A Study on Human Rights of Unorganised Tribal Workers at Neyveli

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Abstract: This study examines the Human Rights of Unorganized Tribal workers engaged in traditional occupation of snake hunting and vending of herbal medicine in Neyveli. Tribes are the depressed class of Indian population groupings that are explicitly recognized by the constitution of India. The present study is conducted at Neyveli. 50 Samples were drawn from the target population under random sampling. The primary data obtained from the structured interview schedule which brings into light the inner realities of the Scheduled Tribe workers in the area of Neyveli who have been deprived of the basic human rights to worst extent. However a paradigm shift leads to many tribes becoming self employed, unskilled workers in organized and unorganized employments. A few are employed with Government. A few suggestions are made for the development of the distressed tribes residing unauthorizedly in small huts who often face lawful evictions of the Government authorities. The ostentatious picture of this study reveals the fact that the Human Rights of the Tribal workers are violated in many forms.

Keywords: Human Rights, Depressed Class, Paradigm Shift, Eviction, Ostentatious Picture

1. INTRODUCTION

The term "human rights" is a relatively modern invention. It covers under its umbrella three different types of rights which include the fundamental freedoms or classical civil liberties, ethnic and religious rights, and socio-economic rights (Greenfield, 1981). Human right means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. Our constitution guarantees certain fundamental rights. The Fundamental Rights are defined as basic human freedoms which every Indian citizen has the right to enjoy for a proper and harmonious development of personality. These rights universally apply to all citizens, irrespective of race, place of birth, religion, caste, creed, colour or sex. They are enforceable by the courts, subject to certain restrictions. Article 366(25) of the constitution refers to scheduled tribes as those communities who are scheduled in accordance with Article 342 of the Constitution. According to Article 342 of the Constitution, the Scheduled Tribes are the tribes or tribal communities or part of or groups within these tribes and tribal communities which have been declared as such by the President through a public notification.

The tribes of India possess distinct and unique characteristic feature (Ghurye, G.S. 1960). The Tribe are most vulnerable groups (Manoria.C.B, 1950) As per the 1991 Census, the Tribes account for 67.76 million representing 8.08 percent of the country's population. Tribes are spread across the country mainly in forest and hilly regions (Dube, 1957). The Tribal communities for economic purpose migrate from place to place and their mobility is based on many factors influencing their pattern of employment and traditional occupations (Singh, K.S. 1992) The Tribes in Neyveli are mostly self employed persons.
The tribal men and women comes under this category of self-employed persons category according to the definition of Unorganized Sector Workers' Social Security Act, 2007. The Scheduled Tribe men and women in Neyveli are also engaged in other works which are covered by the definition Unorganized sector (Sen, Cita 2000). The unorganized labour constitutes a widely exploited section of the society (A.M. Sharma, 2006). "Unorganized sector worker" means a home based worker, self-employed worker or a wage worker in the unorganized sector. The term Unorganized Workers has been defined in other way by the Government of India. In its annual report the term Unorganized labour has been defined as "those workers who have not been able to organise themselves in pursuit of their common interests due to certain constraints like casual nature of employment, ignorance and illiteracy, small and scattered size of establishments'. Nevertheless Social Security measures are rare in the unorganized sector (S R Sharma, 1997). Almost all of them had migrated from various parts of Tamilnadu and settled in and around Neyveli in groups some thirty years back. The peculiar characteristic feature of the migration and settlement is that the groups migrate with their families and friends and construct small huts for dwelling.

The India has the tribes that help in catching snakes and collect the snake venom. The tribal way of living is slowly changing from their original forest dweller existence to one near the mainstream life. In order to protect the Human Rights of the Scheduled Tribes the Government of India had brought an amendment in article 338 of the constitution in 2003 wherein a new Article was inserted as 338 A (1) which paved the way for the creation of the National Commission for the Scheduled Tribes. (Bansal, S. I. 1999) Article 15 (4) of the constitution provides for special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. The Parliament has also passed the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to prevent the commission of offences of atrocities against the tribes. The International Instruments on Human Rights too provides for the protection of human rights of the scheduled tribes in various ways. ILO Conventions Nos. 107 and 169 on indigenous and tribal peoples are the only two international legal instruments adopted specifically on the subject by the international community. They reflect the ILO's concern, since 1921, for promoting the rights of these peoples and enhancing their position within national societies. Many of the Articles in the Universal Declaration of Human Rights 1948 protect the rights and interests of the Scheduled Tribes. However priority which one of the factor contributing to the violation of Human Rights violation forms the essential part of the Scheduled Tribe Labour (Sen, A 1984). With this backdrop the socio economic conditions of unorganized scheduled tribe workers were examined.

II. Statement of the Problem

Multitude of problems surrounding the unorganized tribal workers draws the attention of Human Rights Activist, Labour Activist, and Philanthropist in the recent times. As a result research studies on tribal labour began slowly. In addition to the legal provisions specifically applicable to the tribal labour a number of other national and international laws are also applicable to tribal labour. Now the research problem is whether all these protective measures really improved the standard of living of the tribal labour? The question again arises whether the tribal workers enjoy the fruits of Human Rights. With this objective a study was conducted Neyveli which is 200 kilometers from Chennai.
III. Need for the Study

There is an imperative need to take up more studies at this level to understand the problems of tribal workers more vividly. Such an understanding is absolutely necessary to evolve an appropriate strategy to deal with their problems and to bring about overall development of tribal workers including the enjoyment of their Human Rights.

IV. Scope of the Study

The study covered scheduled tribal workers in in Neyveli. The tribal labour in Neyveli belongs to three categories namely (a) Ezhuthaiketan (b) Malaiyarar and (c) Irular. These people are not the natives but migrated from the other district some thirty to forty years back. These tribal people mainly settled in groups in various parts of Neyveli. The study focuses the Socio economic, living and working conditions of the tribal labourers. There is also an extensive scope for many more studies in this context to enable the administrators to devise an appropriate strategy to improve the overall conditions of tribals.

V. Objectives of the Study

The overall objective of the study is to understand and analyse Socio-economic, working and living conditions of Women Construction workers and thus it has its focus on the following specific objectives. (a) To study the socio-economic profile of tribal workers. (b) To understand the nature, pattern of employment, migratory character and living conditions of tribal workers in Neyveli. (c) To examine the Human Rights of the tribal labourers. (d) To study the social security measures extended to tribal workers and to suggest suitable measures.

VI. Research Design

The present study is an exploratory case Descriptive Design. While the exploratory design is employed in order to gain familiarity with the situation of tribal workers, the descriptive design is used for portraying accurately the characteristics of tribal workers and for determining its association with the socio-economic factors. The present state of affairs of the tribal workers in Neyveli is studied and analysed with statistical tools. Survey method is used for eliciting data from the target population. The researcher collected some of the information by observation of the groups.

VII. Sampling Method

As the tribal workers are settled at groups in specified areas, it was very easy for the researcher to identify the sources from one group. Accordingly a target population of 150 families is found to be residing in 3 different locations of Neyveli. One third of the family target population is taken as sample size under random sampling method. 50 numbers of units is taken as sample for the study. Structured close ended questionnaire in regional language. The data collected through the schedule is tabulated and statistical tools were applied to analyze the data in scientific way. The present study is based on both primary and secondary data. Secondary data were collected from the published books on tribal labour and 3 resources. Statistical tools like percentage analysis, Chi square Test were employed to enrich the study in a logical manner.
VIII. FINDINGS OF THE STUDY

Majority of the respondents are found to be illiterates not attended school. 42 of the respondents are self employed. 79% of the respondent spouses are also self-employed in rag picking and some people engage themselves as pig and cow herd workers. The tribal men and women do not possess any specific skill except catching the poisonous snakes. Around 6% of the respondents still depend on snake charming which fetches an income range from Rs 75-100. Tribal labourers do not possess awareness on many issues including Government welfare schemes. The mean age of the respondents are found to be 36.4. All the respondents are migrated from elsewhere to Neyveli and have encroached the area belonging to the Government and are residing in the huts unauthorisedly. As their huts are constructed in the Government lands they have repeatedly evicted by the Government official under the provisions of the Public Premises Eviction of Unauthorized Occupants Act, 1971. The huts are not electrified. Water supply was not found and the respondents have to go depend up on the Rehabilitated Sri Lankan refugee settlement camps for water. Basic amenities like latrines and bathrooms are totally absent. The Right to shelter and the Right to life which includes Right to life with dignity guaranteed by the constitution have not altered the innocent tribals. Of late the tribal workers started sending their wards to schools. However they are not showing much interest in the education of their children. Many of the girl children are also helping their mothers in picking the rags for additional money. The average pay of the respondent per day remain Rs 200/- while their spouses earn at least Rs 150/- a day. Around 60% of the respondents had been receiving the commodities like rice from the Government owned Ration shops with their cards. The remaining 40% of the respondents are yet to get their ration cards despite repeated application at regular intervals. The presents ration cards were issued ten years back by the Government authorities. Only 24% of the respondents are engaged themselves in their traditional works. Among them majority are engaged mainly in catching the snakes on call from the consumers. The respondents earnestly admit that they get even Rs 500/- per snake if the call is emergency from the public in times of need.

Due to stiff implementation of the Wild Life (Protection) Act, 1972 their traditional work of snake catching for money is affected and as result many of them turned away to other jobs like Cow and Pig herd. Many of them are also seen in the butcher shop engaged for killing and cleaning the animals for food. As the respondents are under intermittent employment they are not aware of the day of the rest and rest intervals. Minimum wages payable to the tribal labour are totally denied by the employers.

Social security measures are distant dream for the respondents. There are no provisions for the traditional tribals for the enrolment as beneficiary under the provisions of The Tamilnadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982. The tribal people are deprived of their legitimate right of receiving the ST community certificate from the revenue authorities.

Their legitimate Right to Development enshrined in the International Instruments on Human Rights is greatly affected. While at one end elite group and their families are climbing the ladder to the highest positions through the provisions of the reservations of ST are enjoying the constitutional provisions. Lack of awareness imposed up on the part of the respondents by poverty lead a life without any ambition. Their life style is unique. The hard earned money is spent lavishly, in the evening the respondents drink the liquor with their spouse and engage in singing songs. Family planning and importance of the maternal health of women is not paid much attention. Traditional methods of abortion are also resorted to by the elderly women. The child death rate during pregnancy though seems to be less but the dreaded diseases like TB are largely found high among the respondents Neyveli Lignite Corporation under the Corporate Social

Responsibility runs a General Hospital. The respondents reported to have been using the NLC General hospital. As the respondents are frequently changing their employers as their work itself is casual in nature, there is no permanent employer and employee relationship. As a result their rights to certain benefits under various legislations are not favorably considered. In simple the respondents are only concerned on the present day and are not worried about the day to come.

The respondents have not registered their name as beneficiary under the provisions of unorganized labour. The respondents are seen only as 'Tribal people' but not as tribal labour. It is need of the hour to change the perception of the Tribal people as TribalLabour to improve their socio economic conditions. During the data collection many of the respondents with desperate heart and tears on their eyes reported that they are disadvantaged of the Colour television sets while same has been issued to others in the same locality except them. Domestic Violence like wife beating is very common. Divorce and separation are decided by the head of the group and not by law. The divorced or separated women continue to live in the same groups as separate family or with the parent's family. Adultery however is considered as sin and they believe in chastity as god's gift to their groups. The cases HIV / Aids are completely away from their groups. With an average monthly income of Rs 5000/- many of the respondents lead a life in the small huts with big question of eviction. Their gloomy faces during the data collection really revealed the distresses conditions more vividly.

IX. RECOMMENDATIONS

The trade unions, Non government organizations and the Government have to initiate appropriate steps to spread the awareness on various provisions of the welfare applicable to the tribal labourers. Basic amenities like water, electricity, toilet facilities are to be extended to the respondents. The respondents are to be provided community certificate by the revenue official after proper enquiry. The Tribal Labourers are often evicted without prior notice by the enforcement authorities who cause loss of the property and affects the mental their health. Hence appropriate instruction is issued to the authorities to adhere to the provisions under due process of law. The tribal labourers family has been residing in the same locality for more than 2 decades but still 40% of the respondents are not issued the ration cards. The Revenue officials are to consider the request of the respondents on merit and issue the same immediately as majority of the respondents are below the Poverty line. It is the time for the government to consider the poor tribals for providing allotment of Houses on priority. The changing nature of the employment due to stiff enforcement of Laws lead the respondents to seek alternate employment but due to lack of awareness are exploited and their legitimate legal rights of minimum wages, working hours, equal wages are violated in many forms. Hence a creation separate cooperative employment society under the supervision of the Government officials exclusively appointed for the tribal welfare could bring better results.

X. CONCLUSION

The conditions of Tribal workers in Neyveli are found to be pathetic. As majority of the workers are illiterates they are not aware of their legal rights and as a result their employers in many ways have exploited them. The Tribal Labourers are un-organized workers. It become easy for the employers to get rid of various legal obligations required to be performed statutorily under various Acts. The legal rights of Tribal workers are violated in many forms. The conditions of ST workers in unorganized sector thus need the immediate attention of the government, employers, trade unions, N.G.O's and mass media. Insecurity of tenure and fear of eviction from the Government lands where they have lived and thrived
for generations are perhaps the biggest reasons why tribal communities feel emotionally disturbed and mentally weak in approaching their problem with courage through organized effort. Special steps have to be taken by the Government to promote welfare and development of Tribal Labourers and their families in Nayweli.

REFERENCES