## PREFACE

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## In the fear of eviction

## V.Venkatesan

TRIBAL and other forest-dwelling communities constitute 8 per cent of India's population. Rapid urbanisation and the push for mega projects have, over the years, limited their access to land and natural resources. Already marginalised, they now face the threat of eviction from their homes, thanks to the the Narendra Modi government's inaction when a key case involving their rights came up for hearing before a three- judge bench in the Supreme Court on February 13.

The bench, comprising Justices Arun Mishra, Navin Sinha and Indira Banerjee, ordered the forced eviction of more than 11 lakh tribal and other forest-dwelling households from forest lands in 16 States. The Centre's counsel was not present to express its reservations over the order. Although the same bench kept its order in abeyance on February 28 owing to concerns expressed by the Centre, the prospect of the stay being lifted by the court at a future date hangs like a sword of Damocles over the forest dwellers.

The reason for the February 13 order was that the claims of forest dwellers over forest land had been rejected by the respective State governments under the Forest Rights Act (FRA), or the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The FRA recognises pre-existing forest rights, and only those people in actual occupation of forest land as on December 13, 2005, are eligible as per the law. People belonging to the other traditional forest dwellers (OTFDs) category, who form the bulk of the claims, have to establish continuous 75 -year occupation for eligibility.

After the enactment of the FRA, according to a September 2018 statement of the Ministry of Tribal Affairs (MoTA), 42 lakh claims over forest lands, including tracts within national parks and sanctuaries, were filed by tribal people and OTFDs. According to Conservation India, an analysis of the official data reveals that a total of 18,89,835 titles have been granted and 72,23,132 hectares, or 72,000 square kilometres of public forest land (almost the size of Assam) have been granted and converted into individual and community ownership in bits and pieces across the country.


The petitioners argued that apart from loss of forests, granting wideranging rights in scattered parcels of forestland was having a deleterious impact in the form of habitat fragmentation or breaking up of large forest blocks into smaller pieces. Fragmentation, they said, had been scientifically established as the most serious threat to long-term conservation of forests and biodiversity. The petitioners contended that in order to protect national parks and sanctuaries, which were sensitive habitats of highly endangered wildlife and which covered less than5per cent of India's landscape, one salutary clause was included in the FRA. That, they argued, provided for notification of national parks and sanctuaries as Critical Wildlife Habitats from where people couldbe resettled. Shockingly, although over 72 lakh ha of forest land had been granted under the FRA since 2008, not one hectare of Critical Wildlife Habitat had beennotified as yet, they submitted.

Retired forest officials from Andhra Pradesh, Odisha, Maharashtra and Karnataka, along with conservation organisations such as theWildlife Trust of India, the Nature Conservation Society, the Tiger Research and Conservation Trust and the Bombay Natural History Society, filed nine cases in courts. Their plea is to get the FRA and orders under it struck down as unconstitutional.

The court fixed July 24 as the deadline for the 16 State governments to comply with its February 13 eviction order. The bench warned them that non-compliance with the order would be viewed seriously. Each of the 16 States- Andhra Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Maharashtra, Odisha, Rajasthan, Tamil Nadu, Telangana and Tripura-was asked to file affidavits as to why after the rejection of the claims, which had attained finality, eviction had not been made. The bench had also directed the Forest Survey of India (FSI) to make a satellite survey and place on record the encroachment positions and also state the positions after the eviction as far as possible. On February 28, the States were asked to file an affidavit by July 10, to explain the procedure they adopted to reject the claims of forest dwellers.

Perturbed by reports of unrest among forest dwellers following the February 13 order, the Centre quickly moved the bench with a plea to keep its order in abeyance, pending review of the rejected claims by the respective State governments.


On February 28, the Centre offered no explanation to the court for its inaction during the previous hearing of the case. The Solicitor General, Tushar Mehta, representing the Centre, explained the coexistence of forest dwellers with the natural habitat for centuries, as if the Centre became aware of this phenomenon only recently.

The unstated reason was, of course, the forthcoming general election and the reluctance of the Central government to risk alienation of a large section of people living on forest margins, which could tilt the scales against it in a closely fought election. Couching its intentions, the Centre pleaded that the February 13 order "caused serious prejudice to several people’s lives".

The Centre's counsel told the court that forest dwellers were not aware of the appellate jurisdiction they were entitled to following the rejection of their claims. ''There was no single speaking order of rejection of their claims," counsel told the court. All the orders carried just one word, "rejected", he said. The absence of "speaking orders" means that forest dwellers are not aware of the grounds for the rejection of their claims to forest land. Knowing the reasons for the rejection would enable them to rebut them invoking the appellate remedy. That the rejection orders were not served on forest dwellers individually was another ground of attack on the socalled non-compliance with the eviction orders served by the authorities earlier.

Accepting the Centre's plea, the bench observed that there was a need to check if gram sabhas and the State authorities followed due process stipulated under the FRA while dealing with the claims. The bench asked the States to respond to allegations of high rates of rejections, non-communication of rejection orders to the affected people, lack of reasoning in the rejection orders and rejection on frivolous and extraneous grounds.

## NATURAL JUSTICE

According to the Centre's guidelines, if a claim is rejected, the claimant has to be informed about the reasons for the rejection, and he or she would then have 90 days to appeal against it. Provision of reasonable opportunity to the households being asked to vacate the forest land to refute the cited grounds for eviction is part of natural justice; it is inexplicable how the States, the Centre and the Supreme Court overlooked it while ordering eviction of forest dwellers, whose claims might have been rejected without valid reasons.


The nodal Ministry for the implementation of the FRA, the Union Ministry of Tribal Affairs (MoTA), publishes monthly updates on the status of implementation of the Act on its website. For the period ending November 30, 2018 (for which the latest figures were available), the Ministry stated that $42,24,951$ claims (40,76,606 individual and 1,48,345 community claims) had been filed and 18,94,225 titles (18,22,161 individual and 72,064 community claims) distributed. A total of 38,33,456 (90.73 per cent) claims had been disposed of, the Ministry claimed. A total of 19,39,231 claims had been rejected, of which 18,92,893 were individual claims while 46,338 were community claims.

Of these, Chhattisgarh topped the list with 4,62,403 rejections, followed by Madhya Pradesh with 3,62,024 rejections. Maharashtra and Odisha came next with 2,28,116 and 1,46,525 rejections respectively. Interestingly, none of the "rogue" States-claiming a high number of rejection of claims-had responded under the column, "Problems/Re- marks", giving the reasons for the high number of rejections.

The States give cumulative data to the MoTA on the rejections at the level of the gram sabha, the subdivisional level committee (SDLC) or the district level committee (DLC), the three hierarchical layers of the rejection process, starting from the gram sabha. The data uploaded on the MoTA's website are exclusive of the rejections after the process of appeal. The claims can be rejected at any of the three levels, but the claimant can appeal to the next level. A rejection by DLCs can be challenged in a court of law. Most people whose claims had been rejected have not gone for appeal, perhaps for reasons such as ignorance of law and the nature of evidence that they can submit to substantiate their claims. There is apparently a high rate of rejection at the gram sabha level, for which no reasons are forthcoming.

The MoTA had expressed its concern, after the Supreme Court's similar order seeking eviction of households, whose claims were rejected, on March 7, 2018. The Ministry stated that it had come to its notice that the State forest authorities moved immediately to evict people whose claims under the FRA had been rejected, without waiting for a decision on review or appeal or allowing time for filing appeal/review, ostensibly under the March 7, 2018, order of the


Supreme Court. "Such an action, while depriving the aggrieved persons the opportunity to prefer appeal before the SDLC or the DLC violated the spirit of the FRA, 2006, besides creating grounds for unrest and agitation and also fuelled extremism," the MoTA had observed.

Letters by the Ministry to the State governments on September 12, 2014, and April 10, 2015, question their high rate of rejection of claims. "There is a need to have a relook into the cases of doubtful rejections so that any rightful claim does not get denied," the Centre said, adding that the high rejection rate of the claims of the OTFDs (those who are not Scheduled Tribes) in left-wing extremism -affected areas, owing to the wrong interpretation of the FRA's provisions, is a matter of concern. Therefore, the Centre's silence during the February 13 hearing of the case is intriguing, notwithstanding its attempt to make amends on February 28.

OnFebruary 4, leaders of the CommunistParty of India, the CommunistParty of India(Marxist) and the Congress, along with two platforms of Adivasis and forest dwellers' movements, sent a letter to the MoTA about its failure to defend the historic and landmark FRA in the Supreme Court.

The petitioners have challenged the constitutional validity of the Act as well as the competence of Parliament to enact the law. They submitted that steps should be taken to evict those whose claims had been rejected as they were encroachers. The petitioners have alerted the court that they might request a performance audit by the Comptroller and Auditor General of India or by any other appropriate authority. Their concern, they claim, is to preserve the forest and wildlife of the country, which is in a critical state.

When the FRA was enacted in 2006, it was hailed as an emancipatory law that would uphold the rights and entitlements of marginalised communities. By recognising the rights of communities over forests and natural resources that they had traditionally accessed and by giving them the right to manage, use, protect, and conserve their habitat/ forests, the FRA had the potential to radically transform the governance and conservation of forests by shifting their control from the States to communities.

However, despite its intention and potential, the implementation of the FRA has seemingly failed to achieve the tasks and objectives it set out to do. Many States lack awareness of the

provisions of the Act and are reluctant to recognise it. States that have implemented the Act have largely focussed on granting individual forest rights (in contrast to grant of community forest rights) mostly as a strategy to generate popular and political support. According to observers, the situation becomes more serious owing to the economic and developmental policies of subsequent governments that have been pushing for diversion of forest land for mining, industrial corridors and other mega projects.

As per one estimate, since the enactment of the FRA, 2,04,000 ha of forest land has been diverted for development projects. Most of the diversions have taken place without compliance with the Act or the consent of gram sabhas. Ajoint committee report by the Ministry of Environment, Forest and Climate Change and the MoTA in 2010 acknowledges this. The diversions have often led to violent conflicts with the State administration, further aggravating violations of human rights of these communities.

The petitioners and the forest dwellers facing eviction share a common interest in safeguarding forest land from diversion for mega projects of big corporations often in collusion with the State governments and the Centre. It is in the interest of both to ensure that the eviction of forest dwellers does not take place without due process.

Frontline,
29 March 2019.

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# Many Faces of the Pathalgadi Movement in Jharkhand 

Anjana Singh

The principle of democracy had captured the imagination of Indians during the nationalist struggle for independence as it had the potential to fulfil the demands of each and every section of the country. Ideally, in any democracy, the state has to be democratic in temperament, but when the state arrogates power at the cost of its people, the responsibility to pressurise the government by building public opinion devolves on civil society. Therefore, pressure groups complement the institution of democracy itself. In recent months, this became the major issue in the Adivasidominated states of Jharkhand, Chhattisgarh, Madhya Pradesh (MP) and Odisha, born out of the frustration of the Adivasi communities. They believe that their nativity, and close and continuous linkage with the landscape, which are the markers of their collective selfhood, are being threatened in order to sustain the development model of the state. We have witnessed a spate of Adivasi struggles in the colonial and post-independence eras over issues of jal, jungle and jameen (water, forest and land). The modality of protest has been legal and extralegal. Interestingly, they often used their traditional cultural symbols to organise popular movements in defiance of the state and the machinery that imposes it. The Pathalgadi movement in Jharkhand, in this sense, is a reminder of the renewed struggle of the Adivasis to assert their authority over their landscape.

Pathalgadi, the act of erecting stones to mark a happy, sad, or significant occasion is the traditional practice of the Adivasis. This practice is generating debate amongst the Adivasis of central India, scholars, academicians and government agencies. It has helped in polarising Adivasis under the umbrella of a customary practice and has given sheen to the issues of power of the gram sabhas, and assertion of identity. Furthermore, it presents a challenge to the statist idea of governmentality and development that had relegated these issues to the background in the growing political rhetoric of development. No doubt, heightened activities around this issue are occupying the centre stage in India's tribal-dominated states of Jharkhand, Chhattisgarh, MP and Odisha.


Interestingly, the debate and struggle revolves around an apparently "humble" stone slab on which Adivasis have inscribed certain provisions of the Fifth Schedule of the Constitution, and the customary practices interpreted by them in their own way. These stone slabs are erected by the gram sabhas of the villages, which purport, on the one hand, to assume powers by drawing legitimacy from the constitutional provisions. On the other hand, they draw on the customary practice of parha panchayat ? (traditional panchayats of the Adivasis of Chota Nagpur) to assign more power to the mankis (head of parha) and the Mundas (head of the village). The article is based on the historical understanding of Adivasi village governance in Jharkhand, drawing on my fieldwork and interviews of the villagers of Bhandra, Jilinga, Kurunga and Phutkal Toli in Khunti district-which were the principal centres of the movement-between November 2017 and March 2018. I also closely tracked the changing course of the movement through the media reports in local and national dailies.

## Multifaceted Movement

The Pathalgadi movement has emerged as a movement that is political, ethnic and ecological, often assuming a contumacious and adversarial stance to the government's authority and agenda of "development." At the same time, this is in contention with the official policy, of treating the grass-roots movements as mere law and order issues. The protagonists argue that the movement upholds a customary practice and conforms with their indigenous manki-munda or parha-panchayat system. Addtionally, they invoke an unconfirmed agreement they had with the British, as an alternate mode of drawing legitimacy. In sum, appropriation of the past tends therefore to be central to the movement, claiming that the prohibitions imposed on the entry of the "outsiders" and making gram sabhas the supreme authority, in fact, responds to a reinvented indigenous system of village governance, which had historically been the traditional governors of the resources. Associated with this was the memory of an imagined golden period where there was no fear of dispossession or alienation from their ancestral land or negation of their ideologies of governance and development.


This article seeks to capture the multifaceted movement in contemporary Jharkhand. Since use of Adivasi tradition and history has been a tool to assert rights and pose the reinvented traditional institution as an efficacious model of village governance, the article presents an overview of how it has developed through precolonial times to the lived present. The article also discusses the various factors behind the origin of the movement. It then unfolds its many different facets, the close linkages of the Adivasis with ecology and landscape and the role of the movement in fostering Adivasi subnationalism in India. Since the movement seriously questions the very notion of governmentality at the state and national levels and the capitalist form of development, the concluding section grapples with the responses of the mainstream to the movement.

## Village Governance

History is a lesson for the present, and attempts to dissociate and distance from it may have repercussions. Therefore, in order to understand the true nature of the movement we need to take a close look at the changing concept of village governance in Jharkhand over the years. The Munda community of the Chota Nagpur plateau region, who first reclaimed the virgin forests of Jharkhand, initially had no idea of individual ownership of landed property. Each family had its own clearances, which came to be called hatu (village) and later, khuntkatti hatu (village of the family of original settlers). The dominant idea of Adivasi polity was of a pre-state village republic, which, for centuries remained in a rudimentary state due to material backwardness. The whole village initially acknowledged the chief-ship of the munda in matters temporal as well as spiritual. They grouped themselves into a wider brotherhood of villages termed parha or patti and laid the foundation of a supravillage, pre-state, tribal polity. The strongest and most influential of the Mundas became the manki of the patti. The village was governed by the traditional panchayat which was composed of Mundas and the Pahan (religious head) and village elders. This was a sacred institution as evidenced by the famous Munda saying: Simare Singbonga otere Panch (Sing-bonga [the sun God] on high and the Panch on earth). Later, when the Oraons entered this area and built their settlements in the Munda homeland, they adopted this form of village governance, which came to be known as the parhapanchayat system of village and supravillage governance.


This institution of governance settled disputes more or less amicably and maintained law and order within the village and parha.

The autonomy of the original parhapanchayat system was considerably eroded after the advent of the feudal rule of the Chota Nagpur rajas in the plateau region and different local chiefdoms in Singhbhum. The patti or parha-panchayat system survived, but became subservient to the new structure. During the British rule, the pir-parha system was amalgamated into the Raj framework and persons associated with village governance were converted into state officials. The process of land alienation and forceful payment of rent intensified at an unprecedented pace. The communities not only lost their rights over the forest, but a new set of intermediaries were imposed on the tribal areas. This led to widespread protests and such Adivasi insurrections as the Kol Insurrection, Bhumij Revolt, Santhal Hul and Birsaite movement. These pressurised the administration to pass a legislation which recognised the rights of the Adivasis through survey and settlement operations. The British passed laws such as the Santhal Parganas Act, 1855, the Santhal Parganas Settlement Regulation, 1872, and the Chota Nagpur Tenancy Act, 1908 (CNTA), to safeguard the rights of tribals over their landscape. This, in a way, doubly armed the Adivasis. When laying a certain claim, individual or collective, during colonial and postcolonial eras, they sought legitimacy from both their customs and the colonial acts. We shall later see that this double deployment became an important strategy of Adivasi assertion.

## Inception of the Movement

Movements defying the authority of the state and setting up of autonomous zones have not been new in the Scheduled Areas of India. The Pathalgadi movement appears to refurbish Adivasi tradition of similar social protest. Grounds for the Pathalgadi movement were laid when the Jharkhand government organised a global investors’ summit titled "Momentum Jharkhand" in Ranchi on 16-17 February 2017. Replenishing the colonial tradition, it aimed at making the state a hub for investments in mining and industries and a number of memoranda of understanding (MOUs) were signed. Raghubar Das, the chief minister of Jharkhand claimed that, "MOUs worth ₹ 3 lakh crore was signed during the Momentum Jharkhand meet. Out of which, proposals

worth ₹ 700 crore have already been implemented on the ground". Most of the investments were in the mining sector and companies such as Usha Martin Group, RSB Group, Tara Steel Growth Shop (TGS) and others showed interest. The government started a "land bank" policy in which it included thousands of acres of non- cultivable land, to be given away to the companies for "development purposes". Already plagued by a long history of land alienation and displacement, these announcements alarmed the Adivasis who feared they would be victimised and their lands taken away to promote these activities. This was the immediate trigger for the Pathalgadi movement. In a small non- descript village named Bhandra of Khunti district in Jharkhand, a stone slab was erected on the boundary of the village on 9 March 2017. Initially, the Khunti district of Jharkhand was the stronghold of the movement which later spread to neighbouring districts of Latehar and Singhbhum, and the areas of Jashpur in Chhattisgarh. On the stone slab was inscribed the order given by the gram sabha for implementing certain provisions (elaborated below) of the Fifth Schedule. Significantly, the slab recorded a similar order by the gram sabha imposing restrictions on the entry of outsiders which included police, government officials, medical staff and strangers. This way, the traditional cultural practice of "Pathalgadi" was employed with political motives, first, drawing legitimacy from the Constitution and second, on its facade declaring their landscape as an autonomous zone.

The stone slab on the boundary of Bhandra village and later on in several villages of the district-Kanki, Kochang, Jilinga, Udburu and others contained constitutional provisions such as Article 13(3)(a), Article 19(5)(6), Article 244(1) part(b) Para (5)(1) of the Fifth Schedule. Apparently, they were conflating Adivasi custom, symbolised by the erection of a vertical piece of stone as done in sasandiri (sepulchural stones erected at places where the dead people rest), with the Fifth Schedule of the Constitution inscribed on it. However, there are deeper meanings and issues, shaping the entire gamut of the movement. An attempt has been made to unfold its many facets and understand the dimensional shift that occurred recently.

Adivasis in Jharkhand have been greatly alarmed in recent decades by the steady influx of the outsiders and their growing influence in the state politics. According to 2011 Census, constituting only $26.2 \%$ of the total population, they have been reduced into a minority in the

'Adivasi state," where they preponderated before. In this backdrop, their fear that investments would attract more outsiders and further marginalise them is neither unfounded nor baseless. Nandini Sundar (2005) has evocatively argued that major political parties often play a cynical role in development politics. They encourage immigration by attracting capitalists with proindustrial, pro-trader policies, and then use the relative decline in the percentage of Adivasis to justify de-scheduling. The same process is happening in Bastar and other Adivasi areas.

## Power of the Gram Sabha

Another facet of the movement is the assertion of the power of the gram sabha through the Panchayats (Extension to Scheduled Areas) Act (PESA). Passed by Parliament on $24^{\text {th }}$ December 1996, the Act empowers the gram sabhas with command over natural resources in the village, including the minor minerals, waterbodies, and minor forest produce, as well as extends to it the power to control moneylending. No mining lease can be granted without the prior recommendation of the gram sabha. Furthermore, the Act stipulates that the legislation on the panchayats in the Fifth Schedule Areas shall be in conformity with the customary laws, social and religious practices, and traditional management practice of community resources. It also makes prior consultation with the gram sabha mandatory before any acquisition of land in the village, and resettlement and rehabilitation of the project-affected persons in the village.

On the basis of these provisions, Jharkhand passed the Jharkhand Panchayati Raj Act (JPRA), 2001. The Act was amended in 2010 with the provision of election of the members constituting the gram sabha incorporated into it. On the basis of this Act, panchayat elections were held in Jharkhand in 2010 and 2015, and gram panchayats were formed.

The mechanism of village governance has been strengthened by the new Acts, through the extension of powers and jurisdictions previously not enjoyed by the village panchayats during precolonial and colonial times. But unfortunately, the JPRA did not contain any provision of consulting the gram sabha before acquisition of the land. This defeated the avowed intention of these Acts to ensure the "protection" and "upliftment" of disadvantaged Adivasis. Naturally, therefore, they became suspicious of the ideology of government-sponsored "development"

through the promotion of large industries, mineral exploitation, large dams, irrigation and power projects which invariably causes land alienation and displacement of the Adivasis from their soil. Unfortunately, in most of the cases, instead of being beneficiaries, poor and powerless Adivasi and marginal communities have been converted into hapless victims of "development".

A significant fact, however, is that the present Pathalgadi movement tends to empower the gram sabha through the PESA. The argument seems to be that the PESA upholds the rights of gram sabhas in Scheduled Areas to frame legislations, in conformity with the customary law, social and religious practices and traditional management practice of the community resources. Understandably, the strategy of the protagonists of the movement has been to invoke the letters of the Constitution as legal evidences of empowerment and claim the empowered gram sabha as the rightful institution to govern villages and their resources. However, what is interesting is the act of manipulation through purposeful interpretation of the provisions to claim autonomy for the gram sabha and flaunt gram sabha-adrninistered villages as zones of autonomy.

Another facet of the movement is the promotion of indigenous models of education, opening of indigenous banks, negation of the authority of the state and declaration of solidarity with the pan India Adivasi movements. In the wake, they have opened schools managed by the gram sabha that teach defiance of government, even while teaching the alphabet to children of the village. They have also opened banks with much fanfare, and assert that Adivasis are trying to create a parallel economy in defiance of the economy run and regulated by the Reserve Bank of India. They encourage Adivasis to open accounts in these banks and assume that all the funds of central government for tribal welfare would be used as working capital for these banks. They reclaim gair mazrua (government) land for this purpose. Interestingly, their half-baked schemes are based on availability of funds from the central government.

## State Government's Response

The state government initially seemed to be caught in a dilemma on how to respond to the movement. The failure to identify the main motive and forces behind the movement is visible in the diverse responses to it. First, as the movement grew and people in the villages of Khunti

joined the movement, government agencies ascribed the real motive of the leaders of the movement to the lure of economic benefits rather than the welfare of Adivasis. In support, the state administration pointed to the vast stretches of land within the Pathalgadi area used for opium cultivation. It is estimated that opium is cultivated in 2,700 acres of land in Jharkhand, of which 1,500 acres, that is, almost $58 \%$ of the total area, falls in the Khunti district alone. The opium produced is allegedly transported to Punjab, Chennai, Uttar Pradesh and other parts of India. The administration argues that this was the main reason for building the movement, and that its leaders are invoking tradition as a shield, while propagating the idea of complete autonomy to the villages to restrict the surveillance of the police and law enforcement agencies. This classified the movement as a law and order issue. The leaders of the movement like Krishna Hansda, Vijay Kujur, Jyoti Lal Besera and Shaktapado Hansda were arrested and booked under secession laws.

Second, the ruling party of Jharkhand characterised the movement as a conspiracy of the Christian missionaries to destabilise the "pro-Hindu" government. Bharatiya Janata Party (BJP) leaders such as Kariya Munda, Laxman Gilua and others blamed Christian missionaries for inciting the Adivasis. Two priests (pastors) were arrested from Murhu in Khunti for instigating Adivasis to practise Pathalgadi. Protagonists of the movement visualised it as a ploy to divide Adivasis on religious lines and brushed aside these allegations by claiming ethnic similarities between Adivasis of all religions. Meanwhile, the church administration has taken a defensive posture and is found hesitant to openly discuss this volatile issue.

Last, accusations have also been officially made that in the garb of Pathalgadi, there is an attempt to declare Kolhan (East Singhbhum, West Singhbhum and Seraikela Kharsawan districts forming the present Kolhan division and not Kolhan of the earlier days) a separate state. According to media reports, Raghubar Das declared that there are "invisible forces" that are instigating the Adivasis to lead a secessionist movement. But the Adivasi organisations such as Desh Pargana Mahal and Adivasi Mahasabha contend that the movement aimed at diffusion of awareness amongst Adivasis about the rights that have been misinterpreted by the government. It cannot, however, be denied that separatist movements of different genres have also become active in

these days of heightened Adivasi activities in the state. On $18^{\text {th }}$ December 2017, in the Bhoya village of Khuntpani in West Singhbhum, some people tried to declare Kolhan as a separate state and hoist their own flag. Such attempts have also been made by one Rama Birua and later, by Gurucharan Haiburu and his supporters.

## Movement on the Ground

The act of Pathalgadi is carried out in a ceremonious fashion in which the entire village participates. The meetings organised by the traditional gram sabhas are well-attended by the Adivasis and attract 1,500 to 5,000 Adivasis. Meetings are attended in traditional attire with bows and arrows in traditional as well as modern avatars. Interestingly, the bowarrow still continues to be flaunted even during other mass protest meetings and rallies to symbolically demonstrate and also to revive their unassailable link with traditional weaponry in fond reminiscence of their historic militancy. Even though women are not accorded any position in the traditional gram sabha, they participate with weapons and traditional redbordered white saris. The pahan (priest) performs rituals and men and women dance to the tune of the mandar (drum) followed by a sumptuous feast of rice and meat, and listen to addresses by the leaders of Adivasi Mahasabha.

The Adivasi symbolism that determines their close linkage with ecology and landscape are displayed. The stones that are erected on the occasion of the Pathalgadi ceremony are quite different from the traditional one. They are painted in green and carry messages in white, apparently to demonstrate their close association with their green landscape. They carry message of the gram sabha imposing prohibitions on the entry of "outsiders," which denotes non-residents of the village, including government officials, teachers, medical personnel, land survey officials, security personnel and others. The movement was highlighted after 25 policemen were taken hostage by the villagers of Kanki in Khunti district on 21 February 2018 for trespassing in their area without prior permission of the gram sabha and arresting the gram pradhan (village headman). This has become a major modality of protest since the inception of the movement.


## Growth of Subnationalism

The assertion of Adivasis over landscape and identity is not new, nor are stone slabs being erected for the first time in Adivasi regions in India to assert power. Interestingly, the Jan Chetna Sansthan (JCS) spearheaded the Gaon Ganrajya (village republic) movement in Rajasthan in the 1990s. The movement started in Rajasthan in 1997, in the wake of the enactment of the PESA Act to draw maximum benefits from the provisions of this Act. The JCS had initiated long-term work on "tribal self rule" in south Rajasthan through Adivasi assertion for basic rights through the use of provisions under the PESAAct. The organisation felt that to avail of the powers of PESA, Gaon Ganrajya should be formally announced, that is, the villages should declare themselves as republics whereby the development or other works in a village would be decided by the villagers. The Gaon Ganrajya movement was based in the Fifth Schedule Areas of Rajasthan, namely, Banswara, Dungarpur, Chittorgarh, Sirohi and Udaipur. The movement guided by the non-governmental organisations (NGOs) such as Aastha and the JCS, started declaring villages as republics by erecting stone slabs called silalekha on the boundary of the village by inscribing the provisions of the PESA Act on them. The movement was active till 2009 when, the Gaon Ganrajya Sammelan (Abu Road) was held and around 3,500 tribals from 60 villages of Abu Road congregated at Akra Bhatta to show their solidarity for the establishment of village republics. Similar attempts were undertaken by B D Sharma in 1997, when stone slabs were erected with the powers of the gram sabhas inscribed on them, in the light of the PESA Act.

Interestingly, the leaders of the Pathalgadi movement also claim that the movement affiliates to the sati-pati movement, which attempts to create Adivasi nationalism in India. This movement is headquartered in Katasvan village of the Tapi district in Gujarat. It was founded by Dada Kunwar Keshari Singh in 1930 and the movement adheres to its principal belief that disregards the authority of the Government of India. The Adivasi Mahasabha, which is the main exponent of the Pathalgadi movement, is guided by its principles and is active in Jharkhand, Gujarat, Chhattisgarh, MP and Rajasthan. The organisations that are affiliated to it are Adivasi Pariwar Rajasthan, Bhil Autonomous Council, Birsa Brigade


Madhya Pradesh, Sarv Adivasi Samaj Chhattisgarh, Manjhi Pargana Mahal East Singhbhum and others.

Scholars such as Nandini Sundar, Alpa Shah, Ajay Gudavarthy and others blame the state and its functionaries for the profound grievances amongst the Adivasis. According to them, Naxalism is only a manifestation of failure of governance in the Adivasi populated areas of eastern and central India. In this light the Pathalgadi is another manifestation of the disenchantment of the Adivasis with the state.

## Rationalisation of Responses

Obviously, the politics of the state has been oscillating between the protagonists and antagonists of the Pathalgadi movement in the past few months. Yet, we cannot deny that the growing popularity of the movement reveals that the manner in which these laws are defined by the leaders of the movement has generated hopes in the hearts of Adivasis, regarding protection of their land and authority.

The state has seen assertion of the Adivasi identity in many forms in the past few months. There is continuous agitation amongst the Kurmis, a sizeable demographic group of Jharkhand, who wish to be classified as Scheduled Tribes (ST) and their proposal is supported by a large number of members of Parliament and members of the state legislative assembly across political outfits. The Ghatwar-Ghatwals tribes who were classified as Adivasis until 1952 are struggling to be included in the ST list. This has forced the state government to agree to conduct a socio-economic survey to look into the demand. These events have generated a fear amongst the Adivasis that there is a planned attempt at the dilution of their special status and constitutional privileges. The fear of deprivation is further aggravated by the national debate over reservation and the politics following it. Nandini Sundar argues that the reluctance of the formal legal and political system to protect the lives and resources of the Adivasis, which includes their land, has prompted many social groups to view adherence to their "custom" as their only recourse.

Adivasi leaders and activists as Gladson Dungdung, Philip Kujur, Srinivas and environmentalists such as Nitish Priyadarshi, Shasi Shankar and others are organising photo

exhibitions of remote areas of Jharkhand where unabated mining and related activities have devastated the region and are responsible for the deplorable condition of the Adivasis there. The ground realities differ from the descriptions of the state. Vast reserves of forest are cut down and illegal mining, which according to media reports is carried out with the connivance of the state, has devastated the ecology and the landscape of the region.

The spread of the movement to the tribal states of Jharkhand, Chhattisgarh and MP has been used as a tool to target the government for the failure of its policies. This has forced the government to somewhat soften its stance towards the movement and adopt the counter-strategy of engaging the gram sabhas in discussion. The Governor of Jharkhand, Draupadi Murmu called a special meeting of the gram pradhans, manki munda and parha rajas on $3^{\text {rd }}$ April 2018 to discuss the contentious issues in the Scheduled Areas of the state. She honoured them by presenting them with shawls and pugries (turban). She also tried to placate them by drawing attention to her own status of being the daughter and granddaughter of a gram pradhan reiterating her awareness of the social set-up of the Adivasis as an Adivasi herself. In the same breath, a caution was extended to them to strictly situate their demands within the framework of the Constitution. This perhaps shows that the government is conscious of the sensitiveness of the issue of the governance of the Scheduled Areas, customary rights of the Adivasis and the conflict over the ideology of development that has reflected during the course of the movement.

## Conclusions

The Pathalgadi movement, with its many faces, is oscillating between two extreme positions. First, that of the government which is trying to assert its authority, and second, of the Adivasis who lay claim to complete control over their landscape. The Adivasis in the villages appear oblivious to the nuances of the present politics, but they continue to repose a deep faith in their customary practices and traditional systems. Understandably, the fear of displacement and the yearning to have complete control over then resources prompt them to support this movement. But the reality is that they appear conflicted. They may either stay within the framework of democratic norms or repose their faith in their customs and tradition. They may continue their

struggle in a democratic fashion，a practice that is less credible amongst the Adivasis，or tread an uncertain path of armed resistance on which the failure of Naxalism in Adivasi areas has put a big question mark．

Yet，Pathalgadi promises Adivasis the best of both the worlds．Although there might be vested interests behind the movement，the mass support it claims to enjoy is largely due to the promises it upholds，that is，abua disum，abua raj（our village，our governance）．

## Economic \＆Political Weekly，

16 March 2019.


## The Eternal River

## (A Review of the Book ‘I have become the tide’ written by Githa Hariharan)

Manjula Padmanabhan

First there is the poet-turned-saint from the distant past, Kannadeva. Reading and researching his work, centuries later, is the white-haired University professor, Krishna. Then there are three young people, three strands of India's future, Satya, Ravi and Asha. Lastly, there are those who believe that the songs, the water and indeed the entire thriving, multi dimensional culture of India are so fragile that they must be spared the slightest hint of pollution.

In I Have Become The Tide, pollution takes the form of anyone who disagrees with the self-appointed saviours. Hariharan's characters are presented in economical strokes, making it easy to see their counter-parts on citystreets any where in India. The young man with the thick black hair, a small moustache and a country-made gun in his pocket. Standing at the bus stop is Asha, downcast that she can't become a doctor, but grateful to be working towards a nurse's degree. In his office, like a million petty bureaucrats, is Dr. (Prof) Sharmma, " a thin-lipped man (who) purses his lips fastidiously as if everything around him is dirty". On the banks of a nameless river a little child, Chandra, plays in the past, like any of the sweet-faced toddlers we see at traffic intersections today.

But there's much to be afraid of in this world that Hariharan shows us and in which we are all immersed. Innocence can be a blind- fold, as Prof. Krishna's wife will discover as she encourages him to publish his research on Kannadeva. Knowledge can be a double edged sword, as Satya learns, while he struggles to overcome the road-blocks in his path towards a medical degree. Words can become bullets, puncturing the lives of student activists, academics and authors as we know only too well, from reading the newspapers.

But words, like water, can also be the source of great positive power. Words are what Hariharan has harnessed in this fictional tale about ancient truths and transient lives. By linking the

familiar events of today to a poet－mystic of the past，she creates a swift－flowing current of ideas from then to now．She invites us to understand that the River will endure even when our flimsy boats，that merely bob on its surface，go under．Everyone and everything，including the dead，the living，the high castes and the low，will all，eventually，become the tide．

India Today，<br>4 March 2019.

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## RESUME OF BUSINESS TRANSACTED

## DURING THE $16^{\text {TH }}$ SESSION OF THE $16^{\mathrm{TH}}$ LOK SABHA

The Sixteenth Session of the Sixteenth Lok Sabha commenced on 11 December 2018 and concluded on 8 January 2019. The House had a total of 17 sittings spread over a period of 29 days and transacted substantial Financial, Legislative and other Business. The Session witnessed wide participation of all political parties in the discussions on various issues of national importance. Approximately $82.35 \%$ of the listed Bills were passed during the Session.

On the opening day of the Session, i.e. on 11 December, the Hon'ble Speaker placed a Resolution before the House on the passing away of Shri Atal Bihari Vajpayee, former Prime Minister. The Resolution was adopted unanimously by the House. The Hon’ble Speaker further made references to the passing away of Shri Somnath Chatterjee, former Speaker and member from Fifthto Fourteenth Lok Sabhas; Shri Ananth Kumar, sitting member and Minister of Chemicals, and Fertilizers and Minister of Parliamentary Affairs; Dr. Bhola Singh, Shri M.l. Shanavas, and Shri Mohammad Asrarul Haque, sitting members. As a mark of respect to the memory of the deceased, members stood in silence for a short while and, thereafter, the House was adjourned for the day.

I would now like to dwell briefly upon important issues raised by members and deliberations during Sixteenth Session. Details thereof can be perused by consulting Lok Sabha debates:-

- On 28 December 2018, Minister of Home Affairs, Shri Rajnath Singh moved the Statutory Resolution seeking approval of the Proclamation issued by the President on 19 December 2018 under article 356 of the Constitution in relation to the State of Jammu and Kashmir. The Minister of Home Affairs replied to the debate. Thereafter, the Resolution was adopted.
- On 2 January 2019, Shri Rahul Gandhi on behalf of Shri K. C. Venugopal and with the permission of the Speaker raised discussion on issues relating to Rafale deal. The discussion continued on 4 January 2019. The Minister of Defence, Smt. Nirmala Sitharaman replied to the debate.

- On 7 January 2019, Shri Bhartruhari Mahtab initiated discussion relating to natural calamities in various parts of the country, particularly in Kerala, Tamil Nadu and Orissa with special reference to cyclones like Gaja, Titly, etc. The discussion was not concluded. Questions : Out of 400 StarredQuestionslistedduringtheSession,33S.Qs. wereorally answered.Written replies to remaining S.Qs. along with 4,400 Unstarred Questions were laid on the Table of the House. Matters of Urgent Public Importance : 224 matters were raised under Rule 377 by members in addition to 81 matters of urgent public importance were raised by members during Zero Hour. As many as 52 statements were made by the Ministers on various important subjects.


## Legislative/Financial Business :

- Financial Business : The Minister of Finance, Shri Arun Jaitely presented a statement showing the Supplementary Demands for Grants - Second Batch for the year 2018-19 to the House on 20 December 2018 and the Minister of Finance replied to the debate. All the demands were voted in full and the relevant Appropriation Bill was passed the same day.
- Legislative Business (Government): 12 Government Bills were introduced and 14 Bills were passed by the House. Some of the important Bills included:- (i) The Transgender Persons (Protection of Rights) Bill, 2018; (ii) The Surrogacy (Regulation) Bill, 2019; (iii) The Consumer Protection Bill, 2018; (iv) The Muslim Women (Protection of Rights on Marriage) Bill, 2018; (v) The Aadhaar and Other Laws (Amendment) Bill, 2018; (vi) The Constitution (One Hundred and Twenty- fourth Amendment) Bill, 2019.
- Private Members'Bills: The Rights of the Transgender Persons Bill 2014 as passed by Rajya Sabha was removed from the Register of Bills with the sense of the House since a Government Bill, namely, The Transgender Persons (Protection of Rights) Bill, 2018 had already been passed by Lok Sabha on 17 December 2018 (for details of the observation made by Hon’ble Deputy Speaker, Lok Sabha, Debates dated 28 December 2018 may be referred to).


Further discussion took place on the Sixth Schedule to the Constitution (Amendment) Bill, 2015 moved by Shri Vincent H. Pala on 5August 2016 and after a detailed discussion on the Bill the same was withdrawn by leave of the House on 28 December 20 18. On the same day another Bill, namely, The Television Broadcasting Corporation (Regulation) Bill, 2015 moved by Shri Prahlad Singh Patel and was discussed and withdrawn by leave ofthe House that day. Thereafter, the Tourism Promotion Corporation of India Bill, 2015 by Shri Nishikant Dubey was taken up which remained inconclusive.

Committee Reports : 42 Reports of Departmentally Related Standing Committees were presented to the House. One Report of Committee of Privileges and 3 Reports of the Committee on Violation of Protocol Norms and Contemptuous Behaviour of Govemment Officers with Members of Lok Sabha were laid on the Table of the House. All these reports are available on Lok Sabha homepage (www.loksabha.nic.in).

Other Business: 3 newly elected members - (i) Shri V.S. Ugrappa; (ii) Shri L.R. Shivarame Gowda; and (iii) Shri B.Y. Raghavendra took oath and signed the Roll of Members.

Resignations : The Hon'ble Speaker informed the House of receipt of resignation letters and acceptance of the same in respect of following members: (i) Shri Conrad Kongkal Sangma; (ii) Shri Thupstan Chhewang; (iii) Shri Ch. MalIa Reddy; (iv) Shri Balka Suman; (v) Shri Manohar Untwal; (vi) Shri Nagendra Singh; (vii) Shri Raghu Sharma; (viii) Shri Harish Chandra Meena; and (ix) Shri Tamradhwaj Sahu.

Obituary References: Obituary References were made to the passing away of 15 former members viz. Sarvashri Mansoor Ali Khan; Puran Chandra; P. Manik Reddy; Gurudas Kamat; Mohan Jain; Shantaram Potdukhe; N.D. Tiwari; Madan Lal Khurana; Narayan Swaroop Sharma; C.K. Jaffer Sharief; M.H. Ambareesh; M.V.V.S. Murthi; Capt. Jainarain Prasad Nishad and Smt. Kamla Kumari.

On $13^{\text {th }}$ December Hon'ble Speaker also made a reference to the $17^{\text {th }}$ anniversary of terrorist attack on Parliament House which took place on 13 December 2001.


Congratulatory References：On $12^{\text {th }}$ December 2018，Hon’ble Speaker on behalf of the House congratulated the Indian Space Research Organisation（ISRO）team for successfully launching GSAT－II satellite．Hon’ble Speaker also congratulated Smt．M．C．Mary Kom，Member，Rajya Sabha for winning a historic sixth gold medal in 48 k．g．category in World Boxing Championship held in New Delhi and Ms．Sonia Chahal for winning silver medal in 57 k．g．category．

Parliamentary Delegation：A Parliamentary Delegation from Zambia led by Rt．Hon．Justice Dr．Patrick Matibini，Speaker of the National Assembly of the Republic of Zambia graced the Special Box of Lok Sabha on 17 December 2018．Welcoming the distinguished guests，the Hon＇ble Speaker extended the greetings of the House to the Parliament，the Government and the people of the Republic of Zambia and wished them a happy and fruitful stay in India．

Speaker＇s Research Initiative（SRI）：During the Session the SRI organized 4 workshops on the subjects：（i）Environmental Challenges；（ii）Foreign Policy Challenges of India；（iii）Future of Jobs；and（iv）Future of Indian Languages for the benefits of members of Parliament．

The House adjourned sine die on 8 January， 2019 after playing of the National Song， was prorogued by the President of India on 10 January 2019.

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