

## HUMAN RIGHTS AND TRIBAL DEVELOPMENT: A CASE STUDY OF MALAI PANDARAM TRIBES IN KATTATHI TRIBAL SETTLEMENT, PATHANAMTHITTA, KERALA.

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### ABSTRACT

This research article “Human Rights and Tribal Development: A Case Study of Malaipandaram Tribes in Kattathi Tribal Settlement , Pathanamthitta, Kerala” attempted to unravel the repercussion of development projects on the tribals and this study further tries to analyse the entitlement of Malai Pandaram tribes on the light of indigenous right of tribes as prescribed by UN. Argument of the author through this article is that inequality is an endemic feature in Kerala development model. This article is divided into three parts ie, the first part succinctly delineates the indigenous human rights prescribed by the United Nations. The second part of the article goes through the historical appraisal on Malai Pandaram Tribes, settled in Kattathi colony, the final part of this article meticulously analyse the entitlement of Malai Pandaram tribes. Researcher followed multiple methodologies to carry out this study. Data are collected through participant observation, house hold survey and interviews are also carried out for a comprehensive analysis The article wrap up that most of the specific components of indigenous human rights have not properly taken care by the authorities in the development practices. They are rather becoming the victims of the so called development practices.

**Keywords: Human Rights, Indigenous Human Rights, Malaipandaram, Tribe, Tribal Development, Tribes of Kerala**

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## 1.0 Introduction

By the end of the 20th century 'development' got a wider understanding and it further understood as 'sustainable development' and right now , the 'right based development' is focused on. In the very beginning of 21th century almost all the countries came forward to practice the sustainable development. As the part of these new initiatives indigenous people became one of the new attentions or concern, and as a result of that UN and other world countries are indebted to protect the right of indigenous people. After a great consultation and consideration among the countries, UN declared the indigenous right and encourages every country to ratify these rights. Hence the author attempts to study the entitlements of tribes in Kerala on the light of indigenous rights prescribed by UN. This article is based on a case study conducted in Kattathi tribal colony as part of an ICSSR sponsored research project titled "*Human Rights and Tribal Development : A Comparative study on Malai Pandaram Tribes in Pathanamthitta and Kollam Districts of Kerala*". Since the study is very wide in nature, researcher followed multiple methodologies to satisfy the objectives. Data are collected through participant observation, house hold survey and interviews are also carried out for a comprehensive analysis.

The article is divided into three parts. First part succinctly delineates the indigenous human rights prescribed by UN. which covers, Equality and non- discrimination, cultural integrity, collective rights, self determination, autonomy, participation, consultation & consent , use of land territories and resources, development with identity, and mechanisms for redress and compensation. The second part of the article goes through the historical appraisal of Malai Pandaram tribes, which focuses on previous academic studies. The final part of the article meticulously analyses the entitlement of tribes on the light of indigenous human right prescribed by UN. The article wrap up that most of the specific components of indigenous human rights have not properly taken care by the authorities in the development practices. Most importantly both tribal development and forest department failed to address the needs of Malai Pandaram tribes in the study area.

### 1.1 Major Concepts and Definitions

It is worth to look into the concept of human right, tribal development and indigenous people for an adequate understanding of this article:

According to the Office of the United Nations High Commissioner for Human Rights (OHCHR) “Human rights are the rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, language, or any other status. We are all entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.”

Regarding the tribal development, it refers to all the governmental initiatives supported by the nongovernmental organizations, civic societies and the organizations of indigenous peoples themselves to bring prosperity to the aboriginal tribal communities and for protecting their human rights. The Indigenous people spread across the world from the Arctic to the South Pacific and indeed they are the most vulnerable, disadvantaged and marginalized peoples in the world. The number of tribes is around more than 370 million in some 90 countries. They constitute approximately five per cent of the world’s population but they make up 15 per cent of the world’s poor and one-third of the worlds extremely poor (APF and OHCHR, 2013).

Martinez Cobo (1971) comes with the definition of indigenous communities, on the opinion of him, “ Indigenous communities , peoples and nations are those which, having a historical continuity with pre –invasion and pre – colonial societies that developed on their territories , consider themselves distinct from other sectors of the societies now prevailing on those territories , or parts of them . They form at present non –dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems”

While taking into account the case of Malai Pandaram tribes, distinguished research scholar Morris succinctly describes that they are nomadic community living in the mountain forests of Kerala State, South India (Morris, 1982). Malai Pandaram tribes are mainly accommodated in 13 Grama Panchayats in Kollam and Pathanamthitta Districts of Kerala State. These Panchayats include: - Aruvapulam, Chittar, Konni, Malayalappuzha, Ranni, Perunnadu, Seethathode, Thannithode, Vadaserikkara, Aryankavu, Kulathooppuzha, Thenmala and Piravanthoor. It can be observed that majority of the Malai Pandaram settlements are rested in Seethathode, Aruvapulam Panchayths in Patthanamthitta District and Aryankavu, Piravanthur and Thenmala Panchayaths

in Kollam Districts (Kumar S V, Kumar K S & Swapna, 2011). Kattathi tribal colony is a settlement of Malai Pandaram tribal group situated in the third ward of Aruvapulam Grama Panchayat.

### **1.2 The United Nations Declaration on the Rights of Indigenous People**

This part of the article attempt to cover the rights of indigenous people based on “The United Nations Declaration on the Rights of Indigenous peoples: A manual for National Human Rights Institutions. The major contents of the UN Declaration on the Rights of Indigenous people include equality and non- discrimination, cultural integrity, collective rights, self determination, autonomy, participation, consultation & consent , use of land territories and resources, development with identity, and mechanisms for redress and compensation. Non discrimination and equality are fundamental components of international human rights law and essential to the exercise and enjoyment of civil, political, economic, social and cultural rights.

To protect the distinct identity and cultural integrity of indigenous people the declaration provides the following measures:

- The right to maintain and strengthen their distinct cultural institutions
- The right to belong to an indigenous community or nation in accordance with the customs of the community or nation concerned.
- The right to practice, revitalize and transmit their traditions and culture.
- The right to control their education system and institutions providing education in their own languages.
- The right to promote, develop and maintain their institutional structures, customs, spirituality, traditions and judicial systems.
- The right to maintain , control and develop their cultural heritage and traditional knowledge
- The right not to be subjected to forced assimilation or destruction of their culture.

The declaration is indebted to protect the collective rights of indigenous people. The declaration states that the indigenous people have the right to self determination. In exercising their right to self determination the indigenous people have the right to autonomy and self government in

matters pertaining to their internal and local affairs. Article 18 of the Declaration establishes that indigenous people have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision making institutions.

The states have the obligation to have free, prior and informed consent of the indigenous people before any of the following actions are taken:

- The adoption of legislation or administrative policies that affect the indigenous people ( Article 19)
- The undertaking of projects that affect indigenous peoples' right to land, territory and resources, including mining and other utilisation or exploitation of resources ( Article 32)
- Relocation of indigenous peoples from their lands or territories (Article 10)
- The storage or disposal of hazardous materials on indigenous people's land or territories (Article 29).

## **2.0 Methodology and theoretical framework**

This article is prepared based on a case study conducted in the Kattathi Girijan colony among the Malai Pandaram tribes. In this study researcher followed ethnographical methodological approach. Data is collected through the participant observation and a house hold survey is also carried out for a comprehensive analysis. Interviews were conducted among the tribes, officials etc to get an awareness on their approaches towards the issues. The indigenous human rights by UN served as the theoretical frame work for analyzing the findings. Considering these indigenous human rights like Equality and non- discrimination, cultural integrity, collective rights, self determination, autonomy, participation, consultation & consent, use of land territories and resources, development with identity, and mechanisms for redress and compensation, the study unravels that the Malai Pandaram tribes are less fortunate to enjoy these indigenous rights because authority don't give any consideration to indigenous rights, while framing new development projects. The basic intention of development projects are enlarging the choices but in the case of tribal development, such projects restricting the choices instead of enlargement.

### 3.0 Historical Appraisal of Malai Pandaram Tribes

The Malai Pandarams are a Scheduled Tribe of Kerala and the study was conducted among the inhabitants of the forests of Pathanamthitta and Kollam Districts. Distinguished research scholar Viswanathan observes that Malai Pandaram usually lead a nomadic life and the main lively hood activities for Malai Pandaram are hunting and collection of minor forest resources and he further observes that in a shorter extend they engage in trade with Girijan service co operative society and also with the forest labours. They mainly sell *ponnampoovu*, *Bilimbi*, *frankincense*, *ginger*, *wild pepper*, *cardamom* and *honey*. He further adds that their contact with outsider is limited to this trade relation. They usually speak a dialect language which is distinct from both Malayalam and Tamil, or in the other words their language is a mixture of both Malayalam and Tamil language. Apart from this he meticulously delineate the physical features of Malai Pandaram tribes. He points out that they are diminutive in nature, the average height of the tribe is 154cms even though they are short in nature they seem robust and strong, broad chest with well proportioned biceps and calf muscles (Viswanathan 1986). Adding to that researcher, Luiz observes that they have dark colour skin he also observes the similar physical features like medium in height, broad chest. Interestingly Luiz further observe that even though they seems to be small in nature they are very robust and he points out an instance for that is they wander in interior of forests even in heavy rain fall and they live under difficult condition but they seem energetic, healthy and cheerful. Luiz further brilliantly points out the changes of their physical features; he argues that there has a big mismatch between the physical features of Malai Pandaram between those who lives in inside of the forest and the Malai Pandaram, who lives in outside the forest. Luiz extensively talks about the food habit of Malai Pandaram tribes. He says that basically they are non vegetarians but they don't have any taboo to use non vegetarian food and also to use alcohol and to smoke. They eat beef and pork, their staple foods are rice, tapioca, colocasia, yams and they eat other tubers and he further adds that Malai Pandaram usually do not engage in permanent or shifting cultivation rather they lead a life of hunting and gathering. Apart from that he adds that the changes of traditional food habit awarded them lame body or in the other words changes of tradition food diet resulted to weaken their health (Luiz 1958).

Morris, the doyen of research scholar among the indigenous people has extensively studied about Malai Pandaram tribes. He points out that as a result of afforestation policies of government in

the mid of the last century Malai Pandaram tribes were alienated from the interior of forest and they are forced to settle in colonies at south of Ranni and Achenkovil. This adversely affected their traditional life pattern and he further adds that this new settlement worsened their life and often they were cheated and exploited by mainland people (Morris 1991; Morris 1982, Kumar SV Kumar). Similarly Swapna observes that this land alienation and new settlement life forced them to do most regarded wage earning job and she further observes that by the 20th century this circumstance compelled them to lead a sedentary life pattern. Swapna meticulously and brilliantly unravel the repercussions of government development projects. She argues that neither the forest policy nor the development projects benefit for them but both of the projects further worsened their life and she again adds that at present they are nomadic only in a shorter extend but they have a strong aspiration to return to the forest from the colonies and to lead a nomadic life as earlier (Kumar SV, Kumar KS & Swapna 2011).

#### **4.0 Kattathi Tribal Settlement**

Kattathi tribal settlement situates in the Aruvapulam Grama Panchayat in Pathanamthitta District. It usually evokes an imaginary of greenish and picturesque. Kattathi tribal colony engulfs some of the distinct features when compare to other Malai Pandaram tribal colonies because this tribal settlement locates in the brinks of the forest. Even though the roads are not well maintained, this settlement is connected to nearby rural roads that is why in a shorter extend they have more proximity with outside world. There are 24 Malai Pandaram families. The demographic status is out of the 69, 31 are male and remaining 38 were females and it include their offsprings too. More specifically there are 6 elderly members and 16 children in the colony. The remaining portion of the population is productive age group.

#### **4.1 Discussion and findings**

While the religious beliefs are taken into account, each and every member of the community believes in the concept of god. According to them they embrace the religious concept of animism but the study further disseminate that 16.7 of them follow other religious rituals especially they are influenced by Christianity. One of the tribes told that " I and my family still believe in animism but we often go to nearby church for the prayer, now more of us began to follow this". Considering the religious ontology of tribes, the tribal religion is influenced by Hindu religion to

a greater extend, and indeed the Christianity in a shorter extend. Here it is ostensible that the religious practices of majority group influences or becomes the religion of the total society. On the one hand they preserve their institution and culture in greater or lesser degree but on the other hand they are influenced by the culture of dominated group in a larger or smaller degree.

While look into housing condition of the tribes 62.5 per cent of the houses in the colony are modern houses and majority of the houses are constructed with bricks and concrete roofs/ tiled roofs. 83.3 per cent of the households reported that they have received government grant for house construction and of which 3 houses are supported by the Panchayath, 15 by tribal development department and 2 by the VSS (Vana Samrakshna Samithi) for the house construction. One of them lamented that "we usually get only a small proportion of the fund, majority of the fund goes to mediator and non tribals also enjoys the benefit of this fund" and he alleged the luke-warm attitude of government officials by saying that "no officer came here to cheque the progress of the work, so that we couldn't complete the remaining work", and his wife, nodded her head approvingly. Tribes can put an end for this contractor work and their corruption by starting their own society, and more obviously this society can take the responsibility of construction work if they are entitled to carry out any construction activity concerning to their settlement in a traditional way, but unfortunately in Kattathy tribal colony there is no registered society and the government officials have not take any endeavour to start a society .

While look to accessibility and consumption of drinking water, it is very pathetic that 83.3 per cent of the families reported that they have no water connection. Majority of the families wanted to fetch water from the nearby pond and very few families reported that they depend on an open well for drinking water. One tribal lady unravelled the nitty gritty of water scarcity and its reasons. She says that "there is intensified water scarcity in the colony during the summer season and it is why some of us will vacate from here to inner forest area to get some water or we want to cover big distances by foot to get water". She further complaints that "the officers insist pipeline water connection to solve this issue but that is not feasible and appropriate to solve the water scarcity that is our experience". "we demand for a bore well instead of the pipeline to solve the issue but officers didn't pay any attention to our demand" she adds. It is worth to point out the article 18 of UN declaration, which emphatic that indigenious people have the right to participate in decision making but there has a big mismatch between the policies and reality.



More over this is one of the very instances for the authoritarian nature of the officials and it also highlights the lesser participation of indigenous people in development discourses.

The study shows that 66.7 percent of families still use open space instead of toilets for excretion and 33.3 per cent use deep pit latrines. Both methods are not environment friendly. According to regulation of government housing schemes the latrines are made attached to the houses but it doesn't function well due to the improper water pipe line connections.

The study extensively looks into educational background of the Malai Pandaram tribes, which disseminates that 35 members (50.78 per cent of the total population) in the colony have not experienced any kind of formal education. The person with post graduate degree limited to only one, 3 members with graduation, 3 members with higher secondary education and 9 members with high school education in the colony. Interestingly one of the female students belongs to Kattathi colony enjoys her preparation for civil service examination after the successful completion of her Master's Degree, on the other hand the father of this girl belongs to Scheduled Caste. Even though tribes are entitled to pursue their formal education within their natural environment, the absence of nearby school compelled them to depend on tribal hostels for their education. Moreover the authority does nothing to preserve the tribal language and systems of indigenous knowledge. One lady, mother of three children expressed her deep agony for leaving her children. She told that "I feel very sad when my children leave home for education, when they leave home, the happiness and grace of our family also vanish. I always wish that if there is school nearby our home"

Considering the health of Malai Pandaram tribes the study unravels that 70.8 per cent of the tribal households in Kattathi colony face health problems. The life change diseases are common among them. One of them lamented that "disease is very pervasive among us and in each and every house you can see the patients". 95.8 percent of the households responded that they usually depends on modern medicine for the treatment. It indicates the changes of lifestyle and deterioration of traditional medicine. One of them excerpted that " I was very robust and energetic enough to climb trees and even hills but now I can't because everything has changed more, our food habit, our traditional medicine, earlier we depend on forest for everything but

now we depend outside for everything". The absence of adjacent health care services to the colony makes the situation more vulnerable because at present they can't easily access the medical services.

It is clear from the household survey that 54.2 per cent of the families do not have birth certificate for any of its members, 29.2 per cent of the families do not have ration card, 37.5 per cent of the families do not have election identity card for any of the members, 29.2 per cent of the families do not have Adhar card for any of the members and 25 per cent of the families do not have bank account. In sum, these circumstances led to the social exclusion of a significant portion of the families from the development practices. More obviously the absence of these documents make them ineligible from actively participating in the development projects in addition to that that it limit them from enjoying the entitlements. On the one hand government argues that, these kinds of documents enable to make sure that the services of government reaches to most needy people but in reality it leads to the further exclusion of most needy section from the services.

Regarding the land possession and land ownership, 33.3 per cent of the households do not have any land and 16.7 per cent of the households possess only five cents of land. The remaining 50 per cent of the people possess 20 cents to 2 acres of land. It can be inferred from the above fact that there exist an unequal distribution of land among the Malai Pandaram tribal people residing in the same colony. Since they are alienated from the forest their entitlement to collect the forest produces is seriously violated. Shockingly the Forest Rights Act passed in 2006, which entitle the tribe to possess up to 10 acre for one family and it also entitle the tribes to collect forest produces from the forest, which they possessed earlier, but they are less fortunate to enjoy their rights.

The study further explored the diet of the Malai Pandaram tribes. 50 per cent of the household responded that their usual intake of food is only twice in a day and 8.3 per cent responded that they intake meals only once in a day. One of them told that "we labouring often without being able to eat because we want to toil in the entire day to meet our livelihood that is why we have no other option except having food once or twice in a day". 95.8 per cent of the household

revealed that they do not have any distinct food habit for children, pregnant women and elderly. 54.2 per cent of the families responded that they do not cultivate food items for their consumption rather 50 per cent rarely collect food items from the forest. 70.8 per cent of the families revealed that they enjoy the entitlement of ration from the government and 95.8 per cent revealed that they usually purchase from the outside market. There is very ostensible change in the dependence of Malai Pandaram tribes in Kattathi colony from forest to outside for their consumption and food. Earlier they largely depended on forest to satisfy their livelihood purposes through hunting and food gathering but presently their choices remained to outside instead forest sources. On the other hand forest department wants the tribes to collect the resources like ponnampoove (A flower uses to prepare dye for cloths), honey, frankincense, etc. Interestingly forest depart engages in this deal with underline intention of profit. More ostensibly forest department gains more than the tribes through this deal.

One of the tribes says that "we have enough reverence to our *adivasi mooppan* (the leader of that community) and we respect our values but since we settled here we failed to practice the *oorukootam* (traditional gathering of adivasi community), he continues, that now a days we fail to practice all of our customs and traditions". In sum, it is very clear that there has a big mismatch between their tradition and their current practices, in most circumstances, they are failing to protect, preserve and practice their traditional customs since they are alienated from the forest.

The forest department has appointed some of them as tribal watchers for the protection of wild animals and to prevent the forest smugglers. Some of them were placed in the tourism sector and plays the role of tourist guide especially as the basket boat (Kottavanchi ) riders. The forest department has also hired some of the tribes for social forestry, who were mainly engaged in planting trees. Even though tribal people get some honorarium for their work , it is to be noted that this work had caused for a significant change from their traditional occupation to new occupations. This may be considered as a strategy for the forced assimilation from the main land community. One of the persons disseminated the discrimination in the employment sector towards the tribal people. He said that "both we and they (non tribes) do the same job but we get less money and they get more". It shows the clear discrimination towards the tribal people and such mismatch in salary also exists based on the gender too. Forest department provides this

jobs to tribes through the VSS but non tribes are also included in VSS. The politics behind this is, concentrating the tribes and their development, government provides funds for *Vanavasi*, under the wider definition of *Vanavasi*, but most of it reaches to the non tribes who lives in the forest fringes or to who had acquired tribal land earlier and posses *patta* for the same land. In practice non tribes enjoys the benefit of funds and jobs through the VSS. It is very ostensible that all above factors unravel the existing prevalence of violation of indigenous rights among the Malai Pandaram tribes in Kattathi Girijan colony.

## **5.0 Conclusion**

The previous academic studies shows that the ancestors of the Malai Pandaram tribes had enjoyed the privileges of forest resources and they led a nomadic life, indeed they were very healthy and very energetic. Later the government policy and afforestation led alienation from the interior of the forest and they rehabilitated in the brinks of the forest. At present tribal people are exploited by both the forest department and the people. More obviously, at present they are used by the forest department and by the government for the activities, which are seemingly beneficial to the indigenous people. Even though in a shorter extend that offer the economic benefits but it can be identified as exploitation against them because forest department engages in this economic deal with the underline intention of profit. Indeed all these activities offer huge benefits to the government in the form of revenue. The collection of minor forest products, tourism, forestation of land with valuable and revenue earning plants, protection of the forest and wild animals from smugglers by appointing tribal watchers also benefits the government rather than the indigenous people. Discrimination in the employment sector and discrimination based on gender also prevalent against them.

The absence or dysfunctional existence of social institutions such as Anganwadies, schools and health care facilities, adjacent to the living place, all these make more complication and make difficult for the easy accessibility to such social institutions. The education of children in tribal hostels, situated in far away from their home is a serious threat to the right of tribal children to live and educate in their natural environment along with their parents. Poor qualities of transportation, drinking water etc are also needed to address with greater importance in the context of tribal development.

It is very interesting to note that the Malaipandarams possess very rich culture , traditions and knowledge systems. It is very unfortunate that, there are no measures to preserve the tribal language, indigenous way of education and their unique knowledge systems. Apart from that Traditional gatherings & social organizations, indigenous customs & traditions are under serious threat. The distribution of the Malai Pandaram tribes into various colonies is a serious human right violation against their collective rights.

On the one hand the tribal development department, exclusively works for the tribal development is indebted to empower the tribes and of course the department introduce so many projects with high fanfare. On the other hand this department failed in identifying and addressing the issues and challenges facing by the Malai Pandaram tribes. Very sad to say that this department is not paying much attention and concern to enliven indigenous rights of this people.

Based on the above facts the study concludes that most of the specific components of indigenous human rights as prescribed by UN have not properly taken care by the authorities in the development practices. The rights of the Malai Pandaram tribes has violated in a larger extend through their alienation from the interior of the forest and further by denying their collective rights and later through the selective and purposeful exclusion of these people from the contemporary development practices. They are rather becoming the victims of so called development practices.

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