CHAPTER VII
CONCLUSION

The problems and issues faced by the Adivasis of Wayanad district in Kerala are multidimensional and they often assume a mysterious proportion. The Adivasis have been alienated from their natural habitat, the forests, first by the colonial masters and then by the migrants, encroachers, the land mafia and the developmental projects of the government. The social, economic and cultural life of the Adivasis are pathetic and these conditions conspire against them in denying their rights. Their educational and economic backwardness force them to remain unemployed lacking even political consciousness. No wonder they have failed to put up themselves as a vote bank in Kerala politics.

Human Rights Denial: How Does it Happen?

The Adivasis are a set of people whose human rights are perilously in question. They do not enjoy these rights. The rights ought to be positive conditions anywhere. But here a group of conditions conspire to endanger these rights.

First, the social life of Adivasis is miserable. They have no easy way to come together and socialise.

Second, the economic condition is hopeless. They do not have jobs or permanent earnings.

Third, the Adivasis do not constitute a political force. Therefore, the political parties and the government choose to ignore them.

Fourth, their cultural standards are also not so modern. They maintain a separate and distinct culture.

Fifth, the Adivasis maintain poor health level. They do not have a healthy living environment. Therefore, contagious diseases are common among them.

Sixth, most of them do not possess land for themselves. Thus, they are denied an identity and the essentials of a good life like pure air, pure water and a place to bury their dead.
All these point towards the fact that their circumstances do not allow them to enjoy human rights. Their social setup does not help them to move with changing times.

The Adivasis constitute the most deprived section of the Indian society. In every aspect of life they are locked in sub-human standard and are increasingly subjected to feudalistic claws of oppression and capitalistic culture of exploitation. Poverty and deaths due to starvation and diseases resulting from malnutrition are their eternal masters. They have become socially downtrodden, politically marginalised and neglected and culturally the invariable satellites of others. One of the main causes of this murky state of Adivasi life is the unabated process of land alienation. The spread of civilization into the forests lands and the High ranges has practically created considerable problems among Adivasis who had occupied such land over centuries as their homeland. The extension of civilization has brought them into economic and social conflicts of which they have no potentiality and caliber to withstand as they belonged to the poorest sections of the society. The result is that the integrity of the Adivasis as social groups has been lost. They are kept out of the mainstream of the social, cultural and economic developments. The Adivasis in Kerala are also found in this general situation prevailing in India from which they have not come out so far. The main reason for this gloomy situation is their backward economic status and meagre resources. Although they participate actively in production relations they have no control over the means of production. Most of them live under poverty line and all the governmental measures adopted for their progress have failed to lift them above that line. The Adivasi land alienation is a major contributory factor for the continuance of this situation.

Therefore, the denial of the right of the Adivasis to lead a dignified life in the mainstream of the society, enjoying the resources of the nation, is the violation of their human rights in all respects.

The concept of human rights originated from the voices of protest against oppression perpetrated by the dominant groups in the society. In modern times, this vision of human liberation tries not only to ensure limits for state’s authority but also tries to impart certain duties to the state. This thesis has attempted to study the problem of human rights violations among the Adivasis of Wayanad district in Kerala.
and the response of the state to such violations. The study makes it clear that the socio
economic conditions of the Adivasi life are pathetic and these conditions go against
their enjoyment of human rights. In the modern democratic society all are equal, but it
is not true in the case of the Adivasis. India has got freedom, but the Adivasis are not
free.

**Adivasi Problem**

It is of utmost importance to comprehend the Adivasi problem, of all. The
Adivasis are of the opinion that they should have a say in deciding their pattern of
development. The crux of the problem of the tribal development is that the tribes
belong to a culture, which is fundamentally different from that of the non-tribals. They have chosen to continue their primitive life and the habits and have not severed
connections with nature. The condition of the vast majority of the Adivasis is in
between. The coming of the encroachers to the forests deprived the Adivasis of their
traditional means of livelihood and the various measures adopted by the government
for their welfare have compelled them to part with their old ways of life. However,
the well-meaning government measures have not been able to give them an
alternative, self-sustaining and fully integrated method of living. They have been
pulled out of their habitat but have not been properly rehabilitated in their new echo-
cultural setup. Their worldviews, value system, ecology and economy are built on
entirely different bases and there is very little in common between them and those
who are engaged in ameliorating their conditions. The tribes themselves do not
constitute a homogeneous group. The following problems are to be taken into
account while trying to solve their issues.

First, the tribal officers are not equipped with suitable mechanisms and
training to deal with the tribal problems. Second, the tribals cannot sell off their
products eventhough the officers supply the base. For example, milk cannot be sold
off as the market is far away though cow is supplied. Third, the tribals, all of them, do
not have enough knowledge about cultivating their land even if land is given to them.
Fourth, the Co-operative societies have all been dominated by vested interest and the
tribal interests have not been secured. Fifth, in the case of education, dropout rate is
very high even at the primary level. Many of them do not go to high school. At the
college level also, there is the problem of drop out.
In short the problems of tribal brethren are somber and macabre. They are bonded labour, the feudal serfs, the raped womanhood, the murdered and molested *les miserables*, aliens in their home and exploited by plainsmen, living in slums and dying in distant hills. There are rehabilitation plans for Adivasis which prove to be money-making plots for intermediaries. Thus Justice in jungle is still in shambles.

**Government Policy for Adivasi Development**

Historically the Britishers adopted the policy of isolation and kept the Adivasis away from the main stream of the Indian life. Mahatma Gandhi emphasised their development so as to ensure their integration with the rest of the country. Only after independence, India became fully conscious of her responsibilities towards the Adivasis. The framers of the Constitution wanted to device a suitable formula, which would protect the tribal economic interest, safeguard their way of life, and ensure their development, so that they might take their legitimate place in the general life of the country. The generous heart of a new resurgent India was expressed in the moving words of Article 46 of the Constitution, which states that “the state shall promote with special care the educational and economic interests of the weaker sections of the people and in particular of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation”.

In conformity with the constitutional direction, a new approach for the Adivasi development was initiated in the fifth Five Year Plan, which aimed at harmonising the conflicting situation and ensuring development of the Scheduled areas. Attention had to be focused on each identifiable group’s problems, so that a definite perspective may emerge for their development. The Tribal Sub-Plan, which was envisaged for the total development of the Adivasis, is not serving the purpose but the beneficiaries are the intermediaries including officials. The financial investment in tribal sub-plan flows from four sources, namely (1) outlays from the state government Plans, (2) sectoral outlays from the Central Ministries/Departments, (3) Institutional finance, and (4) special central assistance.

The solemn principle delay in justice is equal to denial of justice is absolutely right in respect of Adivasis. The time is already delayed. The stark fact is that, despite judicial bombast and paper plans and multi-point programmes, the Scheduled Tribes
are at the victim’s end of barbarity and injustice, privation and sharp practice inflicted on them by the civilised gentry.

**Adivasis and their Human Rights**

Adivasis are an inseparable part of Kerala population and for that reason the state holds a unique position in the tribal map of India. A glance through the available data and documents prove the basic fact that the various tribes have more or less similar characteristics. At the same time each sect and region has got its own peculiar characteristics. However, they have a unique culture and civilization. Though the need for a clear classification of Adivasis in Kerala has been pointed out, it has not been attempted so far successfully.

As per the 2011 Census, the tribal population in India is estimated to be 84.6 million, which constitute 8.3 percent of the total population of India. One of the distinguishing features of the majority of the tribals is that they live in scattered habitations located in interior, remote and inaccessible, hilly and forest areas of the county. Nearly 22 percent of tribal habitations have less than 100 tribals and more than 40 percent have between 100 and 300, while approximately 38 percent of other tribal habitations have between 300 and 500 tribal members.

Recognising the special needs of STs, the Constitution of India has enacted certain safeguards to protect these communities from possible exploitation and thus ensure social justice. While Article 14 confers equal rights and opportunities to all, Article 15 prohibits discrimination against any citizen on the grounds of sex, religion, race, caste etc., Article 15(4) enjoins upon the state to make special provisions for the advancement of any socially and educationally backward classes; Article 16(4) empowers the state to make provisions for reservation in appointments or posts in favour of any backward class of citizens, which in the opinion of the state, is not adequately represented in the services under the state. Article 29 provides for the right to conserve one’s distinct language, script or culture under protection of interests of minorities and a person cannot be denied admission to state maintained and aided educational institutions on grounds only of religion, race, caste, or language. Further, while Article 275(1) promises grant-in-aid for promoting the welfare of STs and for raising the level of administration of the Scheduled Areas, Articles 330, 332 and 335 stipulate reservation of seats for STs in the Lok Sabha and in the State Legislative
Assemblies and in government jobs. Finally, the Constitution also empowers the state to appoint a Commission to investigate the conditions of the socially and educationally backward classes (Article 340) and to specify those tribes or tribal communities deemed to be as STs (Article 342).

As per Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 (Act 10 of 2003) vide Part-VI1 Kerala-Second Schedule notified in the Gazette of India, dated 8th January 2003, government of Kerala has enlisted 36 Adivasi communities in the state as Scheduled Tribes. Adivasi concentrations in the state are seen in the districts of Kasaragod, Kannur, Kozhikode, Malappuram, Wayanad, Idukki, Palakkad and the north eastern parts of Kollam and Thiruvananthapura districts. As per 2011 census, the Adivasi population of these districts together constitutes 73 percent of the total Adivasi population in the state. The Kerala has a total population of 3,34,06,061 of which the population of Adivasi communities (4,84,839) constitute 1.45 percent. Of the 36 Adivasi communities in Kerala, most of them are either agricultural labourers or cultivators; some have acquired skills in other traditional jobs. The collection of minor forest produce like honey and firewood is generally done by them. From the sophisticated Kurichia of Wayanad to the cave dwelling Cholanaickans (Primitive Tribal Group) of Nilambur, one may find the traditional tribalism.

As per Wayanad district Report the total Adivasi population in the district is 1,53,180. Moreover, there are 36135 Adivasi families spread in 2167 ooru (hamlets) in Wayanad. These households are spread across four blocks-namely Kalpetta, Mananthawady, Sulthan Bathery and Panamaram. The important Adivasi groups in number in the region are the Paniyan, the Adiya, the Kurichia, the Mullu Kurumba, the Urali Kurumba and the Kattunaickan. Most of the tribes in Wayanad used to practice shifting cultivation, gathered food and are hunters. Of the total population in the district, the Adivasis constitute more than 18.5 percent, gives Wayanad a unique place among other districts in the state. Moreover, the ‘Kurichia’ in Wayanad (Kurichi pada) have a peculiar historical importance that they played a decisive role with Kerala Varma Pazhassi Raja (Raja of Kottayam Dynasty) in his valiant fight against Britishers.
The first hypothesis of the study is that human rights are most often violated than protected among Adivasis in the state and particularly in Wayanad. We have a strong democratic system of administration in the state. Kerala is considered to be a literary state and people are educated and cultured. Keralites have a unique place everywhere in the world. The general public is well aware of their constitutional as well as human rights. After all our state is a welfare state equipped with lots of welfare laws and institutions to protect and safeguard the rights of the governed particularly weaker sections like Adivasis. Moreover, special provisions are also provided in the Constitution for the protection of women, children and Scheduled Castes and Scheduled Tribes. However, the fundamental rights as well as human rights of these people are incessantly violated in the state in the form of custodial violence, violence against women, children, Dalits and Adivasis etc., most often by government agencies. The Special provisions which are provided for them in the Constitution itself is evident that these sections of people need special care and attention as they are considered to be weaker ones. The severity of human rights violations is very high among the most vulnerable sections like Adivasis in the state as there is social and economic backwardness among them. Even after twenty four years of the passage of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the purpose for which it was enacted has not yet been achieved. The Act is the first legislation to use and define the term “atrocities”. The Act has been systematically prevented from achieving its goal. A number of factors have contributed to this. But the most important among them is the caste and class prejudices in the society. These prejudices have got institutionalised, through religious and social practices, into unique system of long-standing apartheid. Moreover, death due to starvation, severe diseases like sickle cell anemia, high rate of infant mortality due to malnutrition, extensive school dropout, landlessness and land alienation etc. are the continuing phenomena among Adivasis. Of the criminal offences registered among the Adivasis of Wayanad during 2008 and 2009, 40 percent are related to sexual offences like molestation and rapes. These offences are registered mostly in Mananthavady, Ambalavayal, Noolpuzha, Meppadi, Kalpetta, Padinjarethara, Thirunelley, Pulpally, Vythiri and Thalapuzha police stations. The sexual exploitation on Adivasi women has enormously increased. Admittedly, there are hundreds of
unwed Adivasi mothers in Wayanad particularly in Thirunelly and Noolpuzha Panchayats. The problem of unwed mothers (especially soon after they attain puberty) is a curse to the district even if there is by and large interference of the Kerala Women’s Commission. Such instances are not common in other Adivasi regions in the state. Moreover, Adivasi struggle in ‘Muthanga’ in Wayanad for a piece of land for existence was brutally suppressed by the government in which several of them lost their lives. The struggles of Adivasi in Wayanad for land and livelihood for existence are still continuing. Therefore, the Adivasis in Wayanad district are the biggest sufferers and victims of human rights violations in the state. Thus it is proved that the human rights are most often violated than protected among the Adivasis in the state and particularly in Wayanad.

The second hypothesis is that human rights violations among Adivasis in Kerala and particularly in Wayanad are on the increase. One of the important solutions for preventing human rights violations is to inculcate awareness among the Adivasis of their rights. Here education plays a predominant role. Education is the significant index for socio-cultural and economic development of an individual. The educational status reveals that the percentage of illiterates among the Adivasis in Wayanad is very high, i.e. 24.66 percent. Only 40.8 percent has primary education, 32.5 percent has acquired secondary education and 2 percent has acquired higher secondary education. High incidence of school dropouts is also observed. 75.3 percent of the sample Adivasis are agricultural workers as against 20.8 percent of them works in connection with forests and 3.9 percent are working in private and other government sectors. Majority of them (50.1 percent) live in kutchha houses. 11.7 percent of the respondents live in huts and unsatisfactory living conditions and only 4.7 percent of the Adivasis live in concrete houses. The amenities in the households including pure drinking water, sanitation etc are also important in assessing the quality of living of the Adivasis. Out of the 750 households, only 228 households have sanitary toilets. This situation leads to constant outbreak of gastro intestinal diseases among the Adivasi communities. Only 65.9 percent fetches water for their domestic consumption from private wells. Only 335 households have electricity connection. The monthly income from primary work of majority of the respondents (77.2 percent) lies in the range of Rs 1501-Rs.2000. The Primary source of income of
an Adivasi depends on the number of active days of work, the nature of land owned by him and the type of work undertaken.

The Average man-days of employment for Adivasi men per month are worked out to be only 8.8 days. Women have only 3.9 days of employment per month and for children, it is 0.13 days. Out of the 750 respondents, 402 of them earn a monthly average income of Rs 1166.04/- from secondary occupation. While an Adivasi of the Sulthan Bathery region earns a secondary income of Rs.1526.42 per month, the average earnings of Mananthavady and Kalpetta regions constitute Rs.1020.20/- and Rs.949.51/- respectively. Resource crunch forces 81.87 percent to take advances for various purposes.

Regarding asset holding, the average value of asset holding of a respondent is worked out to be only Rs.14283/-. Of the 750 respondents 614 (81.87 percent) have taken advances for various purposes. By and large, the Adivasis of Wayanad district borrow money habitually for various purposes. This points towards the fact that a large majority of the Adivasis are financially very weak.

Further, the fatal diseases like ‘Sickle Cell Syndrome (‘Arival’ disease) is a crippling disease mainly affecting the Adivasis. This is common among the Adivasis in Wayanad. The Doctors who treat this disease do not guarantee a life span of more than forty five years to a patient. This disease is seen mostly among the children also but is present to a considerable degree among the adults. The whole body shrinks up and immunity gets lost. Physical and mental activism is severely handicapped and the children are not able to attend ordinary schools. All these factors have made the Adivasis in Wayanad the worst sufferers and victims of human rights violations in the state.

An Adivasi spends an average of Rs.2529.29/- per month of which Rs.2152.29/- (85.1 percent) spends for purchasing essential commodities, Rs.328.16/- (12.97 percent) for medicine and education together and only Rs.48.84/- (1.93 percent) spends for luxuries.
The enormous increase in the number of unwed mothers is the biggest social catastrophe in Wayanad. About 850 families (2.35 percent) strive hard to get at least one-time meal a day.

It is highly significant to note that 30 percent of the total Adivasi houses in the district has only one room. About 14000 houses (40 percent) are not suitable for residence. Thirty-three percent houses (12123) are suitable only for temporary residence. Therefore, 16761 houses are to be newly constructed in order to rehabilitate the Adivasis who are homeless and reside in dilapidated houses.

In Wayanad, 2749 Adivasis died within five years in which 9 were due to poverty. 1612 Adivasis died due to lack of proper medical treatment. Forty children below the age of three, 22 children in between the age 04-05, 72 children in between the age 6-14 were dead due to lack of proper treatment. Besides, 126 infants died due to lack of proper care, malnutrition etc in which 114 were below the age of one, is a matter of serious concern. 170 children who were not completed the age of 3 were also reported to be dead during this period. Of the total infants in the district, 22 percent died due to lack of proper care, malnutrition, lack of timely treatment and non-attendance. Thirty Adivasi women were dead during the course of delivery due to lack of proper treatment and care in which 19 were in between the age 15-29 and 11 were in between the age 30-44. Due to the over consumption of alcohol and drugs, 146 male Adivasis died. Twelve Adivasis were killed in the attack of wild animals. Of the total Adivasis who were dead, 2550 were males.

In 10069 Adivasi families, there are children below the age of 5 in which children in 400 families were not taken immunity vaccination. The children in 1033 families are given vaccination only partially.

The rate of unnatural deaths among the Adivasi communities in Wayanad especially poverty deaths, infant mortality, death of children due to lack of proper treatment and care and delivery deaths, etc. are social catastrophes and serious violation of their basic human rights. In short, there exists extreme socio-economic backwardness among the Adivasis in Wayanad. This unending backwardness, bad plight and miseries are the major causes for the increase in the quantum of human
rights violations among the Adivasis in Wayanad. Therefore the study proves this hypothesis in affirmative.

The third hypothesis investigates that the responses of the state towards the human rights violations among Adivasis in Wayanad are far from adequate.

Article 14 of the Indian Constitution declares that it is the duty of the state to afford equality before law and equal protection of the laws. However, equality among unequals demands an equalisation process. The executive, the legislature and the judiciary are equally obligated functionally in this task. It is high time that the social justice thrust of the Constitution is implemented in this regard. One cannot enjoy power and be allergic to promoting the welfare of the depressed classes. The political will to liberate the tribal people has to be generated. This becomes possible only if the humanists, Intellectuals and social action groups rouse the mass consciousness of the tribal people so as to pass suitable laws and to effectively implement them to change the social structures.

Article 46 of the Indian Constitution is a Directive Principle and it obligates the state to promote with special care the educational and economic interest of the weaker sections of the people and in particular of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation. It must be pointed out here that every Directive is fundamental in the governance of the country and thus it calls for more aggressive policies. The response of the state in respect of the human rights violations among Adivasis has been evaluated under three heads namely:- legislative measures, executive mechanism and judiciary.

The Legislative Measures: The major legislative enactments made by the central government and state governments in respect of tribal land alienation and atrocities on them are:-

The Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975 (Act No.31 of 1975)

It was noticed that the extent of land that was under the traditional occupation of the Scheduled Tribes in the state has been steadily on the decrease due to alienation, lease, mortgage and above all, due to unauthorized occupation of tribal land by non-tribal people. In tribal areas the unsophisticated tribals were duped into transactions
which made them part with their traditional land for very small sums of money. The Evaluation Committee constituted by the government in 1961 had suggested that special legislation should be introduced to protect the interests of the tribals on lands under their traditional occupations; and that this legislation should result in a general prohibition of transfers whether by sale, mortgage, gift or lease of tribal lands to non-tribal people. In order to overcome this situation the state government passed the Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975 (Act 31 of 1975) and Rules made thereunder in 1986. The Act provides for restricting the transfer of lands by members of Scheduled Tribes in the State of Kerala and for the restoration of possession of lands alienated by such members.

However, the Act could not be implemented in its letter and spirit owing to the lack of political will on the part of political parties that came to power. Therefore, this Act should be implemented without further delay.

**The Kerala (Restriction on Transfer by and Restoration of Alienated) Lands to Scheduled Tribes Act, 1999 (Act No.12 of 1999)**

The Kerala Scheduled Tribes (Restriction on Transfer and Restoration of Alienated Lands) Act, 1975 (Act No. 31 of 1975) was brought into force on the 1st January, 1982 as per notification GO.(MS) No51/86/RD dated 20th January, 1986 published as S.R.O No.130/86 in Kerala Gazette Extra- ordinary No. 89 dated 24th January, 1986. Consequent to the enforcement of the Act numerous proceedings were pending before the Revenue Divisional Officers for restoration of possession of tribal lands from non-tribal aliens. The eviction of the illegal occupants of tribal lands amounted to very serious and multi dimensional social problems. If such occupants were evicted, majority of them would become landless and would pose a law and order problem to the state. In order to safeguard the interests of the members of the Scheduled Tribes as well as the transferees thereof, a bill called the The Kerala Scheduled Tribes (Restriction on Transfer and Restoration of Alienated Lands) Amendment Bill, 1996 was passed by the Kerala Legislative Assembly on the 23rd September, 1996 and sent for the assent of the President of India. However, the President has returned the Bill withholding assent thereof on the ground that it was unconstitutional. Ultimately, when the case reached before the Supreme Court of
India and the same by its judgment on 25th July, 2009 partly upheld the Kerala Restriction of Transfer by and Restoration of Lands to the Scheduled Tribes Act, 1999 and pronounced that this legislation is more beneficial to the tribal people than the 1975 Act. But the Act has not been properly implemented so far in the state.

**The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989(Act No. 33 of 1989)**

This Act is a landmark legislation in the history of independent India to protect the tribal people from atrocities and exploitation of the society. As such, the Act intended to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto. However, this legislation has not fully served the purpose for which it was enacted as the atrocities on Adivasis and other backward communities continue unabated. The Act is under amendment process.

**The Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Act No.2 of 2007)**

The government of India passed a historical enactment called the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Act 2 of 2007) on 29th December, 2006. The Act was intended to recognize and vest the forests rights and occupation in forest land in forest dwelling Scheduled Tribe and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

Eventhough 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.

Therefore, unless the aforesaid legislative enactments which have been particularly made for the welfare of Adivasis/Scheduled Tribe population in the
country are implemented in its letter and spirit, it cannot be stated that the state response has been adequate with regard to Kerala or Wayanad.

**The Executive Mechanism:**

The government machinery for supporting the tribals includes various functional hands or departments which are established for taking up activities for the well-being of the tribals from time to time. The executive mechanism includes,-

- a) The Scheduled Tribe Development Department and Panchayat Raj Institutions,
- b) The Kerala State Commission for the Scheduled Castes and Scheduled Tribes
- c) The Kerala State Human Rights Commission
- d) The Forest Department
- e) The Attapaddy Hills Area Development Society in Wayanad

The Administrative lapse on the part of the state in implementing the projects using central fund is also observed. The performance of Wayanad, the lone district selected from the state for implementing projects using funds under the Centre’s Multisectoral Development Programme (MsDP) for the welfare of minorities, has also been discussed. This analysis is made in view of the fact that Wayanad is one of the 90 districts in the country chosen for the MsDP. The Central govt. had approved funds for Rs.1.13 crores in rural development, health and education, as the first instalment in December 2010. This is almost 50 percent of the total funds (Rs.2.27 crores) sanctioned in the said financial year. If the funds were properly utilised for the purpose for which it was allotted, the socio-economic backwardness of the Adivasis in Wayanad would be mitigated.

However, even if the Executive has its own institutions as said above which are intended to protect the constitutional rights and interests of the Adivasis, one is unable to state that the executive mechanisms and its functioning in the state are adequate for the Adivasi cause.

**The Judiciary**

While analysing the remarkable decisions of the judiciary, it is possible to discern that it is the most effective mechanism for protecting human rights particularly of Adivasis even after the establishment of the Human Rights
Commission. A humanitarian approach was visible in the matter of interpretation of the provisions of law especially regarding Adivasis. The judiciary has been always positive in interpreting laws in favour of the marginalised communities. In order to protect the rights of the weaker sections of the society like tribals, the Supreme Court and High Courts are playing the role of a protector. The catchment area of the socio-economic rights has been widened by the progressive interpretation of law by the Judiciary. However, in a Federal form of government, it is well settled that courts have limited powers to interfere in the policy matters of the Executive. Moreover, the court can approach the issues coming under its ambit and within the purview of the Constitution. Eventhough the Constitution confers upon the judiciary, the power of Judicial Review, the same can be exercised only to the extent of examining as to whether any enactment made by the legislature is ultravirus. The judicial system has become more sensitised to social justice now, much to the anger of the vested interests. However, one of the major misfortunes of the Constitution is that almost every welfare measures affecting the vested interests are stalled for years by court litigation and stay operations.

Therefore, what is material is the political will of the party in power, which is the major source to empower and uplift the marginalised sections in the society, the Adivasis. How to generate political will to liberate the Adivasis is the cardinal question. It is neither by naxalite terrorism and misguided tribal violence nor political counter violence or feudal fury. Intellectuals, humanists, social action groups, radicals, if any in all parties and professions must rouse the militant mass consciousness of Adivasis to resist unrighteous oppression and demand effective legislation and its implementation for their human dignity and right and force the pact of social justice visa-a-vis, these hill communities. The Pro-Aryan inhabitants and owners of the soil, driven to remote forests first, and now landless in their own lands survive as bonded labour. Civil Rights Laws, Tribal Sub-Plans, Commissions and all that is done in the name of the welfarism of Adivasis are conglomeration of bubbles unless the exploitive social structure is changed and mutations of social justice wrought in to the economic fabric.

All the measures of the state in respect of safeguarding the rights and interests of the Adivasis are inadequate. Eventhough the state had responded in many ways by
making legislations and taking executive decisions, the rights and interests of the vulnerable sections in the society are neither protected nor valued and as such the executive mechanisms are far from satisfactory for protecting the human rights of Adivasis. The attitude of the state government is totally indifferent and negative when it deals with its Scheduled Tribe population, which is far from the expectations of tribals in the state. The government has failed to distribute state’s resources equally for all its inhabitants for the following reasons.

a) Extremely low levels of empowerment – political, social and economic;
b) Rapid marginalisation due to unfair, unequal and exploitative relations;
c) High levels of exploitation of women by outsiders;
d) Weak delivery system of public services.

Moreover, as a matter of fact no positive efforts on the part of the state have been effectively taken pertaining to the following so as to curb the human rights issues among Adivasis in the district.

a) No special package as in the case of Idukki and Kuttanad has been formulated and explored ensuring the active participation of the Adivasis in view of the infinite possibilities and importance of tourism in the district.
b) The acute socio-economic backwardness and bad plight among Adivasis have not been properly taken care of and dealt with by any of the governments in power since the inception of Wayanad district.
c) The state government through Tribal Resettlement and Development Mission (TRDM) in 2001 has identified 14031 Adivasi families who are landless. Moreover, it has also identified 12184 families in Wayanad whose land holding is less than one acre. As per government agreement(after the Muthanga land stir) all the Adivasi families whose landholding is less than one acre will be provided 1.5 acres of land. Eventhough the government has accepted in principle many of the recommendations of the TRDM, the same have not been implemented so far. Therefore the problem of landlessness and alienation of land is still a major issue among the Adivasis in Wayanad challenging their existence. If this problem was settled, the Adivasi struggles like ‘Muthanga land stir’ could be avoided.
d) Findings of the Welfare Committee of the Kerala Legislature-1996-98 and 2004-2006 on Scheduled Castes and Scheduled Tribes in respect of Wayanad district. (Reports) The reports contain the instances of the flagrant violations of human rights among Adivasis in Wayanad. The reports therefore highlight the bad plight of Adivasis in the district. The Committee was convinced that the increase in the number of unwedded mothers and the inhuman and cruel behaviour to Adivasis in Wayanad is disgraceful to the literate Kerala.

e) The Kerala State Human Rights Commission during 2002 had received a ‘Feasibility Study Report’ by ‘Women Empowerment’, a Non Governmental Organisation in Thiruvananthapuram for the upliftment of the Adivasis in Wayanad. The Commission, being a state agency to protect the human rights of all sections in the society did not take any action on the report so far.

f) Further, the Scheduled Caste and Scheduled Tribe Development Department, government of Kerala had received a Situational Study Report in January, 2006 named ‘Wayanad Initiative’ by Centre of Excellence-Indian Institute of Management, KIRTADS Campus, Kozhikode for the comprehensive development of Adivasi Communities in Wayanad. The same also sleeps on file in Secretariat for the last eight years without any action.

g) Furthermore, the Local Self Government, Government of Kerala in association with the Scheduled Tribe Development Department has conducted a Survey during the period from November, 2008 to March, 2010 called ‘Pattika Varga Samudayangalude Adisthana Vivara Sekharanam-2008’. (Wayanad District Report 2008) The report is published in two parts containing various findings and recommendations. The state government has not taken any positive step on the Wayanad District Reports so far.

If these reports were properly examined and the recommendations therein were implemented, the human rights issues of Adivasis in Wayanad could be settled to a large extent. In this context, it is further cleared that all government measures in respect of Adivasi issues in Wayanad are inadequate. Therefore, it is proved that the response of the state towards the human rights violations among the Adivasis in Wayanad is far from adequate.
Chapter VI

The fourth hypothesis enquires about the fact that that it is the continuing socio-economic backwardness of Adivasis which results in the denial of human rights for them. Wayanad is considered to be a backward district like Idukki and Palakkad taking in to account the topographical location, population, scope of commerce and industries. etc. It is the socio-economic condition, which capacitates and determines one’s standard of living.

Agriculture in Wayanad is going through a crisis after the implementation of policies of economic liberalisation. There has been a crash in the prices of hill produces like coffee, pepper, cardamom etc. The opportunities for wage labour are the most important factor in determination of the economic condition.

Income is one of the prime determinants of the economic status of Adivasis. The monthly income from primary work of majority of the respondents (77.2 percent) lies in the range of Rs1501-Rs.2000. It indicates that their average monthly income is Rs1750/- In a consumer state like Kerala this rate of very low income shows their poor life index. It is also evident that the average daily income of a respondent is very low eventhough they are working for 8 to 10 hours a day. An Adivasi spends on an average of Rs.2529.29/- per month; of which Rs.2152.29/- (85.1 percent) is spent for purchasing essential commodities, Rs.328.16/- (12.97 percent) for medicine and education together and Rs.48.84/- (1.93 percent) only for luxuries. The size and composition of asset holding is one of the most significant factors in determining the economic status of Adivasis. The average value of asset holding of a respondent has been worked out to be Rs.14283/-

Moreover, the Adivasi participation in social, political and cultural activities is very low. All these factors show that they still live in primitive age with the total denial of the fruits of a welfare society. Moreover, all Study Reports, Committee Reports, Enquiry reports, Commission Reports, and even reports by government agencies unanimously depict and narrate the bad plight of the Adivasis.

A section of people living mostly in sub-human social milieu who have not been able to come to the mainstream of the society in a country where absolute democracy is followed since independence are not the beneficiaries of any welfare measures of the government. Their survival has been put in question because they
are the merciless victims of starvation deaths, diseases, deaths due to malnutrition etc and have been unceremoniously denied the opportunity of equally enjoying the resources of a nation and whose human rights are mercilessly booted down from dawn to dusk, is nothing but, the Adivasis in Wayanad. The social and economic backwardness of this marginalised group of people; the Adivasis, is relentlessly continuing. Even in this 21st century what Tagore said is absolutely meaningful that the Adivasis are the “eternal tenants of an extortionate system.” Thus, it is proved that the continuing socio-economic backwardness of Adivasis results in the denial of human rights for them.

The fifth hypothesis argues that inspite of eleven Five Year Plans, the quality of the life of Adivasis has improved only meagrely. The planning is a process, which calls for a carefully balanced system of priorities and must envisage at optimal utilisation of available investible financial resources. For e.g. despite the substantial outlay for tribal development during the sixth plan period, i.e., 1980-85 the Scheduled Caste and Scheduled Tribes Commission and the Minister of State for Home Affairs have made no secret of their unhappiness on the inadequacy of implementing the Integrated Tribal Development Projects (ITDPs) and Tribal Sub Plan (TSP). The following comment is quite remarkable.

Numerous other bodies and individuals have expressed similar concern. The evaluation studies of ITDPs and sectoral programmes within TSP areas are not many—but those that speak of the hiatus between the concept and the reality, the philosophy and the action, the dream and actuality. Unless this gap is narrowed, the ideal will remain a mere chimera.

It is quite ironical that, of the financial years covering till the eleventh Five Year Plan, an analysis of Review Reports indicate only meagre improvement in the quality of life of Adivasi population. For e.g. during the year 2006-2007 a total of Rs. 61.35 crores was ear marked for the development programmes by the Scheduled Tribe Development Department which consist of State Plan Schemes, Centrally Sponsored Schemes and projects under Corpus Fund as well as Special Central Assistance. The government evaluates the plan expenditure of departments on the basis of certain norms fixed by the Kerala Public Expenditure Review Committee and accordingly the various departments are classified in to ‘very poor’, ‘poor’, ‘good’ and ‘very
good’. The Scheduled Caste and Scheduled Tribe Development Department is one of the departments which spent more than the plan outlay. The department had spent a total of Rs.81933.57 lakhs (111 percent) under Tribal Sub Plan through Local Self Government Institutions for the year 2012-13. The original plan outlay was Rs.73771 lakhs. Hence the department was classified as ‘very good ‘in respect of its performance. In addition to this, the department had spent 83 percent of the Centrally Sponsored Schemes (CSS) during the year 2012-13. Being the facts remain so, the crucial question arises as to where does the funds go. As a matter of fact, the bad plight of Adivasis remains intact.

Further, the incidence of deprivation among STs is 57.9 while that for total population is only 29.5. In ten districts, the deprivation indices is above 50 in respect of ST population and the same is highest in the three ST population concentrate districts of Wayanad, Idukki and Palakkad. Moreover, the Report further says that Adiya, Paniya and Kattunaickan, the three Adivasi communities in Wayanad are still in a very under developed stage when compared to the other Adivasi communities there. The Adiya and Paniya, who together form 53 percent of the Adivasi population of Wayanad, are landless agricultural labourers and were bonded labourers by tradition and their rehabilitation are still underway. Kattunaickan families are primitive tribes and they have shown potential signs of quicker transition to the mainstream of development.

The report of the fourth Finance Commission shows that the fund allotted to Wayanad (District Panchayat) under Tribal Sub Plan for 2011-12 alone was for a total sum of Rs.7,11,00000/- (Rupees Seven crores and eleven lakhs only) which is three times higher when compared to the districts of Idukki (Rs. 2,70,74,000/-) and Palakkad (Rs. 2,15,20000).

In matters of welfare activities, the major share of the total expenditure of GPs. has increased from 37.2 percent in 2004-05 to 47.5 in 2008-09 for the state as a whole. Admittedly, weaker district like Wayanad has higher share particularly in 2008-09. The growth rate of welfare activities in Wayanad district (in district wise Per capita and Per GP expenditure on Welfare activities) is whopping 41 percent. In matters of welfare activities, the performance of the Wayanad district is particularly pronounced as the share of welfare activities of the district increased from 37.1
percent in 2004-05 to 56.4 percent in 2008-09, which is high when compared to the districts of Idukki and Palakkad. This indicates that allocation of funds under Tribal Sub Plan for the welfare/development activities to the Adivasis in Wayanad is higher when compared to the districts of Idukki and Palakkad. But now the question is as to whether the funds allocated for the welfare/development activities of the Adivasis are utilised for the purpose for which it was allotted. A small portion of the Plan amount meant for tribal welfare had been properly expended; their bad plight would have been alleviated to a large extent.

The process of development planning seems to have undermined the role of target people themselves and heavily relied upon the bureaucratic dealings. This has resulted in the development being centered on the administrative machinery, rather than the tribals for whom the programmes are meant for. However, one cannot be blind to the fact that changes are the part and parcel of development. The socio-economic changes in the society and sporadic growth in the field of science and technology have reflected a little bit in the social setup of Adivasis in Wayanad too. But this extent is very meagre when compared to the rest of the sections in the society.

Above all unless the socio-economic backwardness of the Adivasis is ameliorated, one cannot say that their quality of life is improved. Thus it is proved that inspite of eleven Five Year Plans the quality of life of Adivasis of Wayanad has improved only meagrely.

The last hypothesis of the study is that the biggest issue for the Adivasis from the human rights perspective is that of landlessness and land alienation.

The state of Kerala was formed in 1956 on linguistic basis by unifying the then states of Travancore, Cochin and the Malabar. There were intra-regional differences in the tenurial relations in these three regions. The south was more favourable to the tenants than the north (Malabar).

Land is one of the main questions of Adivasi justice. Even as land reforms, rural and urban, are the backbone of Indian development. The key for understanding the Adivasi problem lies in grasping the issue of landlessness and land alienation. The original inhabitants of the forest land, the Adivasis were forced to leave the place
firstly, because of the British colonial expansion and secondly because of migrants securing land there. The real estate people, the tourism mafia and the developmental schemes of the government have further alienated the Adivasis from their land. They have been haunted by abject poverty, lack of educational opportunities, poor health facilities, unhygienic living conditions and alcoholism. Even when the government spends money its beneficial effects are not visibly seen there. As a result they cannot enter into remunerative jobs with the result that, status quo is retained. The economic backwardness of the Adivasis forces them to depend upon the non-tribals for credit requirements. This ultimately results in the transfer of ownership right of their landholdings to the creditors. The major part of transfers has taken place in favour of the non-tribal immigrants.

Moreover, caste system plays a vital role in designing the resource patterns in India and it becomes highly aggressive when it comes to land ownership. Kerala is a perfect example of land reforms and land alienation as well. The fundamental cause of exclusion of Adivasi population lies in land alienation and as a matter of fact this denial of land to Adivasis has had no apparent reflection on the political and social structure of the state. But the alienation became even graver as the political forces played in conformity with the encroachers giving an air of legitimisation to the extensive grabbing of Adivasi land, throwing the latter to the brink of social existence.

In 1970, government of Kerala implemented the much-touted Kerala Land Reforms Acts, which for the first time made an account regarding the issue of land access to poor and marginalised, theoretically held as the foremost verdict of the development history of Kerala. However, a wide analysis of the very process of land reforms in Kerala would bring forth some fundamental flaws. The major criticism on land reforms is that it failed to improve agricultural productivity in the state. The diminishing yield of agricultural land in Kerala is the reason for the denial of land to the real farmers, the people who have been given the land prefer non-agricultural job and put the land in barren and idle, and this is the historical outcome of an unequal land reform. The people who were denied the land belong to the downtrodden and destitute caste of the India society, not to mention the plight of the Adivasi population in this respect.
Unlike other sections, denial of land to Adivasis raises a constitutional question as well, since Indian Constitution provides a special provision to grant autonomy to tribal area settlements.

In the post independence scenario, there has been a lot of planned moves to grab the Adivasi land in Kerala. The plight of the Adivasis started with the spread of coffee plantation during the 18th century. Actually the land alienation of the Adivasi population has a diabolic link with the plantation history of Kerala. The Coffee plantations virtually ousted many Adivasi communities from their ancestral land pushing them further to deep forest. The highly influential rubber planters consequent on suit, grabbed the Adivasi (forest) land. They also used their political influence to legally sanctify this process. The plantation lobby still exerts large scale political pressure and influences on those men in power relentlessly working to thwart any movement to regain Adivasi land or to distribute cultivable land to the Adivasis.

The state government setup a committee in 1982 (Madhava Menon Committee) to ascertain the surplus land for distribution among landless Adivasis. The Committee found 5877.02 hectares of land that may be distributed among the Adivasis. However, the same triggered unparalleled political activities and protest that scuttled any effective step to distribute land to the landless Adivasis and this is still continuing with the same force.

**Wayanad Context**

The denial of property especially a piece of land to live is definitely a denial of human rights. This is very much true of the Adivasis of Wayanad where a majority of them do not possess land for themselves. Therefore, being the core issue among the Adivasis, the question of their land gained momentum. In the history of Adivasi movements in Wayanad; Kuricha rebellion, the anti-colonial movement gained much importance. Pazhassi Raja was supported by a significant section of Adivasi warriors in his valiant fight against British colonialism. Therefore, their spirit of protest is inherited and as such stands unchallenged.

The survey among Adivasis reveals that of the 750 Adivasi respondents in three Blocks namely Mananthavady, Sulthan Bathery and Kalpetta, surveyed, 440 households have land ranging from 5 cents to 50 cents which was found not adequate
for sustenance. Most of the Adivasis undertake supplementary avocation of wage labour for supporting their families. ‘Koottupatta’ system of land holdings has been largely followed with 252 respondents’ households being on this tenure. Land alienation was observed in 146 instances in the survey, by settlers (120), encroachers (18) and others (8). The alienated land could not be restored as sufficient documents are absent to prove such alienation and legal formalities were not followed in the sale. Of the 146 instances of alienation, only in 138 cases land was alienated to settlers. In eight cases, alienation has occurred due to reasons exactly not known to them. In these cases land might be alienated to erstwhile landlords, religious bodies, members of the same community, and members of the other communities, acquisition by government for developmental activities etc.

The response of the tribals towards alienation included filing suits, breaking the boundaries built by encroachers etc, but they are incapable to conduct the litigation as they lacked the financial power to pursue the legal activities. The government, civil society and the political parties are not interested in restoring the lands of Adivasis. One of the reasons for this might be that Adivasi population did not constitute a strong vote bank because of their limited population.

**Muthanga Land Stir**

The Muthanga Wildlife Sanctuary, established in 1973 with the objective of protecting the biological diversity of the region, is considered to be one of the biggest natural habitats of Asiatic elephants. From this it is clear that the Muthanga Forest area is a specially protected area and that the Adivasis cannot claim any right to settlement there. But for some strange reason, despite specific instructions from the Union Ministry of Environment and Forests to evict the "illegal encroachers" from the protected forest land, the state government took no action.

The Muthanga struggle opened a new chapter in the long and protracted agitations conducted by the Adivasis of Kerala. Its essence was ‘land for existence’. The government promises for rehabilitating the tribals who had lost their land has remained in papers, gradually building up the sentiments of Adivasis, thus helping them to join and struggle under the leadership of C.K Janu and Geethanandan under the label of Adivasi Gothra Mahasabha. The agitation of Muthanga was well planned.
and well executed and thus it became an eye-opener for the government in respect of
the restoration of their land for the Adivasis. The government showed interest in
killing down the agitation by applying its force, pointing out the fact that the
leadership was drawn from the erstwhile naxalites, largely striking down on the
human rights of the agitators. The contemporary political discourse in Kerala has
deeply penetrated into the tribal communities and has influenced them considerably.

However, majority of the Adivasi community members are not very
sympathetic towards the alternative political movements emerging among them.
Though the land struggle led by the Adivasi Gothra Maha Sabha (the movement led
by C.K.Janu) was able to invite much public and media attention, the community
members, it seems do not have much sympathy towards it. Majority (62 percent)
of the respondents (465) denounced such movements because of the confrontationist
stand taken by them against the government. A few of them once sympathetic to the
Gothra Mahasabha are now its strong critics and indict the leadership of the
alternative movements for turning the agitations violent. They are also critical of the
idea “occupation of reserved forests” as they feel that this would ultimately lead to
heavy deforestation.

The Adivasis also have the right to get protected their constitutional rights and
that to enjoy equally the benefits of nation’s resources. Even though the deep protest
of Adivasi population for getting land was reflected in the Muthanga agitation, the
methods which they adopted, cannot be justified in a democracy. The Constitution
protects the law abiding citizens and not the violators of law. Therefore, they have no
right to take law into their hands.

The socio-economic pattern of Adivasis remains gruesome. It can be assessed
that there has been lapses on the part of the policy implementation coupled with the
serious leakages that necessarily hamper the systems of development. The state
response in human rights violation issues has attracted the attention of the public and
has been widely discussed in the case of Muthanga incident and similar issues. The
response of the civil society was comparatively better which exerted much influence
in the gradual development of Adivasi struggle for their existence particularly for
land. It is further discerned that the struggle of the Adivasis for their existence and for
a piece of land, which has a long history, has not been ended in any way despite
oppressions and suppressions from different corners in the society, rather it is on the
increase. Though the response of the civil society was comparatively positive and was
able to remain an eye opener to the society including authorities and this has helped to
boost their movements to a certain extent. However, the problems being faced by this
marginalised section have not been settled so far. Thus it can be viewed that land
alienation among Adivasis is still an unresolved issue even after the bloody revolution
in Muthanaga that created uproar for settling the long-standing demands of Adivasis
for sustenance.

The present political economy of Kerala fails miserably to offer a solution to
the issue in the near future as it cannot forego the money plantation lobby. Coalition
political system with rightist United Democratic Front and leftist Left Democratic
Front, is all set to defeat any movement favouring the Adivasis at the behest of the
influential cash crop cultivators. The export oriented cash-crop planters need to thwart
any attempt by the Adivasis to regain their ancestral land and their access to surplus
land because most of the surplus land is encroached by this lobby and it remains as
the backbone of their production. Therefore, the biggest issue for the Adivasis from
the human rights perspective is that of landlessness and land alienation.

State Response to Human Rights Violations

The response of the state to Adivasi issues including human rights violations
has not been adequate. This is due to the lack of political will on the part of the
various governments that ruled the state. All the political parties are equally
responsible for this display of lack of political will. The agitations conducted by the
Adivasis have been suppressed by the democratic governments. False promises have
been given to them. Moreover, the Adivasis have not all been united to uphold their
cause. The succeeding governments have also failed to understand the special features
of Adivasi problems in Wayanad. The most important feature is that Adivasis live in a
separate socio-cultural atmosphere than the other people. Their social life and its
peculiarities must be clearly understood by the policy formulating bodies of the
government. Without their involvement and participation, governmental policies
among the Adivasis cannot bear fruit. Landlessness is the most important problem,
which the Adivasis face in this regard.
Conclusion

Failures of the Government

This study attempts to analyse the response of the state in the context of the incessant violations of the human rights of the Adivasi communities in Wayanad. The issue of landlessness and land alienation among them has been a serious menace questioning their very existence on earth. The study acknowledges that there have been large scale failures on the part of the government in protecting the human rights of the Adivasis. It is clear from the study that various kinds of deprivations suffered by the Adivasi communities are directly related to the lack of initial endowments and ineffective government measures. The prime duty of the state is to safeguard and protect the human rights of all its subjects and this can be done only by enforcing the rule of law and by the equitable distribution of natural resources. The state is expected to look after the welfare of its entire people irrespective of the fact that whether they are strong or weak and shall see that their rights are protected. If the violator is the state itself, total anarchy is the result and protest emerges from every nook and corner of the society and it may take its own course. If such violation largely affects the most vulnerable section in the society, particularly the Adivasis, the gravity of their resentment will be very high and lasting.

The Constitutional provisions have become decorative principles. The legislations such as the Scheduled Tribes (Restriction on Transfer of Lands and Restoration on Alienated Lands) Act, 1975 and Forest Rights Act, 2006 have not been implemented. The institutional mechanisms of the government like the Kerala State Human Rights Commission and the Kerala State Commission for Scheduled Castes and Scheduled Tribes could not solve the problems in respect of the human rights of the Adivasis in the state especially in the district of Wayanad. It has also proved to be inadequate in respect of their all-round development.

Alternatives

The alternative to this backwardness and failed response on the part of the state, is the strong and the effective democratic decentralisation coupled with administrative reforms that empower these people at the grass root level. The role of the representative organisations like panchayats, meant to cater the larger needs of the tribal people, often ends in the ineffective implementation of schemes. Active
participation of Adivasis in oorukottam has to be ensured. More focused approach with active participation of the tribal people is essential. The collective decisions made with the participation of the tribal people would lead to successful implementation of government policies and welfare schemes. The active participation requires awareness and capacity building which can be promoted by non-governmental organisations. The innovations like Self Help Groups and micro-financing are to be scientifically designed and implemented among Adivasis. The role of government thus lies in building up required infrastructure facilities and redistributing endowments especially, land to Adivasis. The government can also play a major role in providing and facilitating environment for investments that generate employment opportunities for Adivasi communities through private sectors. Economic empowerment is the condition precedent for the holistic development of the tribal people. Co-operative banks and representative institutions need to become more accountable and transparent to reach tribal people for the specific purpose for which they are meant. These problems have long been recognised and building up of new administrative policies by the government to cope with the tribal people is inevitable.

The lack of incentive mechanisms at the administrative level, inappropriate structure, absence of co-ordination and rampant corruption have not only lead to siphoning of funds allotted and disbursed by the government under Tribal Sub Plan but also made the life of the Adivasi people more vulnerable than ever.

In this context, the following steps will help to achieve a comprehensive development of the Adivasi communities in Wayanad by utilising their manpower, exploiting natural resources and their deep rooted experience with the district so as to protect them from human rights violations and social injustice. It is a fact that their active participation from the grass root level itself is necessary to achieve this target.

1. Though the district revenue from natural capital utilisation through tourism forms a major component of the non-farm sector income for the district, the Adivasi communities, forming more than 18.5 percent of the total population at present do not benefit from this in any significant way. Considering this fact, a new natural capital utilisation strategy focusing tourism, would be beneficial for the Adivasi communities in the district.
2. Poor economic background of the parents of the Adivasi children is a key issue that is directly related to irregular attendance and dropout of children. Parents have to move to distant places often leaving grown up children at home for looking after the younger children. Poor economic background of parents also demands the income of school going children, forcing them to take up agricultural / forest related jobs at early age. Therefore, to improve economically a project directly under the control of the government for collecting herbal medicines from the Adivasis avoiding middlemen can be launched in Wayanad. The processing of the same can also be done utilizing their manpower. This will generate labour oppurtunities to the Adivasis in the district.

3. Establishment of a Tribal University-It has become clear that opportunities for higher education to Adivasi students are very less. In this context, the feasibility for establishing a Tribal University in Malabar area has to be examined. This may be in the model as provided in the Indira Gandhi National Tribal University Act, 2007.(Act No.52 of 2007) The Act provides to establish and incorporate a teaching and affiliating University at Amarkantak in the state of Madhya Pradesh to facilitate and promote avenues of higher education and research facilities for the tribal population in India and to provide for matters connected therewith and incidental thereto. According to Section 3 of the Act, the ‘Indira Gandhi National Tribal University’ was established in the year 2007 and started functioning since then. The provisions of the Act empower the university to open schools and campus in tribal areas. One such school or campus can be opened in Wayanad tribal area; where all facilities such as food, accommodation and education should be given free of cost to tribal students.

4. A holistic, social and scientific understanding of the Adivasi situation today is to be made through studies. New policies and programmes should be formulated with a long term vision for the upliftment of Adivasis. It seems so far that such policies are missing.

It has to be noted that the economic empowerment is required as the pre-condition for all-round development of tribal people. Co-operative banks and
representative institutions can contribute a lot in achieving this purpose. These problems have been long recognised and building new administrative structures without which proper reforms would not be helpful. It has to be supplemented by fostering competitive delivery of public services and involvement of civil institutions.

A Two Way Approach Needed

This study brings out the fact that a two way approach is needed to find a solution for the problem of human rights violations among the Adivasis of Wayanad.

The first approach is to provide the Adivasis with land through title deeds. This will give them identity, confidence and self respect. The denial of land to live in means there is denial of human rights. Of late the Adivasis have raised the slogan ‘land for existence’ in their agitations.

The second approach is to plan and implement developmental schemes taking into account the specialties of each and every Adivasi conglomerate. The tribal problem must not be approached as though it is a homogeneous problem. The fact is that each and every tribe differs in size, area of occupation and the degree of development. Similarly special strategies must be worked out at the planning level and the implementation level too. The bureaucrat must approach the tribals from the perspective of a case worker. This will result in motivating the tribal families.

In the past, Adivasis in Wayanad lived through a network of symbiotic ties depending for their livelihood and shelter on the forest as well as traditional paddy cultivation. With the government take over the forest lands, government’s wildlife protection initiatives, settler inflow, establishment of government bureaucracy, familiarity with the settler practice of commercial agriculture, deforestation, soil erosion, displacement demanded by 'development' and resultant social exclusion, the traditional practices gradually became irrelevant and Adivasis were reduced to daily wage labourers depending on settler enterprise. With regard to money economy, the modified labour status, documented property rights, decline of the traditional community governance by elders, destruction of traditional agriculture, introduction of arrack and other 'drugs' into their culture, the incursions of outsiders leading to frequent sexual assaults on Adivasi woman and the environmental degradations have all drastically reversed the Adivasi family life and domestic relations.
worked as a collective unit in the past, this aspect has considerably weakened among the Adivasis today. This has affected the resilience of the domestic and community networks.

In today's fast-changing and globalised social milieu, Adivasis are often ill prepared to face the fresh challenges confronting them. This is because the Adivasis have seldom appropriated or internalised the rules of the new 'games' of the monetary economy. As such, it is imperative that the Adivasis should be enabled to become knowledgeable with the aforesaid interventions and development programmes focussed on the Adivasi community. It is important on the part of various agencies to recognise that ‘development is growth with self-esteem’. The long and unique cultural identities and traditional customs of Adivasis are to be protected simultaneously with their comprehensive development. Above all, obtaining the confidence of the tribal people is sine-quo-non condition for achieving a comprehensive development for them.

Socio-Economic Life of Adivasis in Wayanad: Significant Observations

The present socio-economic scenario of tribals still appears to be grim as revealed by the secondary information gathered from the Welfare Committee Reports, Commission Reports, Census Reports, Study Reports, Economic Review and other published Government Reports. The primary data shows the following result in connection with the analysis done.

1. In the survey it is found that among the Adivasi communities in Wayanad female population dominates over the male population. This is clear from the survey that the majority of the respondents that is, 487 (64.9 percent) are women. This female domination is seen in all the three regions under study. (Mananathavady, Sulthan Bathery and Kalpetta) Of the 750 respondents, 78.8 percent (591) belong to Paniya community and the Kurichia community comes second with 9.5 percent (71) and others constitute 11.7 percent (88). Therefore, Paniya community is the largest Adivasi community in Wayanad district.

2. The family life among the Adivasi communities in Wayanad is on the decline. The number of widows are high in all the three regions surveyed. It is significant to note that most of such widows are comparatively at young age and in most of
the cases, the partners either died due to diseases or separated due to family problems such as adultery, addiction to liquor etc. This bad set up prevails among the Adivasi communities in Wayanad put their family life in peril. The Adivasi women folk are the worst sufferers.

3. The educational status reveals that the percentage of illiterates among the Adivasis is high, i.e. 24.66 percent. Only 40.8 percent has primary education, 32.5 percent has acquired secondary education and 2 percent has acquired higher secondary education. Moreover, the illiteracy and the lack of sufficient education among the Adivasi communities in Wayanad remain as an index towards their social backwardness. High incidence of school dropouts among the students of the Adivasi communities which is seen rampant.

4. Majority of Adivasis are agricultural workers. Among the sample Adivasis 75.3 percent are agricultural workers as against 20.8 percent of them are working in connection with forests and 3.9 percent are working in private and other government sectors.

5. Majority of the Adivasis (50.1 percent) live in kutcha houses. 11.7 percent of the respondents live in huts and unsatisfactory and sordid living conditions and only 4.7 percent of the Adivasis live in concrete houses.

6. There exists severe social and economic backwardness among the Adivasi communities in Wayanad. The amenities in the households including drinking water, sanitation etc are also important in assessing the quality of living of the Adivasis. Out of the 750 households, only 228(30.4 percent) households have sanitary toilets. This situation leads to constant outbreak of gastro intestinal diseases among the Adivasi communities. Only 65.9 percent fetches water for their domestic consumption from private wells. Out of the sampled 750 households, only 335 have electricity connection (45 percent) and 55 percent households are not electrified and they mostly depend on kerosene lamps etc.

7. The economic backwardness among the Adivasi communities in Wayanad is very high. The monthly income from primary work of majority of the respondents (77.2 percent) lies in the range of Rs 1501-Rs.2000. Primary source of income of an Adivasi depends on the number of active days of work and the
nature of land owned by them and the type of work undertaken. Average man-days of employment for Adivasi men per month worked out to 8.8 days. Women have 3.9 days of employment per month and for children it is 0.13 days. Out of the 750 respondents, 402 of them earn a monthly average income of Rs.1166/- from secondary occupation. While an Adivasi of the Sulthan Bathery region earns a secondary income of about Rs.1526/- per month, the average earnings of Mananthavady and Kalpetta regions constitute Rs.1020/- and Rs.949/- respectively. Resource crunch forces 81.87 percent of the respondents to take advances for various purposes.

8. It is clear from the study that the asset holding status of Adivasis in Wayanad is very poor and pathetic. The average value of asset holding of a respondent is worked out to be Rs.14283/- However, the position is better in the Mananthavady region when compared to the rest. The total value of assets held by a member respondent in this region is Rs.19150/- The region with lowest asset holding is Kalpetta with Rs.10150/-.

9. The Adivasis’ participation in socio-cultural activities is limited. This stands as a big barrier in building up a contemporary social life with the rest of the society.

10. The contemporary political discourse in Kerala has deeply penetrated into the tribal communities and has influenced them considerably. However, the study found that a majority of the Adivasi community members are not very sympathetic towards the alternative political movements emerging among them. The Adivasis have no political leadership of their own. Though the land struggles led by the Adivasi Gothra Maha Sabha (the movement led by C.K.Janu) were able to invite much public and media attention, the community members do not have much sympathy towards it. Majority 465 (62 percent) of the respondents denounce such movements because of the confrontationist stand taken by them against the government. A few of them once sympathetic to the Adivasi Gothra Mahasabha are now its strong critics and indict the leadership of the alternative movements for turning the agitations violent. They are also critical of the idea “occupation of reserved forests” as they feel that this would ultimately lead to heavy deforestation.
11. Health of the Adivasi communities in Wayanad is on the decline. Their life expectancy is found to be low, and only an average 11 percent of the meagre monthly income of a family is spent for medicines, indicating the chances for high morbidity among the community members. Sickle cell anemia is found to be a crippling disease mainly affecting the Adivasis. Overuse of chemical pesticides has caused unprecedented diseases among them. Chewing of tobacco and consumption of alcohol is very high among the communities. It is revealed from the survey that about 20-30 percent of the total earnings per month is spent for this purpose.

12. Sexual exploitation against Adivasi women have increased posing the grave issue of unwedded Adivasi mothers in Wayanad. This is a social catastrophe among the Adivasi women in Wayanad.

13. State actions in protecting the human rights among Adivasis in Wayanad district are far from adequate. Legislative measures and executive actions are still inadequate in the area of tribal upliftment.

**Major Findings**

First, the education, health and hygienic conditions are very poor in the district. The life expectancy rate is also very low among the Adivasis.

Second, women are largely illiterate among the Adivasis. Therefore they are exploited even sexually by their male counterparts and officials. Similarly violence against Adivasi women is also on the increase.

Third, there is a very large school dropout rate among the Adivasi students. This is a great hindrance for their general progress.

Fourth, there is large scale landlessness and land alienation among the Adivasi population which is the foremost issue among them. The land issue among the Adivasis has to be looked upon at its right perspective. This is because the concept of the Adivasis regarding the land is entirely different from others. Firstly the Adivasi culture does not encourage them to keep individual property and land documents. They believe that everything that grows on this earth belongs to all people. The Non-tribals took advantage of this believe and encroached their land. Second, the tribals look the land as the holy place of their ancestors and their deities.
Moreover, for them the land is the only place where their unique culture, tradition art etc. are merged with. They don’t want to exploit the land by way of quarrying, mining and for making huge constructions. They even don’t want to fence the land. They think that this will hamper the freedom of free enjoyment of their land. The governments in power do not show the necessary political will to provide them land and restore the alienated lands and implement legislations made for this purpose. This has resulted in deep protest among the tribal population all the time, the resentment of which has been reflected in Muthanga land stir and agitations in Aralam Farm, Kannur for land for their existence.

Fifth, eventhough there is increasing political consciousness among the Adivasis they have not been able to organise themselves into a social or political force and hence the Adivasis in Wayanad could become a pressure group and bargain themselves for their rights so far.

Sixth, the upliftment and development of Adivasi communities particularly in Wayanad is not an easy task as the question involves multi dimensional issues connected with their anthropological foundations, ethnic base social, economic, cultural and political and their identity crisis. To co-ordinate these issues and put them on a common platform is a task and as such taking into account all these aspects, a case work approach is feasible.

Seventh, the state has not shown the required political will to transform the lives of the Adivasis of Wayanad. The political parties and the succeeding governments are equally responsible for this state of affairs.

Eighth, real development in any society shall include all sections of the population. The interests of any section shall not be ignored especially in a democracy. Democratic form of development allows scope for discussion and progress. Therefore it follows that the real progress of a marginalised section of people like the Adivasis depends upon long term developmental schemes formulated with a clear vision. This fact poses a real challenge.

Ninth, it becomes clear from the study that the mindset of the general public that the Adivasis can be easily exploited has to change. This involves an attitudinal
change on the part of the middlemen including officials who spend money on behalf of the government for their welfare.

**Practical Solutions to Prevent Human Rights Violations among the Adivasis in Wayanad district**

The problems of Adivasis in Wayanad are complex in nature. There has been a widespread feeling since decades that Adivasis in Wayanad are the worst sufferers in the Kerala society because of the peculiarities of their geographical uniqueness, tradition, culture and identity. In all walks of life their basic human rights being denied and incessantly violated from dawn to dusk. As such, they are marginalised and kept away from the main stream of the society. In this context, on the basis of the study, the following solutions are proposed to solve their problems and thereby prevent the human rights violations among them.

1. The economic development of the Adivasis can be achieved only through the socio-cultural development for which education is the only means. It is well settled that the socio-cultural development leads to economic development. The curriculum for Adivasi education must be moulded based only on their culture, tradition and language. The education must be conscious critical and qualitative. Only through education, the socio-cultural development of Adivasis is possible. Therefore awareness attained by way of education will help them to keep away the exploitation so that further violations of human rights among them can be prevented.

2. All welfare/developmental schemes, projects and programmes in Wayanad are to be formulated and implemented only with the full representation and participation of the Adivasi communities there. The development must be inclusive rather than exclusive. The formulation of the development policies and projects should be done at the bottom level. If so its implementation will be more effective and beneficial to the Adivasis.

3. The Adivasis in Wayanad have only to reveal the unending stories of extreme poverty, exploitation, cheating, suppression, exclusion, contempt and alienation from every nook and corner of the society. They have lost their faith in the present administrative system. They are in a dilemma as to whom they trust first.
So their full confidence must be obtained in every respect in all the initiatives undertaken for them.

4. Wayanad is considered to be a tourism district. The district has much potentials remaining to be explored. This should be fully utilised. The involvement and participation of Adivasis should be ensured in all enterprises pertaining to tourism in the district as they know the geographical pulse of the district. Wayanad can be demonstrated as the eco-tourism district. It will help in generating more employment and income among the Adivasis. District Tourism Promotion Council has to be revamped to that extent. If economically empowered, the Adivasis need not be subjected to physical and social exploitation any more.

5. Economic progresses can be achieved only through the income generating enterprises. Wayanad is rich in bamboo resources and it is the district having second largest reserve of the forest bamboo in the state. It is estimated that the Wayanad forests have 700000 tonnes of bamboo reserve forming nearly a quarter of the total bamboo reserve of the state. More than fifty species of bamboo are grown in Wayanad, predominant of which is Bambusa bamboos. It is found abundantly in private land holdings also. Traditionally the bamboo played a very important role for the Adivasi communities in Wayanad. Now-a-days bamboo based industry is flourishing in Wayanad. It has a good market in Kerala as we import bamboo products even from China. Bamboo products can be well replaced with plastic and steel. Using mechanisation, bamboos can be processed as beautiful and strong furniture which are eco-friendly too. ‘Uravu’ is a non-governmental organisation based on bamboo cultivation and manufacturing of its allied products are effectively working for the upliftment of the Adivasis in Wayanad. This organisation tries to empower the Adivasis in Wayanad by ensuring their livelihood based on bamboo. Therefore, the state government has to encourage its cultivation, collection, processing and manufacturing into various products among the Adivasis in Wayanad by giving them suitable land and financial assistance. This will help to generate employment and more earnings to them. It is also proposed as a rehabilitation package for the Sickle Cell Syndrome patients in Wayanad district.
6. The name of the district derived from 'Vayal Nadu, the land of paddies. Wayand is the land of paddy fields. Today paddy fields are deteriorating and its cultivation is rare because of several reasons. We depend on other states for rice on huge prices. This situation can be avoided if we produce adequate rice in our state itself. Therefore, paddy fields are to be rejuvenated, protected and subsidies have to be given to farmers especially Adivasis. The Joint farming among tribal villagers has to be promoted so that more rice can be produced with a good a domestic market.

7. In order to prevent sexual violations on Adivasi women in Wayanad, a permanent Bench of the Kerala Women’s Commission has to be established at Manathavady. The officials of the commission can easily and frequently visit the Adivasi hamlets (ooru) and make them aware of it. The camps, training programmes and workshops can be arranged in association with the District Legal Services Authority in Wayanad.

The evil of alcoholism among Adivasis can be reduced by way of awareness and reducing the availability of Alcohol. An atmosphere making them engaged in employment and making them more attached to their wife and children are to be created among them.

8. The land issue among the Adivasis have to be looked upon at its right perspective. This is because the concept of Adivasis regarding land is entirely different from others. Firstly the Adivasi culture does not encourage them to keep individual property or land documents. They believe that everything that grows on this earth belongs to all people. The Non-tribals took advantage of this believe and encroached their land. Second, the tribals look the land as the holy place of their ancestors and their deities. Moreover, for them the land is the only place where their unique culture, tradition and art are merged with. They don’t want to exploit the land by way of quarrying, mining and for making huge constructions. They even don’t want to fence the land. They think that this will hamper their freedom of free enjoyment of their land. Therefore, distribution of land among Adivasis should be done on par with their concept of land.
Moreover, the Adivasi communities like Kuruma and Kurichia own more land when compared to other communities. Therefore, both these communities enjoy more benefits of the schemes and projects when compared to others. The Paniya, Adiya and Kattunaikan communities are the most vulnerable Adivasi communities. It is noticed that of the total benefits of the welfare schemes, only below twenty five percent reaches to the Adivasi communities. This must be viewed very seriously and must be subjected to close monitoring and auditing by agencies outside the state. The culprits must be brought before the law irrespective of the colour of their flag, be punished accordingly. The services and activities like NGOs like ‘Kanavu’ and ‘Tudi’ can be made use of it.

9. The Kerala State Human Rights Commission has a very vital role to play in the Adivasi sector in Wayanad. But the Commission is not taking much interest in such matters. The Commission has to address the problems of the Adivasis of Wayanad more diligently and effectively. The state government has to take effective steps to get amended Section 12 of the Protection of Human Rights Act, 1993 (Act 10 of 1994) to cope with the needs of the Adivasi communities in the state particularly in Wayanad.

10. Above all the attitude and approach of the general public is against the Adivasi communities. The general public have been making the Adivasis purposefully kept away from the mainstream of the society with their bad plight because there has been a concept that these communities are to be there with their extreme backwardness to be exploited by them all the time. Whenever their backwardness ceases there will be no funds and schemes for their welfare and the way for the mediators for making money is closed for ever. Unless the mindset of the general public comprising of the politicians, the bureaucrats and the lay men is changed, the bad plight of the Adivasis will remain intact for ever. To change this situation the political leadership of both left and right should show their genuine will.

Relevance of Further Investigation

The root cause of the exclusion of Adivasis from the mainstream of the society and the task of their socio-economic development can be a subject matter
of further investigation. The absolute disinclination on the part of politicians (both leftist and rightist) towards the upliftment of Adivasis is another area, which has to be deeply investigated.