development, and literacy in an atmosphere of well developed democratic institutions – the political parties, the media and judiciary, has miserably failed. More of the same would simply add to the accumulated failure. Rather, the lesson to be drawn is that this paternalistic approach has been disastrous though benefiting certain ST communities who were already better advantaged due to other reasons and therefore better placed. Definitely ST development most benefited non-STs.

Now with the Ministry of Home Affairs, Government of India, sending an advisory that a Western Ghats Zonal Committee of the Maoists has been constituted, the hill region is swarming with special police and paramilitary forces such as the 'Thunderbolt'. Some stray innocuous incidents have been built up and the pallor of fear has successfully been spread by the governments, administration and media. The result is further alienation of the Adivasis, isolation from the outside world, constantly being watched and considered to be easily susceptible to a modern disease called 'Maoism' which the Adivasis are deemed to be particularly prone to. What one sees is that the Adivasi approach which has thus far been 'development and welfare' is now been added with a layer of 'national security'. As the tribal habitats are being depopulated of tribals to make it into the biggest enclosure for tigers and elephants for securing and showcasing them for eco-tourism, the security net soon depresses the land market that they become easy and lucrative for major resource grab by big business.

A three pronged approach of an efficient criminal justice system which Adivasis can approach and get justice, restitution of what the Adivasi have been deprived of illegally and their empowerment as available in law including the Schedule V area can at least provide a new framework with which the Adivasis can fight their battle for survival and dignity.