The human rights and their protection have formed an important part of the political discourses of the 20th century. The problem of human rights denial persists even in the 21st century which continues to perturb the attention of political leaders, administrators and social activists. Human rights are very much essential to human existence in that they determine the quality of life of the people. They are very much a part of good governance too. Discussions regarding development and development agendas automatically include a reference to human rights. Turning to the contemporary interpretations and the current uses of human rights, an appropriate starting point is the recognition that the term is fulfilling two different, but consistent, functions. On the one hand, the phrase universal human rights is used to assert the universal norms or standards that are applicable to all human societies. This assertion has its roots in ancient ideas of universal justice and in medieval notions of natural law. On the other hand, the idea of human rights is used to affirm that all individuals, solely by virtue of being human, have moral rights which no society or state should deny. This idea has its classic source in 17th and 18th century theories of natural rights.1

This dissertation makes an attempt to study the nature and extent of human rights violations among the Adivasis of Wayanad district in the state of Kerala. The state responses to such violations also form a part of this study. The aim is to find out the effectiveness of state response to mitigate the sufferings of the Adivasis. One of the most marginalised categories among the outliers in India is the Adivasis. They are the most affected in the country with many atrocities and calamities, both man-made and natural; the famines, floods, mafia menace, socio-cultural perversities like child marriages, sexual assaults, landlessness and the problem of unwed mothers. The ultimate cause for which government is working for is the national development, where sometimes the development strategy is delineated in such a manner that a handful of tribals may be denied protection in lieu of livelihoods offered for a vast majority. Some of the instances that emphasise this concern are the Land Acquisition Act, amendments to the Fifth Schedule to the Constitution, the Plant Varieties and
Biodiversity Bills etc. One of the serious problems that the Adivasis are facing is land alienation among others, which displaces them and denies livelihoods causing threat to their very existence. It is alarming that in the name of development, when exploitation of forestlands takes place, more than 40 percent of the Adivasis suffer displacement off their habitats and this has affected their lives seriously in the absence of any rehabilitation policy. The Fifth Schedule is a major constitutional provision that protects the right of the Adivasis by providing specific constitutional safeguards against their alienation from their water, land and forests. This prohibits transfer of tribal lands in certain areas known as Scheduled Areas. However, it is important to note that despite the Fifth Schedule, alienation of Adivasis from their lands are noticeable even in the Scheduled areas, particularly for the cause of mining and extractive industries. It can be easily asserted that in almost all the states in the country, crimes against Scheduled Tribes are high and their investigation and conviction low; literacy and landlessness, hutlessness and worklessness highest. In the words of Justice V. R. Krishna Iyer “The impact of National Plan is lowest, of welfare legislation weakest, of legislative justice and of legal aid benefits actually denied next to nil, of jobs in public services and economic assistance from state and other institutions far less than ‘reservations.’ Resources insignificant, social and occupational status still deplorable, women’s lot too bad for words, in short, equality, fraternity, individual dignity and social justice of tribals are such that a cultural social revolution, whatever the process is unavoidable, if the Constitution is to fulfill itself.”

The Adivasi picture in Kerala also does not present a different picture. The nature and extent of human rights denial to the tribals of Kerala has attracted the attention of several researchers and social activists. The onus of the tribal’s grim state of affairs are often being referred to as the misplaced development strategies adopted by the state, though there are responses from the state towards reducing illiteracy, unemployment, hunger and destitution of these people. The state responses, following the hues and cries over the most widely discussed land alienation forms the subject matter of this study.

From time immemorial, tribes have been field labourers. They were slaves attached to land passing from owner to owner by sale, mortgage etc. Their work lies almost exclusively in the rice fields pumping them by means of water wheels, making
up embankment, hedging, dipping, ploughing, weeding, transplanting and reaping. Men, women and children worked together during the harvest time. In the night, they had to guard their master’s field from the encroachment of cattle or the depredation of the wild animals. In the evening, their masters dole out two *Edagalies* (the bare minimum) of paddy, barely sufficient to keep body and soul together. After the harvest season, they could seldom find work. They had to starve until the next harvest season came around.\(^4\)

There are ample historic evidences to prove that the historical subjugation of tribal people of Kerala particularly in Wayanad had been close to slavery. Before getting into the crude realities of tribal life, a close examination of tribal affairs is essential. In the 1991 census, tribal population in Kerala was estimated as 3, 20,967 that constitute 1.1 percent of the total tribal population, in 2001 it reached at 4, 03000 and in 2011 to 4, 84,839 which constitutes 1.45 percent.(Census Report of India, 2011) They belong to thirty six distinct communities including the primitive tribal groups such as *Cholanaikans, Kattunaickans, Kurumbas, Kadar* and *Koragas*. There are 69,444 tribal households in Kerala while in 1981 it was only 52,421 (Government of Kerala, Economic Review-2006). The ST Communities with pre agricultural stage of development with diminishing population and very low literacy rate are defined as Primitive Tribes. There are five Primitive Tribal Groups (PTGs) in the state viz; Kattunaickan, Cholanaikan, Kurumbas, Kadar and Koragas. According to the Baseline Survey Reports of the KIRTADS, Kozhikodu during 2006-2007, the PTG population is 24285 (6 percent of ST population) and the number of households is 6523. The decadal growth rate of the ST population in 1981 to 1991 was 22.75 percent while for the general population it was only 14.75 percent.\(^5\) The growth in number of households in general population show an increase of 24.64 percent and for the tribals, it was 32.47 percent. The sex ratio of Scheduled Tribes in the state was 996. 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.\(^6\) Now a comparative profile with respect to the allocation of development fund and welfare fund in different levels to these three districts is also imperative.
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 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.

1.1 Report of the Welfare Committee of the Kerala Legislature-1996-98 on Scheduled Castes and Scheduled Tribes in Wayanad district

“The statistics indicates that, of the total Adivasi population in Kerala, 36 percent belongs to Wayanad. As per 1991 Census, the total Adivasi population in Wayanad is 1,34,000. Out of the total Adivasi population in Wayanad, 49 percent constitute the society consist of Adivasis and tribals. These forest dependant people have been subjected to various kinds of exploitation, who prior to Independence had been living with doing cultivation in their own land and collecting forest produces without disturbance. At the time of celebrating 50th year of Independence, unpleasant and condemnable news which are totally disgraceful to the literate Kerala is coming out from most of the Adivasi settlements in Wayanad. Eventhough both the Central and State governments introduce and implement schemes with crores of financial implications for the betterment of the Adivasi communities, they are not getting any benefits of the social progress. They are provided only with thatched shed with leaky roof. Adding fuel to the fire starvation and malnutrition coupled with various contagious and communicable diseases shackled them. Illiteracy and attack from wild animals constitute another major issue faced by them. In addition to this, these destitute and marginalised people suffer extreme difficulties all the time with the increasing inhuman atrocities, excessive, shocking and heinous sexual exploitations.
This Committee is convinced the abundant increase in the number of unwedded mothers and the inhuman and cruel behaviour to Adivasis is disgraceful to the literate Kerala.”

The reality of the concept of human rights is that they are based upon an equality of access to society’s resources and opportunities. Wherever there is unequal distribution of resources there is poverty. This would lead to a condition of denial of human rights. Therefore, it is important to analyse the social, economic and political status of the Adivasi communities in Wayanad district in the light of the opportunities available to them in the various departments of their social life.

1.2. Wayanad District Reports, 2008

The Local Self Government Department in association with the Scheduled Tribe Development Department had conducted a survey during the period from November 2008 to March 2010 named ‘Pattika Varga Samudayangalude Adishana Vivara Sekharanam-2008’ (Part 1 and part 11) and published in August, 2011 for collecting the basic information of the Scheduled Tribe communities in Wayanad district. The survey says that “In the Ninth Five Year Plan, the Local Self Government Institutions were given enhanced rate of funds and resources along with decentralization of powers for the effective implementation of the Tribal Sub Plan. However, it is a fact that these development activities among the tribal communities during the Ninth and Tenth Plan did not make any improvement in the standard of living of the Scheduled Tribe communities in Wayanad.”

These Reports disclose the bad plight of Adivasis in Wayanad which warrant serious examination by the authorities.

1.3 Minutes of the Meeting of Secretaries with the Chief Secretary held on October-15 2011 at the Chief Secretary’s Committee Room.

While presenting the details of the SC/ST Department, Principal Secretary (Planning) reported that the progress is very slow. The pooled fund, house to houseless, land to landless etc are the major schemes of SC/ST Department, which are yet to take off.

1.4 Human Rights Violations – An Analysis

The human rights are more often violated than protected in almost all the countries of the world. Even the organised governments are unable to prevent the
violation of human rights. In the Asian continent, the role of India in the violations of human rights is not negligible. Breaking up of the ethnic communities and cultures and harsh discriminations based on sex, childhood, religion and creed are prevalent in many parts of the country. Police and custodians of law cause atrocities against women, children, prisoners, poor and destitute and the human rights are put to trial on various occasions. Police are expected to be the protectors of people’s rights but instead they torture innocent people and seekers of justice. Among the violations of human rights, custodial violence or custodial tortures are on the top.

In spite of the constitutional provisions for protecting human rights in India, traditional human rights and fundamental freedoms suffer asphyxiation, deportation and extermination. Communal riots and violence always turned to be the burial grounds of human rights. In a pattern which has become increasingly familiar in many parts of India particularly in Gujarat. During the riot in 2002, a number of innocent Muslim youths were picked by the police officials in plain clothes, illegally detained, brutally tortured and implicated them in false cases.

1.4.1 Custodial Violence

The custodial violence can be referred to as practising torture of any kind on a person in police custody. It includes all forms of human right’s violations like picking up of victims at random, illegal confinement and findings and inflicting torture to extract confessions. It is widely seen all over the world and is the most barbaric negation of human dignity and poses a great challenge to human rights.

A large number of ethnic conflicts, frontier violence and war among countries had taken place in the history of the world and on these occasions, a large number of natives were detained and subjected to notorious violence in custody by the enemy country. Recently, the torture that took place in Abu Ghraib Jail in Iraq turned out to be one of the world’s most barbarous violence inflicted upon Iraqi soldiers by the United States Army. Major General Antonio Taguba had found that between October and December 2003 there were numerous instances of sadistic, blatant and wanton criminal abuses at Abu Ghraib.

Some of the torture methods consist of breaking chemical lights and pouring the phosphoric liquid on detainees, pouring cold water on naked detainees, beating
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detainees with broom handles and chair. But in some of the advanced countries, they use scientific technologies to extract information and confessions.

The torture, a feudal practice is the oldest, most common and cruel form of human rights violation. The use of torture by the police in the investigation process is regarded as an uncivilised, barbarous and illegal practice. Police torture has a history of several centuries in India even from the very ancient period. Torture and violence has been with the police authorities in India ever since the Vedic age. The British Rule in India had marked the beginning of penal reforms in this country. Lord Macaulay prepared the Indian Penal Code which came into force during the Governor-Generalship of Lord Canning. However, the British made the police in India to become the violators of human rights. The use of torture by the police for the purpose of extracting confession from the suspected offender during the British rule continues even today.

The human rights violations with regard to torture can be divided into two parts namely; physical violation and mental violation. There are several methods of torture and some of them are the following; twisting a rope tightly round the entire arm or leg so as to impede circulation; lifting up by the moustache, suspending by arms while tied behind the back, searing with hot irons, placing scratching insects; such as the carpenter beetle on the scrotum and other sensitive parts, dipping in the wells and rivers till the party is half suffocated, squeezing the testicles; beating with ticks, prevention of sleep, nipping the flash with pin ears, putting pepper or red chilies in the eyes or applying them into the private part of a man or a woman. These cruelties are occasionally preserved until death sooner or later ensues. These methods of torture were widely prevalent during the British Raj. However, the current methodology of ‘third degree’ does not show any remarkable refinement. The cases registered during the period deaths in police custody at national level are recorded by the National Crime Records Bureau, New Delhi under the following categories.

1.4.2 Custodial Deaths

There were 57 deaths in police custody of persons who were remanded to such custody by the court during the year 2007. Such deaths had decreased by 43.3 percent in 2006 over 2005 (from 67 in 2005 to 38 in 2006) and increased by 50 percent in 2007 over 2006 (from 38 in 2006 to 57 in 2007 at all India level. Magisterial enquiry was
ordered in 25 of the reported incidents in 2007. Judicial enquiry was ordered in 2 death cases during the year 2007. Altogether 33 cases were registered against police personnel, seven policemen were charge sheeted and no policeman was convicted for custodial deaths.\textsuperscript{16}

There were 61 incidents of deaths in police custody of persons who were taken in custody by police themselves during 2005, which decreased to 51 during 2006 (a decline of 16.4 percent in 2006 over 2005) and increased again to 61 in 2007 (an increase of 19.6 percent in 2007 over 2006)\textsuperscript{18} Magisterial enquiry was ordered in 36 incidents of the 61 such deaths reported and judicial enquiry was ordered in 10 incidents. Cases were registered against police personnel in 24 incidents. 28 police personnel were charge sheeted and no police personnel were convicted during the year 2007.\textsuperscript{17}

The Supreme Court has observed in a case of custodial crime which was reported in Deccan Herald, Bangalore on 8\textsuperscript{th} August, in 2000 that ‘in all custodial crimes the real concern is not only the infliction of pain, but the mental agony, which a person undergoes within the four walls of a police station or a lock up’. It is no wonder to say that nowadays people look at the police and the police stations with nostalgic horror.

The pervasive tendency of the political executive to misuse the law enforcement machinery for partisan ends is an important cause for custodial torture and death. The omissions of the Government to punish police officials guilty of custodial deaths lead to repetition of such crimes. The failure of the criminal justice system to book persons guilty of crimes has given rise to the adoption of undesirable methods to prove cases and extra legal methods, leading to gross violation of human rights.

\textbf{1.4.3 Fake Encounter Deaths or Extra Judicial Killings}

Extra judicial executions otherwise known as extra judicial killings are the clear violations of fundamental rights proclaimed in the earliest human rights instruments adopted by the United Nations.\textsuperscript{18} Fake encounter deaths are also called extrajudicial killings since it is lawfully accepted that only a judicial verdict can cease the life of a person and no other agencies are empowered to do so and any killing contrary to this constitute grave violations of human rights of an individual against his
right to live. It is just taking of persons as prisoners into custody, torture them and subsequently get them murdered. Police torture has been rampant throughout India. During 1970’s, this became familiar in almost all the states in the country especially in southern states. Such deaths were reported as having occurred in encounter with police and the police depict the victims as terrorists or hardcore militants.\(^\text{19}\)

Several human-rights organisations have conducted studies on extra-judicial killings by the police in India. A study conducted by the Asia Pacific Human Rights Network has noted that encounter killings are not isolated incidents but occur throughout India. They are part of a “deliberate and conscious state administrative practice” for which successive Indian governments must bear responsibility. Indeed, successive Indian governments have adopted a de-facto policy of sanctioning extra-judicial killings by members of the police forces, army and security personnel.\(^\text{20}\)

Because of the increasing number of encounter killings, it would be wise for the government and its organs to note what the Supreme Court of India observed some time back. The Apex Court pointed out that terrorism often thrives where human rights are violated, and that the lack of hope for justice provides breeding grounds for terrorism.

\section*{1.4.4 Recommendations of the Amnesty International}

Amnesty International has recommended a 10-point programme to combat torture and violations of human rights.\(^\text{21}\) They are: adopt an official policy to protect human rights, investigate impartially all allegations of torture, bring to book the perpetrators of justice, strengthen the safeguard against torture, inform detainees of their rights, train the police and security forces to uphold human rights and reform the police, compensate the victims, provide torture victims with medical treatment and rehabilitation, investigate the causes and patterns of torture and strengthen the state's international human rights commitment.

In the light of the alarming quantum of human rights violations under all social systems, it is imperative to analyse the position of these rights and their violations in respect of four categories of people in the society who often easily become prey to such violations; women, children, Dalits and Adivasis.
1.5 Women and Human Rights

Women represent half the population of the mankind and are part of the society and nation. They have certain inalienable rights which are an integral and indivisible part of universal human rights. The human rights of women include the right to equality, right against gender discrimination, right against sexual harassment, right to privacy and right to economic empowerment. The rights of women are often violated from womb to tomb, as a result of which they are made to pay heavily for their womanhood. Women face specific forms of violence - rape and other forms of sexual abuse, female foeticide, dowry death, and wife beating, wife-burning and so on.

The Supreme Court of India in *Dinesh Budha vs. State of Rajasthan* has laid down that “sexual violence apart from being a dehumanizing act is an unlawful intrusion on the right of privacy and sanctity of a female.” It is a serious blow to her supreme honour and offends her self-esteem and dignity. It degrades and humiliates the victim and where the victim is a helpless innocent or a minor, it leaves behind a traumatic experience. A rapist not only causes physical injuries but also more indelibly leaves a scar on the most cherished possession of a woman i.e. her dignity, honour, reputation and not the least, her chastity. Rape is not only a crime against the person of woman; it is a crime against the entire society”. It destroys as noted by the Supreme Court in *Shri Bodhisattwa Gautam vs. Miss Subhra Chakraborty* “the entire psychology of a woman and pushes her into deep emotional crisis. It is a crime against basic human rights, and is also violative of the victim’s most cherished of the fundamental rights, namely the right to life contained in Article 21 of the Constitution of India. The courts are, therefore, expected to deal with cases of sexual crime against women with utmost sensitivity. Such cases need to be dealt with sternly and severely. A socially sensitised judge, in our opinion is better statutory armour in cases of crime against women than long clauses of penal provisions, containing complex exceptions and provisions.”

Violence against women is one of the most crucial social mechanisms by which women are compelled into a troubled and subordinated position in society. It is perhaps the most shameful human rights violation and it knows no boundaries of geography, culture and wealth. As long as it continues, it is an obstacle to the achievement of the objectives of equality, development and peace. It violates and
nullifies the enjoyment by women of their human rights and fundamental freedoms. Mostly, minor girls and women of lower classes in the society become the main victims of violence. Stringent measures need to be adopted against the violation of human rights of women.  

Human rights of women are a matter of provision of social justice in relation to the resources, organisation, socio-economic and political opportunities of women. It includes the right to life, health, efficiency, property and dignity which are also the basic ingredients for the existence of a human life. The Convention on the Political Rights of Women (1952), The Declaration of Mexico on Equality of Women and Peace (1975) and the Convention on the Elimination of all forms of Discrimination against women (1979) were the major international instruments focused on protecting the dignity of women.

Indian women have held different status right from the Pre-Vedic period to the present time. Their status in the pre Vedic and early Vedic periods was equal to that of men in the religious and social spheres. In the later period, a steady deterioration took place. Not only was she debarred from the performance of religious rites but also from education. Of course, during this period, women were the tragic victims of Sati or bride burning and child marriage. The widows were subjected to too much mental and physical torture.

The British period witnessed human rights violations of women enormously and as a result many human rights movements also emerged in India. As a result of English education, there arose from within the society strong voices against practices like sati, female infanticide, dowry system and religious reformers right from Mahatma Phule and Raja Ram Mohan Roy to Mahatma Gandhi and others stood for greater equality of sexes. The organisations like Bharat Mahila Parishad, the Arya Mahila Samaj, and the Bharat Shtree Maha Mandal (1910), The Women’s Indian Association (1915), The National Council of Women for India (1925) and the All India Women’s Conference (1927) have tried to improve the women’s status in economic, social and legal sphere.

The most tragic and heartbreaking story of Bilkis Banu, a Muslim woman who is the living martyr of Gujarat riot in 2002, is the best example of cruelty done against a woman and womanhood in India. The Bilkis Banu incident, though it is said to be
connected with Gujarat riot, is a most heinous and reprehensible act committed
towards a woman ever in the history of independent India. On 1st of March, 2002 five
month pregnant Bilkis Banu was brutally raped by a gang and the whole state
machinery mercilessly acted in the case and she was denied justice. The medical
report showed that her foetus was removed with a sharp knife by the accused. Finally,
only with the intervention of Supreme Court and National Human Rights
Commission, proper trial was held and culprits were found guilty of the offences.\textsuperscript{26}

Women have equal status with men according to the provisions enshrined in
the Constitution of India. In addition to constitutional provisions, special laws for the
uplifting of women also find place in the statute books. The Constitution has not
only guaranteed internationally recognised human rights but also entrusted
governments with the responsibility of creating opportunities for full exercise of these
rights. Article 14 of the Indian Constitution says that the state shall not deny to any
person equality before the law. Again Article 15(1) deals with prohibition of
discrimination on grounds of religion, caste, race, sex or place of birth and Article
15(2) states that nothing in this article shall prevent the state from making any special
provisions for women and children.

There shall be equality of opportunity for all citizens on matters relating to
employment or appointment to any office under the state (Article16); no person shall
be deprived of his life or personal liberty except according to the procedure
established by law. (Article 21) As result of the pioneering work done by social
reformers, political thinkers and women activists, a large volume of legislation for
emancipation of women have been enacted in India. These laws touch upon three
major issues; the first relates to marriage, widowhood and property, the second relates
to equality under Constitution including discrimination in employment etc.; the third
relates to gender related violence and dignity of woman. Thus, we have an extremely
impressive body of legislations. The legislations which contain special provisions for
women assuring them of social security include; the Women Compensation Act 1935,
Factories Act,1945, Maternity Benefits Act,1961, Minimum Wages Act, 1948,

The Code of Criminal Procedure has also been amended to deal effectively
with cases of dowry death, cruelty towards married women and rape.\textsuperscript{27} The Family
Courts Act, 1984 was also enacted to administer justice to women. With the establishment of the National Commission for Women Act, 1990, gender issues are receiving proper attention. The Protection of Women from Domestic Violence Act, 2005(Act 43 of 2005) has been appraised as a unique welfare legislation for women. The Women’s Reservation Bill, 2008 is reported to be landmark legislation ever in the history of India, which is intended to amend the Constitution to reserve one-third of seats in Parliament and the state Assemblies for women. The tendency of ‘proxy politics’ was a reflection of male domination in society. This enactment measure is just the beginning as women continue to toil and fight for their rights every day. Though these legal devices contain special provisions for the security and dignity of women, some of them have turned to be mere “Paper Acts” and others have certain loopholes. Even on the occasion of the observance of the International Women’s Day on 8th March every year, women face enormous obstacles in having their voices heard and in claiming rights and freedoms that are enshrined in the Indian Constitution and laws made thereunder.

1.6 Children and Human Rights

Children and childhood across the world, have broadly been construed in terms of a ‘golden age’ that is synonymous with innocence, freedom, joy, play and the like. It is the time when, spared of the rigours of adult life, one hardly shoulders any kind of responsibility or obligation. But, then, it is also true that children are vulnerable, especially when they are very young. The fact that children are vulnerable, compels that they need to be cared for and protected from ‘the harshness of the world outside’ and around. This being so, the adult-child relation, parents in particular, is said to provide ‘care and protection’ – serving thereby the ‘best interests of the child’ and meeting their day-to-day ‘needs of survival and development’.

The Constitution of India contains provisions for survival, development and protection of children. These are included both in Part III and Part IV of the Constitution pertaining to ‘Fundamental Rights’ and ‘Directive Principles of State Policy’. Article 23 of the Indian Constitution prohibits traffic in human beings including children and Article 24 prohibits engaging children below the age of 14 in hazardous jobs. Article 39(e) of the Indian Constitution states that the health and strength of workers, men and women and the tender age of children are not abused
and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength and 39(f) states that childhood and youth are protected against exploitation. Despite these constitutional provisions, in India child labour is practiced in a big way, there by infringing upon the human rights to which children are entitled by birth.


Poverty exercises an adverse influence on the health and nutrition status of children. The development status of Indian children is affected by some key social and economic factors. Prominent among these are the massive population and its high rate of growth, widespread illiteracy, poverty of large segments of the population, backwardness of rural areas, unsatisfactory level of development of infrastructure, and the poor state of public social services and civic amenities.

In India, 35 percent of the population aged 7 years and above is still illiterate. The right to health is a basic human right and flows from the right to life. The United Nations Convention on the Rights of the Child, 1989 which India has ratified, clearly states that every child has the inherent right to life and to the maximum extent possible, the survival and development of the child has to be ensured by the state. These include reduction of infant and child mortality, provision of medical assistance and health care to all children, combating disease and malnutrition, prenatal and postnatal health care for mothers, preventive health care, nutrition and health education, clean drinking water, protection from the risks of environmental pollutants. However, majority of the children in India face all these problems even today.

Gender difference is another major issue. Strong preference for the male child on the part of the parents cuts across caste and class barriers. The woman's status in the family enhances if she gives birth to a male child. Such a discriminatory attitude has accounted for the neglect of the female child where she is not the first or only girl child. The root causes of female foeticide are the strong preference for male offspring and lower status of girls. May be it is because girls are perceived as an economic
liability in the Indian social set up. The ever growing menace of dowry and the rising expense on marriage ceremonies have compelled parents to avoid a girl child.

The acceptance of sex determination tests has been found by some studies to be greater among higher income families and those with large land holdings. To prevent the early sex determination, government of India has passed the Pre-natal and Post-natal (Prevention of Diagnosis) Act, 2006 and made it a criminal offence. The attitude of even educated couples indicates how desperately the male child is wanted for the fulfillment of the family, when they have only daughters. Women's groups, scientists and social activists have agitated strongly against the abusive use of parental diagnostic technology for the sole or primary purpose of finding out the sex of the foetus, as they consider it to be not only unethical but also a lethal blow against gender justice. The government also has campaigned against such tests.

Female infanticide is another major problem in India. To combat with this problem the Female Infanticide Prevention Act was passed in 1870. This Act covered negligence in the maintenance of female child in a manner, which endangered her life or health. It empowered the Magistrate to place such a child under proper supervision and, if necessary, remove the child from the custody of such a person.

Early child death continues to be high in India. In 1998, 21 percent of the total number of deaths was of infants, 8 percent deaths were of children aged 1-4 years, and 4.5 percent of deaths were of children aged 5-14 years. Thus, even though the post infancy stages (1-4 and 5-14 years) see a lower percentage of deaths, the incidence is still high. It indicates weaknesses in preventive and curative health care services for children. If a significant impact on child health is to be made, particularly in the backward states, the health care infrastructure has to be considerably improved through budgetary support, adequate physical infrastructure, a strong and efficient health administration, and reforms for a far better health delivery system, accountability and training of medical and paramedical personnel. Determined efforts, political commitment and accountability are necessary to reach out the services, particularly to the poor and provide client friendly health care to them. The national programme of the Integrated Child Development Services (ICDS), launched in 1975, has done much in this field. It could achieve the improvement of health and nutrition status of children aged 0-6 years.
Street children are unprotected and exposed to hazards and risks such as physical abuse and extortion by older children, adults and local ‘dadas’ (Bullies). Sometimes, there is violence over territorial rights, with local fight demanding a share of their meagre earnings. They are occasionally harassed by police; street children are exposed to the risk of sexual abuse. Girls are the most unprotected among street children and more vulnerable to physical and sexual abuse, especially those who crossed puberty. In addition to this, street children are engaged in a survival battle and that too, for a virtually sub-human existence. The World Health Organisation (WHO) reveals that one of every ten children in India is being sexually abused at any given time. The National Human Rights Commission (NHRC) estimates that 45000 children go missing every year.

The ‘Noida Nithari’ case was a heart breaking incident ever in the history of child abuse in India. The skulls of 15 children have been found in Noida, a satellite city of New Delhi. As many as forty children have disappeared in the area over the past two years. Investigations revealed that the victims, i.e. the children of labourers living in shanty clusters near the house where the arrested men lived, had been sexually abused and murdered. The victims were aged between six and twelve. Taking suo-moto cognizance on the basis of reports in print and electronics media, the National Human Rights Commission had called for reports from the Uttar Pradesh government on a preliminary finding that the recovered skulls were the skulls of those children who were sexually abused and murdered in Noida in Nithari village.

As per the statistics of the National Crime Records Bureau, New Delhi, a total of 20,410 cases of crimes against children were registered in India during 2007 as compared to 18,967 cases during 2006, suggesting an increase of 7.6 percent. Among the crimes registered under Indian Penal Code, number of Kidnapping and Abduction cases increased from 5102 in 2006 to 6377 in 2007, registering an increase of 25 percent over 2006. Cases of buying of girls for prostitution increased by 14.3 percent during the year 2007 (28 to 35 cases).

The government of India had launched for the first time in the Eight Five Year Plan (1992-97) a grant-in-aid programme under which assistance is given to voluntary organisations for organising services for street children. In 2000-01, assistance was given by the Ministry of Social Justice & Employment to 118 voluntary organisations
for providing integrated services. Some state governments, too, have responded to the social services, and provided a platform for networking to facilitate rehabilitation. In some of the metropolitan cities senior police officers are trying to develop institutional mechanisms through voluntary organisations, to help street children.\textsuperscript{40} The local authorities too have a very important role to play here in this context.

1.7 Dalits and Human Rights

Dalits in contemporary India bear the anguished burden of a long broken legacy of the deepest social degradation. Over one-sixth of India's population, about 170 million people, live a precarious existence, shunned by much of Indian society because of their rank as "untouchables" or Dalits literally meaning "broken" people at the bottom of India's caste system. Dalits are discriminated against, denied access to land and basic resources, forced to work in degrading conditions, and routinely abused at the hands of police and dominant caste groups that enjoy the state's protection.

Historically, the caste system has formed the social and economic framework for the life of the people of India. In its essential form, this caste system involves the division of people into a hierarchy of unequal social groups where basic rights and duties are assigned based on birth and are not subjected to change. Dalits are "outcastes" falling outside the traditional four classes of Brahmin, Kshatriya, Vaishya and Shudra. Dalits are typically considered low, impure and polluting based on their birth and traditional occupations and thus they face multiple forms of discrimination, violence and exclusion from the rest of the society. Beginning in the 1920's, various social, religious and political movements cropped up in India against the caste system and in support of the human rights of the Dalit community. The Constitution of India guarantees equality, liberty and fraternity irrespective of caste, creed, colour and sex.

Despite the fact that "untouchability" was abolished under the Indian Constitution in 1950, the practice of "untouchability" - the imposition of social disabilities on persons by reason of their birth in certain castes - remains very much a part of rural India. "Untouchables" may not use the same wells, visit the same temples, drink from the same cups in tea stalls or lay claim to land that is legally theirs. Dalit children are frequently made to sit in the back of classrooms, and communities as a whole are made to perform degrading rituals in the name of caste. Most of the Dalits continue to live in extreme poverty without land or opportunities for better
employment or education. It is true that nothing much has changed as far as Dalit reality is concerned. The violence against them goes unabated with impunity. According to the statistics of the Crime records, Government of India, averaged over the period 2001-05, twenty seven atrocities against Dalits are committed every day; thirteen Dalits are murdered every week; five Dalits homes are burnt every week; six Dalits are kidnapped or abducted every week; three Dalit women are raped every day; eleven Dalits are beaten everyday and a crime committed against a Dalit in every eighteen minutes.\(^{41}\)

Dalit women face the triple burden of caste, class and gender. Dalit girls have been forced to become prostitutes for dominant caste patrons and village priests. Sexual abuse and other forms of violence against women are used by landlords and the police to inflict political "lessons" and crush dissent within the community.

The concerted way the Dalit movements have brought the issue of Dalit human rights to international forums ever since the World Conference against Racism in Durban in 2001, inspite of the Indian government’s countermoves is remarkable.

There are more Dalits in India than there are people in Pakistan. They account for one sixth of India's population, but not of its land. While poverty affects many communities across the spectrum, it would be correct to say that the Scheduled Castes and Scheduled Tribes are amongst its worst victims. Those millions and millions of Dalits working as agricultural labourers earn between Rs.12/- to Rs.30/- in many parts of the country. This is usually in violation of laws relating to minimum wages for agricultural labourers. In these days of liberalisation, the pressure on these groups has become unbearable. Only 16 percent of Dalits live in urban areas. The remaining 84 percent live in rural India. Whether it is in private employment, school dropout rates, literacy and health indicators, access to higher education, or even government jobs, they are at the wrong end of the spectrum. The actual gap between Dalit literacy levels and those of the non-Dalit population grew worse between 1961-1981. In Rajasthan Dalit literacy rates for Schedule Caste women are about one-fifth of the national literacy rate for women.\(^{42}\)

Half a century after independence, Dalits still live in segregated section of the overwhelming majority of Indian villages. To this day, in several parts of the country,
it is risky for them to even walk through the upper caste passages. They have no access to the burial grounds/burning ghats in many villages in this country. The ‘Chengara land strike’ of landless Dalits in Kerala has turned to be a historical struggle for getting only a handful of soil in their native land for asserting their identity and existence.

The bad plight of Adivasis in India is also not different. The overall scenario and the conditions of tribal regions in India is just pathetic. D’Souza has examined the effects of planned developmental intervention among the tribals from 1961 to 1981. He has concluded that twenty years of intervention has not made any significant impact in improving the conditions of the tribals. There is all-round degradation of natural resources in the tribal regions, resulting in rampant poverty among the tribal people. In the Human Development Index, the tribal regions and people are at the bottom of the table in every states and districts. No one can question the basic fact that the tribal people in India are the poorest of all. Whatever may be the statistics of the below poverty line population at the national level, any tribal region in India (excepting north east states) has more than 65 percent of the population living below poverty line. Being asset less, poor and illiterate, they are vulnerable as they are isolated from mainstream economy and unable to integrate with the modern so-called cultured educated society and political system. Despite official policies aimed at improving the status of tribals, significant disparities remain. The Scheduled Tribes face significant demographic stresses due to deteriorating public health conditions in relation to other groups in the country. Sanitation facilities and access to clean drinking water are severely limited in both urban and rural tribal areas. Thus landlessness, land alienation, low literacy and high dropout rate, nutritional deficiencies and diseases, inaccessible health services, lack of adequate irrigation facilities, extreme poverty are the continuing problems for Adivasis that require special attention of the whole society.

A study conducted by the National Commission for Scheduled Castes & Scheduled Tribes in April 1990 on atrocities against Dalits such as murder, grievous hurt, rape, arson and crimes involving loss of property shows an alarming increase in crimes against Scheduled Castes and Scheduled Tribes especially murder and rape. The state has been in favour of Dalits in a variety of ways since independence. The
Constitution of India contains a number of provisions for the removal of disabilities and discriminations against the Scheduled Castes. The Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 specifies the atrocities, which are liable to punishment and penalties.

The multi dimensional nature of human rights would facilitate the overall development of each individual as a human being in the modern social set up. But, with the development of science and technology the inborn nature in every individual to be ‘humane’ has become alien to him and thus human values are slowly vanishing from the society where he lives. The spiraling development of human rights simultaneously gave birth to its flagrant violation as its twin brother.

When the United Nation proclaimed and introduced the Universal Declaration of Human Rights in 1948, it was seen by many as a sign of optimism, of the possibilities of a better world. Yet over, 65 years later, observers recognise that Indians live in an age when human rights abuses are as prevalent as they ever had been—in some instances more prevalent. The reports of the Amnesty International also go at par with this statement. The world is littered with examples of violations of basic rights: censorship, discrimination, political imprisonment, custodial violence, torture, slavery, the death penalty, extra judicial killing, genocide, poverty, refuges. The rights of women, children, and indigenous people continue to be ignored in atrocious ways. Coupled with this, environmental crisis also takes the discourse on rights to a different level. In 1998, as the Declaration celebrated its 50th birthday, the Observer newspaper in Britain published a poll called the ‘Human Rights Index’, which it described as ‘the World Cup that no country wants to win.’ The Index ranked 194 nations – states according to their record on human rights abuses. The results made for interesting reading. Algeria bagged first prize, ahead of North Korea. The United State featured in 92nd place, the United Kingdom in 141st. Russia was 32nd while China was 10th. The poll was based on a points system allocated to countries according to use of torture or capital punishment, their political prisoners and disappearances and their denials of basic rights. The totals were then adjusted according to the Human Development Index, which measures countries in terms of their level of economic and social development. The gist of this statement points towards the fact that human rights violations are a universal phenomenon.
In fact, human rights are violated in different forms, at different places. No wonder, the most affected areas of such violations are found to be among indigenous population or Adivasis, which is a matter of very serious concern. In this context, a brief narration of the rights of the indigenous people or Adivasis becomes necessary.

1.8 Indigenous People (Adivasis) and their Rights

Throughout history, the world’s indigenous people—an estimated 300 million in more than 70 countries have suffered at the hands of colonisers and others seeking territories and riches. The United Nations Working Group on Indigenous populations, which has been meeting since 1982, works to promote indigenous people’s rights. Members have drafted a Declaration on the Rights of Indigenous peoples which, if adopted, will represent a major step forward. The General Assembly’s proclamation of 1993 as the International Year of the World’s Indigenous People and 1995-2004 as the International Decade of the World’s Indigenous People was an effort to strengthen international co-operation for solving the problems faced by the indigenous communities.

According to the United Nation’s definition ‘Indigenous are those original inhabitants of a territory who for historical reasons are reduced to a non-dominant or isolate or marginal population and, who are socially and culturally distinct from other segments of the predominant population’. All over the world there are millions of indigenous people who are denied their basic rights. They are one of the most vulnerable sections. They are not looked upon even as human beings and they are denied their livelihood and dwelling places. Such indigenous people have, largely, in common considerable backwardness in comparison to the rest of the population, inequality of opportunity, survival of anachronistic economic and land tenure systems. The living standard of such people in independent countries irrespective of being developed, undeveloped or under developed is, in general, extremely low and in majority of cases is considerably lower than that of the neediest layers of the non-indigenous population.

The 8.6 percent of the total population in India (as per Census Report, 2011) belongs to’ Scheduled Tribes,’ is generally considered to be ‘Adivasis’ literally meaning indigenous people or ‘original inhabitants.’ Even though the term Scheduled Tribes is not coterminous with the term Adivasis, Scheduled Tribes is an
administrative term used for administering certain specific constitutional privileges. Specific sections of peoples who are considered historically disadvantaged and backward are guaranteed certain benefits by the Indian Constitution.

In this regard in 1991, the World Bank had declared that in the Indian context the term ‘indigenous people’ means ‘Scheduled Tribes’. Without adopting the expression indigenous people for the aboriginal population residing in different parts of India, the framers of the Constitution of Independent India included specific constitutional provisions for ‘Scheduled Tribes’ providing for a new political process for the realisation of the rights and fulfilling the aspirations of the Scheduled Tribes. The tribes in India for a long time, till British rule, were generally known as ‘primitive tribes’, ‘Adivasis’, ‘Natives’ and ‘Aboriginals’. However, it should be noted that ‘tribal’ is used synonymously with ‘Adivasi’ which means the ‘original settlers’ or the indigenous people.46

Majority of the tribals in India are illiterate, live below poverty line, and hence often become easy prey to exploitations. The tribal communities are governed under the Fifth and Sixth Schedule of the Constitution. In demographic structures of the so-called tribal people, the total population of the tribes was recorded 8.43 crores in 2001 Census which constitute 8.20 percent of the total population in India and is presently expected to be nearly 9.00 crores. Even in the presence of special legislations like Scheduled Castes and Scheduled Tribes (prevention of atrocities) Act, 1989, other enactments and constitutional provisions, the Adivasi sector confronts very serious menace even challenging to their existence.

Moreover, inspite of eleven Five Year Plans the quality of life of the Adivasis has improved only meagerly. They are suppressed and hence depressed in all respects. In the state of Assam, Nagaland, Uttarakhal, West Bengal, Rajasthan, Orissa, Bihar, Maharashtra, Gujarat and Kerala, many cases of violation of human rights were noticed and recorded in this context. The Amnesty International too has brought to light some such instances. There was rising violence in Dantewada area in Chattisgarh between armed Maoists and state forces supported by Salwa Judium, a civil militia widely believed to be state sponsored. The civilians, mostly Adivasis, were targeted by both sides. Unlawful killing, abduction, torture and mutilation by both sides were reported; instances of sexual assault by state agents and killings after summary trials
by the Maoists were reported; an overwhelming majority of these abuses were not fully investigated.\textsuperscript{47} About 50,000 Adivasis continued to be internally displaced from the Dantewade area, a majority of them are living in special camps. No serious attempt has been made to ensure their voluntary return amid reports that some of their land could be offered for businesses and development projects. At least 10,000 other Adivasis were reported to have fled to Andhra Pradesh.

On 15\textsuperscript{th} March, 2007 at least 55 people, mostly belonging to Salwa Judum, were killed in an attack by suspected Maoists near Bijapur. On 31\textsuperscript{st} March, 12 Adivasis were killed by the state police and the Salwa Judum at Santhoshpur. On 14\textsuperscript{th} May, 2007 a well-known activist of People’s Union of Civil Liberties, Dr. Binayak Sen, was arrested. He was charged under the Chattisgarh Special Public Security Act, 2005 and amended provisions of the Unlawful Activities (Prevention) Act, 1967. His arrest led to widespread protest by human rights organisations and the medical fraternity. On 10\textsuperscript{th} July 2007, 24 personnel of various security forces and 20 suspected Maoists were killed in attacks and counter-attacks at Konta. Similar human rights abuses were reported from several other states, including Karnataka, Jharkand and Andhra Pradesh. On 10\textsuperscript{th} July, 5 Adivasi activists were killed by the Karnataka police at Adyaka in Chikamangalur district. On 20\textsuperscript{th} August, 2007, 11 Adivasis women were sexually assaulted by the Andhra Pradesh police at Vakpalli in Visakhapatnam district. On 26\textsuperscript{th} October, 2007 armed Maoists set of a land mine at Vidyanagar in Nellore district apparently targeting, former Andhra Pradesh Chief Minister N Janardhana Reddy and his wife, N Rajya lakshmi, a minister. Three people in convoy were killed. On 27\textsuperscript{th} October, 2007, armed Maoists fired on a cultural festival at Chikhadia, killing 18 people. Activists campaigning for land rights or environmental issues relating to marginalised communities faced abuses.\textsuperscript{48} In July, Saroj Mohanthy, a writer-activist protesting against the threat of displacement of Adivasis by the Utkal Alumina industrial project at Kashipur, in Orissa was detained on charges of dacoity (robbery), trespass and attempted murder. Roma, an activist working among Dalits and Adivasis in Mirzapur, Uttar Pradesh was detained under the National Security Act, in August. 2007. New legislation guaranteeing Adivasis right of access to forest land was largely ignored and Adivasi communities suffered police violence.\textsuperscript{49} In April, police used excessive force against Adivasis protesting against forced evictions by the state
forest department in Rewa district of Madhya Pradesh. Seven Adivasis were injured. In July 7 protesters were killed when police fired into demonstrations for land rights in Khammam district of Andhra Pradesh.

A study on Kerala, a state considered to be unique for having developed a more egalitarian society with high quality of life index similar to that of only the ‘developed countries’ paradoxically shows that for Scheduled Tribes the below poverty line population was 64.5 percent while for Scheduled Castes it was 47 percent and others 41 percent. About 95 percent of Adivasis live in rural areas, about 10 percent are itinerant hunter-gatherers but more than half depend upon forest produce. Very commonly, police, forest guards including officials intimidate and torture Adivasis and large numbers are routinely arrested and jailed, often for petty offences.

Moreover, though the Adivasis constitute only 1.45 percent of the total population of 3,34,06,061 in Kerala, (as per 2011 census) they have a unique cultural identity and heritage than the rest. They are mainly concentrated in the district of Palakkad, Idukki and Wayanad. The life of the tribal population is beset with problems like landlessness, land alienation, sexual exploitation, starvation death, health hazards, and poverty along with identity crisis. Once they were the real owners of this land. However, due to several reasons they have been unceremoniously expelled from the land on which they have birth right. Among the major issues, the issue of land has been very crucial. Whenever the Adivasis rise to assert their rightful place in society and in the ownership and control of resources, they are ruthlessly suppressed by the rulers with the help of the industrial class having commercial interests only. Their resentment took its extreme form and burst out when they decided to move to ‘Muthanga’ in Wayanad district and the police on 19th February, 2003 allegedly opened fire on a gathering of over 1100 Adivasi families protesting against the non-implementation of an agreement reached between the state government and the Adivasi Gothra Maha Sabha.(AGMS) The action of police, it was so alleged, had resulted in 16 deaths and injuries to a large number of Adivasis including women and children.

Thus, human rights, though fundamental are not enjoyed in equal measure by all. From the above discussion on the subject one is able to arrive at a finding that they are quite often violated in different forms and the Adivasis are one of the most
vulnerable sections in the society. Developmental plans and schemes of the
government often hit the Adivasi groups because the tribal land is often taken over by
giving them little money.

1.9 Human rights- the present scenario

Globalisation and the structural adjustment policies have downsized the state
and it has adversely affected the marginalised sections of the society particularly the
Dalits and Adivasis. It has sporadically widened the freedoms of corporations eroding
the powers and freedoms of people in their diverse community setting. As has been
stated earlier, Indian Constitution provides social justice and equality to all the citizens
and guarantees fundamental rights irrespective of caste, color, sex and religion. These
rights are available to all citizens irrespective of whether they live in urban or rural
areas or in forests. The forest dwellers who are otherwise known as ‘Adivasis’,
‘indigenous people’, ‘primitives’, ‘aboriginals’ and ‘natives’ are given certain special
provisions in the Constitution especially in Article 46 in Part IV in the Constitution. It
can be seen that despite the constitutional provisions, the formation of the Human
Rights Commissions and such other organisations and the introduction of Community
policing, human rights violations particularly on Adivasis have not abated, rather they
are on the increase.

The human rights movement in India has moved beyond the usual civil liberty
issues and has entered the arena of multifaceted struggles of the populations
victimised by the current modes of development policies. The movement now
assumes that human rights issues are involved when not only the state infringes a
particular right of a citizen, but also in all situations, which prevent individuals, or
group of people, from staking their rightful claims to public resources. The need of the
hour is to sensitize the people about human rights and their violations so that it
becomes a people’s movement.

1.10 Statement of the Problem

There are several sections of people in the Indian society who are denied
human rights since they live in sub human conditions. Among them, the most
vulnerable and marginalised section, is the Adivasis. They are the aboriginals whose
habitat is the forest regions and who carry on their living by subsisting on forest
produce. In course of time they have become an exploited group of people as they are the ‘eternal tenants of an extortionate system.’ (Tagore) In fact the Adivasis are ‘Adimas’ (slaves). The aborigines in the Indian language are known as the ‘Adivasis’- Adi and Vasi standing for original and inhabitants respectively. The Indian Constitution calls them Scheduled Tribes. Tribals are an integral part of the Indian civilization. They contributed several elements in the ancient Indian civilization. It is believed that they were the earliest among the present inhabitants of the country. Anthropologists have identified the following characteristics of tribal communities i.e (1) smallness, (2) distinctiveness, (3) homogeneity, (4) isolation and self sufficiency (5) sensitivity (6) anxiety to retain their identity and (7) fear of extinction. The process of modernisation has adversely affected the tribals. Modernisation detribalises the community. After the exit of British colonialists, the central government nationalised all forests and thus they have been displaced from forests. They became slaves and labourers. Here they lost not only land and resources but were forced in to compulsory labour, little different from slavery. Majority of tribals in India are illiterate and they live below poverty line. In short, the aborigines are victims of change. They find it difficult to adapt socially and culturally. If human rights violations go on like this, even their future survival is going to be a serious question. Therefore, the government must not over administer these areas where they live. They themselves must be given training to administer their areas.

In Kerala, the Adivasis are mostly found in the districts of Wayanad, Palakkad and Idukki. Wayand is the most Adivasi populated district in the state. (1,51,443 Adivasis with 37.36 percent of the total population in the district). Attempts are made to ameliorate their bad plight, but they have not been fully successful. Their social and economic conditions are far from satisfactory and it is this state of affairs, which go against their enjoyment of human rights. The atrocities on them are on the increase. Their socio-economic backwardness, increasing exploitation on them, the problem of unwed mothers, illiteracy, fatal diseases like sickle cell syndrome, landlessness and land alienations, infant mortality, malnutrition, lack of infrastructural facilities, shortage of sanitation facilities, scarcity of food, increasing health problems etc. made the life of Adivasis in Wayanad more miserable and pathetic. In Independent India, inspite of Eleven Five Year Plans the quality of life of Adivasis of
Wayanad has improved only meagerly. Eventhough India became free in 1947 the Adivasis are not free even today. The Indian Constitution guarantees political and social democracy, which means every Indian, must unfold his full potential. Social democracy is a way of life, which recognises liberty, equality, and fraternity as its main pillars. The Constitution makers had discussed the issue of tribal welfare and development along with Harijans and backward classes. Ample provisions have been included in the Constitution for promoting their rights and welfare. However, much remains to be done in Wayanad district in Kerala. Attempts made at the governmental level have not succeeded much as the cultural milieu cannot easily be penetrated. This thesis tries to examine the extent of violation of human rights among the Adivasis of Wayanad in Kerala.

Kerala has made commendable progress in all sectors since independence and it has often become a model for many other states in the country. The Kerala Model of Development is said to achieve heights, however, sectors including the tribals and other weaker sections continue to show grim state of affairs. Despite impressive achievements, the Adivasi community faces a plethora of social, economic, political and cultural problems. Although developmental efforts bring about economic progress, those marginalised are increasing pointing out the lopsided strategies of development happening in the country.

Adivasi community, the most backward of all the communities in the country are indigenous settlers of the forests and are most often denied their human rights particularly the land rights. Immense number of studies has occurred on the topic, but the gap identified in such studies being the state response to subjugation of rights and consequences. The state responses to Adivasi problems fail to achieve their objectives and invites agitations from the Adivasis as it poses question of their right to livelihood. This study has concentrated on the Wayanad belt in Kerala, which is the largest Adivasi populated district in the state. An effort has been made to understand the socio economic life, human rights violations etc. of the Adivasis in Wayanad. Later, the study probes into the issue of their land alienation, response of the civil society and the response of the state etc.
Chapter I

1.11 Review of Literature

Review of literature is considered to be as a significant part of research work. It enables the researcher to understand the real problem and draw some hypothesis. The literature reviewed in the context of present study mainly consists of books, articles, journals, periodicals, study reports, and publications related to human rights, Adivasi rights and their struggles for existence etc. The tribal studies in India have been concentrating on issues including the issues related to the Adivasi economy and culture; land alienation, socio-economic development etc. The Indian tribal society is a unique one with diversity of nature and people. Poverty, poor health, poor sanitation, malnutrition, illiteracy, landlessness, land alienation, problem of unwed mothers and such other acute social problems among the Adivasis are exerting a dragging effect on Indian economy. There have been series of studies on Adivasis in India, particularly in Kerala based on tribal anthropology, tribal economy, tribal land alienation, socio-economic development of tribals and Adivasi rights etc. It is highly imperative to have a look at the studies done by the anthropologists and research scholars too.

1.11.1 Studies on Tribals in India

The tribals have a unique tradition, culture and identity. In The Tribals so called and their future (1943), Ghurye contested the theory of public park. He argued that the tribals were nothing more than backward caste Hindus. They should be treated at par with the Hindus. However, in Races and Cultures of India (1944), D.N Majumdar took a different view following Ghurye’s argument. He opines that the cultural identity of the tribals should be preserved at any cost. He further states that if the tribals’ isolation is lost their ethnic identity will be in peril. Races and Cultures of India (1961) provides a definition to tribe that “it is a group speaking a common dialect and inhabiting a common territory”. The book gives knowledge of Indian culture, practises, art, law, morality, religion and other aspects of man’s culture which are of fundamental importance and can be treated as baseline studies. The chapter eighteen of the book specifically deals with the tribal organisation. The author keeps the view that from very early times, there has been a gradual and insensible change from tribe to caste and many are the process of conversion from tribe to caste. The low caste of today had mostly a tribal origin. In Modernisation of Tribal people on India’s borders (1973), the author says that the tribal people who live among the non-tribals
do not like to share a social life. Their mingling capacity is very low. Eventhough many of the tribals adopt the techniques and skills of the modern world; they still embrace the nostalgia of the tribal world. He also expresses his dissatisfaction pertaining to the strategies adopted for tribal modernisation. However, the *Tribal life in India* (1977)\(^{58}\) depicts the social life of the tribals. The tribes differ from others in their social set up. They have their own regulations for entering in marriage bondages. They prefer to marry within their group itself. They are guided by their own community chieftains and they form socially distinct communities who have been designated as tribes and listed in the Schedule for special treatment, so that relatively within a short span of time they can come within the mainstream of the political and economic life of India. For attaining this objective, agrarian struggles and tribal movements helped a lot. *Peasant Struggles in India* (1979)\(^{59}\) is an overview of tribal and peasant struggles in India in 19th century. One of the main reasons why tribal people in this sub-continent feel disunited isolated and thwarted is the gradual and steady temptation to which they succumbed in the past one hundred years, by allowing themselves to be easily converted by powerful religious Missions, foreign as well as indigenous, not because they really believed that their pattern of faith was inferior to that of others but because through conversion they fondly hoped to secure economic betterment, freedom from exploitation and relief from harassment. The tribal struggles from 1778-1971 are listed in chronological order and this is one of the specialities of this book. Moreover, *Tribes of India: the Struggle for Survival* (1994)\(^{60}\) tells of observations among the Indian tribal populations spanning the period from 1940-1980. The book also contains the contributions of Michael York and Jayaprakash Rao. The book deals with the history of the long ending struggles of the tribal population in India for their survival. In the struggle for their survival various social movements played significant roles. *Social Movements in India* (2004)\(^{61}\) is considered to be one of the important books on social movements in India. Land alienation, usury, forced labour, minimum wages, land grabbing etc. continued to be the main issues of tribal movements in the country on the eve of independence and thereafter. Economic issues involved in the tribal movements were often somewhat similar to those affecting non-tribal peasant movements. The author critically reviews the social movements in India from 1987 to the present. Further, *Tribal movements in India* (2006)\(^{62}\) says that the tribal movements in the north-east are entirely different from
those elsewhere in the country and stand in a category by themselves because of the unique geographical situation of the region and its historical background. It is significant to note that the tribal struggles for all the period are for establishing their rights.

Tribal economy is differing from tribe to tribe and region to region. Human rights are a powerful tool for development provided for the aborigines. The duty of human rights is to protect the life of the people, particularly the aborigines. Indigenous and tribals usually live in less developed hinterland areas of the state. History teaches that aboriginal people lost their land, resources, culture, tradition, and even their history and identity. Thus the original inhabitants (adivasis) not only lost their property but also were forced into compulsory labour, little different from slavery. *Tribal Rights in India* (2006). 63.

*Adivasi life stories—Context, Constraints, Choices* (2007) 64 under heading *context and constraints* deal with the colonial regulations, collective resistance and development policies, and their impact in India. The impact of the broad social and historical processes which transformed the economic and social organisations of the Adivasis has shaped the trajectory of their collective life and their response and resistance. Under the heading *choices*, the author tells about doing life stories: some reflections. The book is about the lives of Adivasis also known as tribals and the circumstances in which they find themselves in one district, Thane in Maharashtra, western India. The author who tells us the stories of Adivasis of Thane are the stories of suffering and deprived people all over the world who have been excluded and marginalised by the process of development and modernisation. Their socio-economic problems have no comparisons. *State, society and tribes: issues of post colonial India* (2008) 65 points towards the fact that citizenship rights are individual rights. Tribes are communities. Individual have, at the same time, no social existence outside of their community or society. In reading tribes as citizens, the author treats tribes both as citizens and as members of the tribal community.

1.11.2 Tribal Studies in Kerala

The history of Adivasis in Travancore is also the history of their survival. *The Travancore Tribes and Castes* (1937) 66 which has been published in three volumes, is a study of the primitive tribal survivals in Travancore State. The author is of the view that the customs of the primitive tribes were undergoing rapid and destructive
changes. By contact with low countrymen and missionaries the tribes were losing their primitive conditions. The first volume of the book gives a descriptive account of seven out of sixteen primitive tribes. The second and third volumes deal with the accounts of the tribes of Travancore. In the later study (1961), he narrates the hill tribes of Kerala as pre-Dravidian. The book also contains detailed descriptions of tribal habitat, adoption, kinship and tribal organisation. While speaking of the beliefs of the Kanikkar tribe regarding the earthquake, the author narrates that the “Kanikkar think that the earth rests on one of the horns of an ox. When the ox feels restive on account of the heaviness of the earth, the earth is shifted to the other horn and then it is that there are earthquakes.”

In *Malabar Manual* (1951) Logan William, the author indicates the ‘adima’ system existed among the aboriginals and untouchable classes of Malabar. He explained the extractive, inhuman and exploitive attitude of feudal lords towards ‘adimas’. The study throws light on the inhuman and exploitative system of feudal landlordism prevailed in Malabar in the Nineteenth century. Moreover, *Tribes of Kerala* written by A.A.D. Luiz (1962) is an interesting study which covers the entire ways and traditions of 48 tribes and is a clear evidence of a great and painstaking study, highly useful in understanding the many problems faced by the tribals. The author narrates the origin and growth of social structure, religious ways, economic life and the institution of marriage and salutation of the aboriginals in Kerala. “Amma is the salutation for the mother for all tribes of Kerala except ‘Urindavans’ who use the term ‘Avva’ for Amma. Father is addressed as Appan (or Appa) by most groups.” As such, the book is a historical perspective study. In *Social revolution in Kerala Village: A Study in Culture Change* (1965), the history of land tenure is narrated. In ancient Malabar the village lands were more or less under the control of the village chief or desavari, a political, social and military leader, owing allegiance to the district chief and to the Raja or paramount chief, who collected no land revenue but expected his subordinates to send him their quotas of militia men in times of war. On 28th October, 1793, the British rulers of Malabar surprised their subjects by a most unfortunate proclamation which recognized the jenmi as the owner of the social and the kanakkar as the ‘owner’s lessee’ and as such liable to be turned out of the land. According to the new dispensation the jenmi could evict a cultivator from possession
of lands and gardens by paying him the cost of improvements even though the cultivator had been in possession for generations. However, in *Tribal situation In Kerala* (1977), the author is of the view that land is looked up on by most of the tribal communities in India not only as their dependable source of livelihood but also as the foundation for social prestige. Social status among the tribals is measured in terms of land ownership, particularly possession of hereditary land. Furthermore, land is sometimes linked with the perpetuation of groups of tribal people with their autonomy, solidarity and cohesion. The tribal development, integration, movements and leadership in Wayanad are discussed. The book also deals with the formation of tribal organisations and the impact of naxalite movement on tribals. *Tribes of Kerala* (1995) mainly deals with tribal communities and their life, culture and customs in the state of in Kerala. The author depicts Kerala as a tribal haven. The transition of two tribes i.e ‘Cholanaickans’ and ‘Kurumbas’ of Attappady and the ‘Uralies’ of Idukki, the social customs of ‘Kanikkar’, the religion and worship of ‘Kadars’ Kattunaickans, Koragas and Kochuvelan of Wayanad are also discussed.

The anthropological history has a unique place in any studies regarding tribes. *Encyclopaedia of Dravidian Tribes* (1996) is a classic record of the anthropological history of tribes in South India, particularly in Kerala. The first volume was prepared as a Thematic Introduction, dealing with various cultural, physical and anthropological aspects of these tribal communities whereas the second volume consists of articles on the Scheduled Tribe communities. The book also imparts tremendous and authentic information regarding the habitat, culture and socio-economic life of the tribal communities in south India. *Kurichiyarude Lokam* (2003) written by Chacko, tells us like a story about the life, tradition and culture of Kurichia, the major Adivasi community in Wayanad. The author attributes the Kurichiar as Sahyante Makkal and narrates the speciality of their family set up, marriage(Therandu kalyanam) and their peculiar rites etc. He keeps the view that some of the Kurichiars are Christian believers.

The Adivasis have a unique culture and tradition. *Keralthile Adivasi Kalaparmparyam* (2004) The book written by sister Seeliya P. Thomas depicts the traditional and cultural art forms of Adivasis in Kerala and its salient features and
importance. The author tells us about the different art forms of Adivasis such as dance, music etc.

Once Wayanad was prospered with agriculture produces which kept its economy strong and safe. But the decline of the agricultural sector uprooted its economy. In the book Wayanad Misery in an Emerald Bowl (2006)\textsuperscript{75}, T.G. Jacob, the author highlights the ups and downs of the agricultural sector in Wayanad, decline of economy due the fall of cash crops etc. The author narrates the history of Wayanad, peasants’ struggles in the district, its economy, market system and the reasons for the change in the market system and its impact. While speaking of the golden period of Wayanad economy, he says that people on return from Kozhikode used to buy new Mahindra jeeps after selling their pepper and cardamom. Owing to the decline of cash crops, repayment of loans availed from banks defaulted which forced the cultivators to sell their properties for reduced price.

The tribals were exploited not only by the new settlers, but also by the rural moneylenders. In The process of Tribal Land Alienation and Disempowerment in Wayanad, Kerala (2006)\textsuperscript{76}, the author says that the movement at ‘Muthanga’ for possession of land alone will not solve their problems related to empowerment. The Adivasi problems are multidimensional. The book Tribal Movements in India (2006)\textsuperscript{77} contains discussions on the ruthless exploitation by the plainsmen, money lenders and lax administration in the area which has added to the economic distress and social degradation of the tribal people of Kerala in general and those of Wayanad in particular.

\textit{Utharakeralathile Vettuvar} (2007)\textsuperscript{78} written by K.V Philomina narrates the tradition and culture practiced by the tribals called ‘Vettuvar’ in the northern districts of Kerala i.e. Kannur and Kasaragod. The author narrates their customary rites, rituals, ostracisms, beliefs, worships etc. practiced among them.

1.11.3 Books on Human Rights

The idea of human rights is as modern as the internal combustion engine, and from one point of view, it is no less a technological device achieving a common human purpose. Moreover, “human rights” or the “rights of man” were once called “natural rights.” The Human Rights Reader (1989).\textsuperscript{79}
The concept of fundamental rights has been accepted in all modern democratic Constitutions. The philosophical foundation of fundamental rights according to the author is natural law and the history of rights of man is bound with the history of natural law. This makes the fundamental rights, natural rights. In the book *Human Rights-Commitment and Betrayal* (1996), he further says that we are by nature inclined to love mankind, which is the foundation of law.

Among the significant social legislations since independence, Protection of Civil Rights Act, 1955 has paramount importance in a civilized society like India. Ultimately the police should be committed to protect the rights of the people. Human rights are the foundation of every Constitutions and democratic institutions. The book *Manushyavakasangal* (1998) narrates the history of fifty years of police in India.

Human rights often form a vital element of the constitutional arrangements of the modern state. They provide the moral justification for assertions and counter assertions in a wide variety of political debates. Rights are claimed, for instance, on behalf of unborn children, animals and environment. Human rights are used both to defend the position of minorities against the majority and to justify the majority prevailing over the minority, to justify obedience to the law and to defend and attack the free market and the welfare state. When it is said that a person has ‘rights’, this normally means something more than saying that he or she deserves to be treated in a particular way. This is the essence of the book *The Law of Human rights* (2000).

However, rights and freedoms are synonymously used. The concept of ‘personal freedom’ means the freedom of every law-abiding individual to think what he will, to express his views, freely and to go where he will without let or hindrance from any other individuals. This freedom should be justly balanced with the recognition of and respect for the rights and freedoms of others and the requirements of morality, public order and the general welfare in a democratic society. (*International Encyclopaedia of Human Rights-Study Stories of Human Rights*, (2001))

The anti people development strategy adopted by the government is causing greater anxiety today than the massive land alienation and displacement of tribals on account of development projects. It is an anomaly that the government which has conceded the Adivasi people’s demand for self determination has schemed to take away the very basis of their identity and existence. It should be noted here that
‘tribal’ is used synonymously with ‘Adivasis’, which means ‘original settlers’ or indigenous people”. Human Rights 2001 (2001) 84

Human beings are a social creature. The book Protection of Human Rights: National and International Perspectives (2004) 85 says that human rights are an integral part of the society. A society sans human beings or a society sans civilized people is no society in the civilized world. Now, the whole world is a global family and each of us, as an individual, depends upon each other and each of us, as a nation, depends on other nation or nations. This compulsion is a natural one and no can lead an unsocial selfish life in a closed chamber. Everyone must have the same respect for the needs, priorities and interests of others if one expects that others should also be as good to him or her as he or she is. Human dignity is the quintessence of human rights. It is the wide comprehension of this aspect and appreciation of the amplitude of dignity of the individual-unit of the human family- which must define the true scope of human rights. The expression ‘human rights’ covers every aspect of human dignity. To achieve this end the definition contained in domestic legislation must be consistent with the international covenants. The one key challenge to human rights in the new millennium is to ensure distributive justice in the national as well as in the global context. The New Universe of Human Rights (2004) 86 The author of this book is Justice J.S.Verma, the former Chief Justice of the Supreme Court of India and the former Chairman of the National Human Rights Commission.

The perceived conflict between minority and majority rights is often used to obscure the ways in which social justice is unevenly distributed globally. The concise Guide to Global Human Rights (2007) 87 says that while there are many points of disagreement between western and majority world concepts of human rights and dignity, the polarization of individual and majority rights clouds the real issues. The rights of women and children—the majority of world population—do not infringe on the rights of indigenous people, gay, lesbian, bisexual and transgender people, disabled people, refugees and immigrants—all considered minorities. When any of these people’s rights are violated or abused, the resolution to such injustice must be guided by the basic principle that all human beings are equal in their diversity.

Human rights are universal, that is they belong to each of us regardless of ethnicity, race, gender, sexuality, age, religion, political conviction or type of
government. Human rights are *incontrovertible*, that is they are absolute and innate. They are not grants from states, and thus cannot be removed or denied by any political authority, and they do not require, and are not negated by the absence of any corresponding *duties*. Human rights are subjective. They are the properties of individual subjects. These are the contents of the book *Human Rights: An Introduction* (2008).

Human Rights is a dynamic concept and endeavours to adapt itself to the needs of the day. Further, Human Rights attain new dimensions and connotations with the march of the society. That is why the definition and understanding of the term depends much upon the social, economic, cultural, civil and political conditions and opinions prevailing in a given society at a given time. These developments also give rise to further aspirations of the people to be able to exercise their rights of equality and justice. Evolution of Human Rights after all depends on evolution of mankind. This is the gist of the book *Law relating to Protection of Human Rights and violation of Human Rights Problems*, (2010).

In addition to the above books, the newspaper reports, articles, bulletins, published in weeklies journals etc., research studies and study reports are also reviewed.

*Transfer and Alienation of Tribal Land and indebtedness in Kerala* (1975) It is a study report (unpublished) by P.R.G.Mathur, conducted during the period from 1-2-1973 to 12-11-1973 on the transfer and alienation of tribal land in Nenmeni, Wayanad. The author is of the view that the Adivasis are forced to wean away from shifting cultivation and stick on to a particular area to practice farming, but largely concerned with the issues of lack of technical expertise, financial and physical resources to carry out farming operations which made them dependent on the so called ‘usurious moneylenders.’ Inspite of the vagaries in agricultural farming they forced to pay revenue to the government; thus enhanced the dependence on moneylenders, hence largely responsible in invigorating the land alienation process from the cultivators to the money lending class. Discussing the problem of land alienation and bond-labour, he observes that “it is a matter of regret and sad commentary up on the tribals of Kerala in general and the Paniya, Adiya, Katunaickan, Uralikuruman, Irula and Muduga in particular that they are exposed to abject poverty. Indebtedness
is both cause and effect of poverty. Unless the tribals are got rid of Indebtedness and the accompanying evil of bond-labour, it is unlikely that any legislation would prevent them from transferring their land, whether by sale, mortgage, gift or leases.”

*Marannavare Marakkathe* (1996)\(^9^1\) was an article series by Shaji Francis published in a leading Newspaper, *Deepika* that bagged the best sub-editor’s Award that year. The pathetic stories of unwed mothers (Adivasi girls become mothers soon after they attain puberty) in Wayanad drew the attention of the public at large. The human rights issues of these unwed mothers in Wayanad have increasingly failed to draw attention of the authorities concerned. The problem of unwed mothers is still remaining as a serious menace to the Adivasi womenhood in Wayanad.

*Adivasis Betrayed: Adivasi Land Rights in Kerala*,(1999).\(^9^2\) Over the past century and more, tribal lands have been bought by non-tribals at throwaway prices. There has been legislation to check this trend and also to restore alienated lands to tribals. But the will to implement these enactments on the part of the government has been missing. Unlike others the Adivasis have a special relationship and dependence on land which gives them the notion territoriality. Their existence as communities is possible only if their inalienable right to their territories is acknowledged.

*Feasibility Study* (2002).\(^9^3\) The Kerala State Human Rights Commission, (SHRC) Thiruvananthapuram in association with a Non Governmental Organization ‘Women Empowerment ‘in Thiruvananthapuram has conducted a study among the Adivasis in the selected region in Wayanad in 2002 to bring to light their socio-economic and political backwardness so as to uplift them. The study also discusses the socio-economic, political and cultural life of the Adivasi women in Wayanad.

*Baseline Survey* (2006).\(^9^4\) The comprehensive survey called “*Wayanad Initiative*” conducted by the Scheduled Tribe Development Department in association with Indian Institute of management, Kozhikode in 2006, largely discusses the socio-economic and political life of Adivasis in Wayanad district with the support of the statistics in the Census Report, 2001. This survey presents a comprehensive development package to the whole district focusing Adivasis.

*Wayanattile Aathura Shusrusha Rangathe Velluvilikal* (2007).\(^9^5\) This is an article which highlights the backwardness in respect of the medical facilities in
Wayanad district particularly in Mananthawady. It says that in matters of medical facilities, the district is very poor and backward.

_Jathi Pinthudarcha: Adivasiyudae Nashtangal_ (2007)⁹⁶ P.E. Usha criticises the Govt. Order(MS)No.11/2005/SC/ST-dated 27th March,2005 which provides that the children born to the Adivasi women out of the relation with a man not belonging to Adivasi community, shall not be treated as Adivasi children. She says that as per this government Order many children in Attappady and Wayanad become Nairs, Christians and Muslims. Attribution of this new caste made the Adivasis deprived of their school admission and employment opportunities.

_Wayanadinte Velluvilikal_ (2007).⁹⁷ It is an article by Rameshkumar which depicts the unique cultural and such other customary features of tribal communities in Wayanad and discusses their common problems of lack of livelihoods and art facilities for a decent living. He also asserts that the tribes can use their political rights not because they belong to a community which has its own culture very different from that of ‘non-tribal’, but the cultural right of the tribals is not merely human and political rights, but also includes collectivity and participation, contrary to individualism.

_Forest Rights Act, 2006 and Adivasis_ (2007)⁹⁸ Chandrappan criticises by an article that some of the legislations in the country, particularly the Forest Rights Act, 2006 which was intended to protect the land rights of the Adivasis did not save them from their landlessness, land alienation and bad plight. He says that the Land Reforms Acts were more beneficial to Adivasis than this legislation.

_Challenges before Kerala’s landless: The story of Aralam Farm_ (2010)⁹⁹. Adivasi movements in many parts of the country have made it clear that their demand is ownership to land and nothing less. These movements see land as the only path towards long-term survival of the community; as the solution. Moreover, in Kerala between 1999 and 2001, 147 starvation deaths were reported from the Adivasi community, especially in Wayanad area, out of extreme property and destitution. The Adivasi community had been haunted by various issues in the past including that of ‘unwed mothers’, sexual assault to Adivasi women, bonded labour or mysterious death etc.
Malayalam Weekly (2010)\textsuperscript{100} critically examines and opposes the need for the Attappady Hill Area Development Society in Wayanad as the author keeps the view that its functioning was a failure in Attappady. An amount of amount Rs.219 crores which was advanced from the Japan Bank for International Co-operation under the cover of Adivasi development, was misappropriated.

Legal Clinic and Adivasi Rights (2012)\textsuperscript{101} A workshop held on Legal clinics and Adivasi rights focussed on discussions of the problems faced by Adivasis which centered on four points. Firstly, the forest is being considered central to the very existence of Adivasis. Livelihoods, religion, spirituality, culture etc. are closely intertwined around the forest and its inhabitants thus stressing their right to occupy the land of their ancestors undisturbed. The second aspect concerns the encounters with the state over the forest and land rights. Third is the problem of the non-directive state policies often resulting in conflicts among Adivasis about the land use rights. Finally, it is the nexus between the state and the corporate, which results in encroachment to what Adivasis would have enjoyed.

Kerala State Human Rights Commission Bulletin (2012)\textsuperscript{102} This edition specifically intended to highlight some of the burning problems of the Adivasis in Wayanad and their human rights. Though the Commission is throwing light on some of the major issues like land, it has not interfered or recommended any solution for the same in the matter so far.

The Human Development Report (2012),\textsuperscript{103} says that the formulations of Tribal Sub Plan has been poor and have not achieved their objectives, both at Union and State levels. In reality, a large share of the money is ether diverted to general schemes hardly benefitting the members of the Scheduled Tribe community.

The review of literature shows that even though there are studies on various tribes in Kerala, the state response towards the human rights violations among the Adivasis in Wayanad has not been focussed and analysed so far. So the researcher hopes that the present study will fill the gap in the literature.

1.12 Hypothesis

1. Human rights are more often violated than protected among the Adivasis in the state in general and particularly in Wayanad.
2. Human rights violations among the Adivasis in Kerala and particularly in Wayanad are on the increase.

3. The response of the state towards the human rights violations among the Adivasis in Wayanad are far from adequate.

4. It is the continuing socio economic backwardness of the Adivasis which results in the denial of human rights for them.

5. Inspite of the eleven Five Year Plans, the quality of the life of Adivasis of Wayanad has improved only meagerly.

6. The biggest issue for the Adivasis from the human rights perspective is that of Landlessness and land alienation.

1.13 Objectives

1. To enquire into the human rights scenario in the state, particularly in Wayanad district.

2. To analyse the socio-economic life of Adivasis in Wayanad district in Kerala with a view to understanding the extent of human rights violations among them.

3. To evaluate the nature and dimensions of the Adivasi struggles in Wayanad district in protecting their rights.

4. To analyse the issue of landlessness and land alienation.

5. To study the response of the state namely, the Legislature, the Executive and the Judiciary.

1.14 Relevance of the Study

The Adivasi scenario in the country has been one of constant turmoil. The bad plight of this marginalised group of people with utter denial of their human rights is still continuing even after six decades of independence. The extent of their socio-economic backwardness has no comparison. In Kerala, particularly in Wayanad, the grim state of affairs continues to be the same. Therefore, any study focusing the human rights violations among the Adivasis is much relevant. Immense number of studies has occurred on the topic, but the gap identified in such studies is the nature and extent of the state response to such violations in Wayanad district. The state
response to Adivasi problems, fail to achieve their objectives and invite struggles from the Adivasis as it poses question of their right to live and livelihood.

1.15 Methodology and Data Sources

To prove the hypothesis spelt above data has been drawn from primary sources as no other work has been done in this area before. However, for comprehending the conceptual framework, use of secondary sources has also been made use of. Many authoritative books and articles on the subject have been consulted. For the purpose of exhaustive understanding, both formal and informal methods were used. The data gathered is primarily based on case study method. A sample survey has also been conducted among the Adivasis. An attempt has been made to record valid and reliable information to the maximum possible extent.

Apart from the use of survey and participant observation for gathering data, some tools of Rapid Rural Appraisal (RRA) like focus groups discussion and key informant interviews were employed. This yielded vital qualitative data for the research. For collecting primary information, interview technique has been used. Separate schedules were prepared and were administered by the researcher himself with a view to securing information from the respondents. Besides, information collected through structured schedules, some case studies have been done for indepth analysis.

1.16 Research Design

The design of the study is descriptive in nature. According to Jaspal Singh, (2011) a descriptive type of research tries to portray accurately the characteristics of a particular situation or group of individuals. The author in the first chapter of his book entitled ‘Instruments of social research’ elaborates how to exercise our sociological imagination to create something. He further cites four factors of creativity, which include elaboration, flexibility, fluency and originality. This is attempted in this study.

1.17 Sampling Plan

The study depends on primary as well as secondary data sources. Primary data has been gathered using predefined structured schedules. Besides, qualitative data were also gathered to support the descriptive part of the objectives vide methods including focus group discussion, observation and case studies.
Chapter I

The Adivasis in Wayanad district in Kerala are mainly found in three blocks namely, Mananthavady, Sulpthan Bathery and Kalpetta which form the Universe of the study. (A new block panchayat, Panamaram was formed only on the 1st of July, 2010 by combining the adjoining village panchayats which were previously part of these three block panchayats) A total of 750 sample respondents, 250 each from a block, were selected randomly from the aforesaid three blocks. Besides, response were also collected from the state officials and elected representatives in the area. The data collected through primary survey was edited for consistency and completeness. Thereafter it was coded, processed, and tabulated by using the method Statistical Package for Social Science (SPSS).

1.18 Limitations of the Study

The study is subject to limitation of time and resources. The lack of literacy among the Adivasis seemed to be a stumbling block in getting the responses in the stipulated time. Further, there is less than adequate studies in this area that required more time to be spent on conceptualising ideas and methodology for the preparation of this thesis.

1.19 Scheme of Chapterisation

The study is organised in seven chapters.

The first chapter deals with an introduction to the idea of human rights, statement of the problem, review of literature, research design, methodology etc. It also analyses the extent of human rights violations. The second chapter titled theoretical perspective of human rights in India discusses the constitutional provisions and legislation on human rights etc. It also discusses the nature of human rights violations in India in general and the incidences of human rights violations among Adivasis of Kerala in particular. The third chapter discusses the profile of the Adivasis of Kerala in general and Wayanad in particular. The socio-economic and political life of Adivasis is analysed in the fourth chapter. The fifth chapter narrates the human rights and the land alienation, which is the biggest issue among the Adivasis in Wayanad. The sixth chapter deals with the response of the state in respect of the human rights violations towards Adivasis. The seventh chapter is the concluding chapter. It also highlights the important findings of the study.
END NOTES

3. Ibid., 13.
6. Ibid.
8. Ibid., 89.

16. Ibid.

17. Ibid.


19. Ibid.

20. Ibid., 6.


32. Ibid., 59.
33. Ibid.
34. Ibid., 61.
35. Ibid., 53-64.
36. Ibid., 111.
37. Ibid., 271.
39. Ibid., 17.
40. Ibid., 274.
42. Ibid., 41-42.
45. Ibid., 6.
48. Ibid.
49. Ibid., 155.
50. Ibid., 156.


105. Ibid., 314.