



Case Study

Tribal Rights in Jharkhand

Amit Prakash

This publication was supported by the Asia Pacific Gender Mainstreaming Programme (AGMP).

Towards Inclusive Governance

Promoting participation of disadvantaged groups in Asia-Pacific

The authors are responsible for the facts contained in their papers, and for the opinions expressed therein, which do not necessarily represent the view of the United Nations Development Programme (UNDP) or commit UNDP in any way.

The analysis, opinions and policy recommendations contained in this publication do not necessarily reflect the views of UNDP.

© 2007

United Nations Development Programme
Regional Centre in Bangkok
UN Service Building
Rajdamnern Nok Avenue
Bangkok 10200 Thailand
<http://regionalcentrebangkok.undp.or.th>

Contents

Acknowledgments	4
Foreward	5
Introduction	6
The Rights Framework	7
Theoretical anchors: Liberal State and the discourse of autonomy	9
Tribal Rights and Their Operationalization	12
UN inter-agency understanding on HRBA to development cooperation	12
Conceptualization of tribal rights in India	13
The context and background	14
The Study and Its Geographical Focus	16
Methodological Note	17
Empirical datasets	17
Status of Tribal Rights in Jharkhand	19
Right to preservation of socio-cultural distinctiveness	19
Right to Socio-economic Development	21
Capacity development of human agency	19
Demography	22
Literacy	25
Socio-economic status	29
Employment	30
Health patterns and development	32
Land and forests	32
Developmental infrastructure and socio-economic rights	37
Displacement and rehabilitation	39
Participation, Panchayati Raj, PESA and Tribal Rights	42
Conclusions: Challenges and Opportunities	44
Future Directions and Policy Suggestions	45
Possible policy programming initiatives	45
References	49

Acknowledgments

The author is grateful to the UNDP India and the UNDP Regional Centre, Bangkok for supporting this study. The document is written by Amit Prakash, Associate Professor, Centre for the Study of Law and Governance, Jawaharlal Nehru University, New Delhi - 110 067, India. Email: amit@mail.jnu.ac.in. Thanks are also due to A Kanan and Suvir Ranjan for able research assistance and to Shivaji Mishra for exemplary assistance with fieldwork logistics. A word of gratitude must also be added for all the activist, government officials, academics, NGOs, and tribal individuals who often went out of their way to share their views and experience with the research team. All these individuals were extremely liberal with their time and knowledge, for which the author is extremely grateful.

Foreward

The discourse of rights offers a robust analytical tool for the analysis of issues present before human societies. Besides, it also enables analysts to examine contemporary reality against a cherished normative goal, which holds public agencies accountable for their acts of omission and commission. The issue of rights is nowhere as central as with respect to marginalized sections of the society, amongst which the tribals are in the forefront.

This study focuses upon a tribal State of India – Jharkhand, to assess the status of tribal rights. The importance of Jharkhand lies in the fact that Jharkhand was created as the 28th State of the Indian Union on 15 November 2000 which was the fulfilment of an almost century old demand premised on the distinctiveness of tribal heritage and culture. While the nature and character of this demand has undergone a significant changes over the years, most political and scholarly opinion at the turn of the century agreed that the creation of a separate State of Jharkhand would not only provide recognition to the tribal identity being articulated in the region but would also lay the foundation for a more vigorous developmental effort aimed at the tribal population of this resource-rich but poverty-stricken part of the country.¹ Thus, the issue of rights of the tribal population is inextricably linked to the question of development. Both reinforce each other leading to a distinctive content to the concept of tribal rights in Jharkhand.

¹ See for instance the debates on the Bihar Reorganisation Bill (2000) (which created the State of Jharkhand) on its introduction in Lok Sabha on 25 July 2000 and follow-up discussions in Lok Sabha 02 August 2000. There was a general consensus amongst the members that 'development' was the main issue left to be realised after the State recognising the Jharkhandi identity was created. *Lok Sabha Debates*, XIII Lok Sabha, 25 July 2000 and 02 August 2000.

Introduction

One of the most marginalized communities in India are the tribal communities, who despite special enabling provisions for them in the Constitution,² a legal framework for the implementation of these provisions and several targeted public policy initiatives, have continued to suffer deprivations of different kinds. In other words, the rights guaranteed to the tribal population have been grossly violated. The tribal population not only face severe socio-economic marginalization but also the threat of undermining of their distinctive culture and identity, which in turn is rooted in their livelihood patterns.

The Constituent Assembly of India broke new grounds when it incorporated a chapter on fundamental rights whose objectives summarized in the preamble to the Constitution, declares that the state will not only guarantee “equality of status and of opportunity” and “justice, social, economic and political rights” but also seeks to promote amongst all citizens “fraternity assuring the dignity of the individual”.³ Clearly, individual rights, as enumerated in Part III of the Constitution, are guaranteed. Simultaneously, the same section of the Constitution also created certain groups rights under Cultural and Educational Rights wherein the right of “any section of the citizens residing in the territory of India or any part thereof” to have “a distinct language, script or culture of its own” and the “right to conserve the same” was also guaranteed. These provisions also declare that “no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them”.⁴

The simultaneous upholding of both individual and group rights has taken place in a socio-economic and political context in which a number of historically disadvantaged communities have continued to suffer a variety of social, economic and political, with the result that the rights guaranteed to them by the Constitution are far from being realized. This tension lies at the root of the problem in assessing the rights of marginalized sections, as well as the political contestation for the realization of these rights in a resource-deficit political economy.

In fact, tribal rights acquire a substantive content of the right to socio-economic development, as well as the right to the preservation of their socio-cultural distinctiveness. However, the substantive aspects of tribal rights are under threat from the development processes adopted by the Indian State, leading to pressure on the space needed to negotiate these rights in their correct context. In this manner, a body of development and identity issues have been created, which has perhaps formed the leitmotif of all contestation for tribal rights in India.

² Particularly, Part X of the Constitution under which Schedules V & VI were incorporated into the Constitution to provide for particular responsibilities of the state with respect to administration of areas inhabited by the tribal populations; apart from a variety of enabling provisions for the betterment of individuals belonging to tribal communities.

³ ‘Preamble’ to the *Constitution of India* (as on 01 January 2001), New Delhi: Lok Sabha Secretariat, n.d., Article 366

⁴ *Constitution of India*, Ibid., Articles 29 (1) & (2).

The Rights Framework

While discourse on tribal rights forms an integral part of the activist discourse and has successfully managed to underscore the importance of concerted attention to deal with the problems and issues faced by tribal populations, academic interrogation of the phrase to arrive at an analytical exactitude is fluid. Therefore, in order to make an assessment of the status of rights of tribes some attention must be focused on parallel sets of discourses of rights, which include human rights, the right to development, fundamental rights and political and civic rights and deductively, also the rights of minorities and tribes.

Tribal rights can be seen as a part of the larger human rights discourse which emanates from the Universal Declaration on Human Rights of 1948 and is constantly being developed and refined through political contestation and international debates and discussion to include a wide array of rights that are fundamental to a dignified human existence.

This UN Declaration was followed by a single covenant codifying all the rights but due to a variety of political economy reasons, “two separate covenants were adopted in 1966 – one on civil and political rights and the other on economic, social and cultural rights. The human rights community remained pre-occupied mainly with the former” while the latter was paid little attention. The “human rights discourse thus remained parallel to the development discourse”⁵ until the 1960s.

It was only in the 1970s (with the debate around a New International Economic Order) that issues of socio-economic development were placed centre stage, even though much of the development economics literature had been taking these issues into account since the end of World War II. However, the international political climate prevailing during the 1970s precluded any agreement on socio-economic rights until as late as 1986 when a *Declaration on the Right to Development* was adopted by the UN General Assembly, which defined the right to development as:

“an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized”.⁶

It is a “a right to a particular process of development in which all human rights and fundamental freedoms can be fully realized — which means that it combines all the rights enshrined in both the covenants and each of the rights has to be exercised with freedom”.⁷ While the Declaration has been in existence for two decades now, it has been difficult to arrive at a consensus amongst countries, and there are no binding instruments in place, for the implementation of the rights enumerated in this declaration.

⁵ Siddiqur Rahman Osmani, ‘An Essay on the Human Rights Approach to Development’ in Arjun Sengupta, et al, eds., *Reflections on Right to Development*, New Delhi, 2005, p.110.

⁶ *Declaration on the Right to Development*, adopted by General Assembly resolution 41/128 of 4 December 1986, Article 1.

⁷ Arjun Sengupta, ‘The Right to Development as a Human Right’, Paper written for the François-Xavier Bagnoud Center for Health and Human Rights, Harvard School of Public Health, 1999, pp. 9.

At the ground level, the discursive impact of the Declaration has been more important than the direct policy impact. The right to development has emerged as a central anchor for much of the discussion on human rights and development issues. In fact, most of the development community speaks in terms of a human rights approach to development meaning that “policies and institutions chosen for achieving development should be based explicitly on the norms and values set out in the international law on human rights”.⁸ Moreover, while the right to development debate has covered substantial ground, there are still many issues that require delineation, clarity and consensus. “For instance, an important issue that requires understanding relates to the obligations of the duty holders, especially when duty holders are the States in their collective role, or when developed States are seen as duty-holders for meeting the entitlements held by the population of the developing countries. Similarly, given that the Right to Development Declaration has defined the right as an individual as well as a collective one, there are issues related to the nature of the entitlements and duties”.⁹

It is in this fluidity of conceptual, legal and operational aspects of the right to development as a human right that the debate about tribal rights has been conducted. Deriving from the Universal Declaration on Human Rights, Tribal Rights were partially codified by ILO’s Indigenous and Tribal Populations Convention of 1957 (No. 107), which was ratified by India. This Convention requires the governments of all member countries to take all measures for enabling the tribal populations “to benefit on an equal footing from the rights and opportunities which national laws...” grant to the rest of the population and frame policies for “promoting the social, economic and cultural development of these populations and raising their standard of living”. Besides, this Convention calls upon governments to create conditions “of national integration to the exclusion of measures tending towards the artificial assimilation of these populations”.¹⁰ Thus, according to this Convention, tribal rights include all efforts aimed at ensuring that the tribal population, while preserving their social and cultural distinctiveness, are able to benefit from the same rights and opportunities which are available to the rest of the population, besides encouraging integration of the tribal populations with the rest of the population, albeit without policies of artificial assimilation.

In accordance with the changing contours of the discourse, a revised convention was prepared, the Indigenous and Tribal Peoples Convention of 1989 (No. 169), and ratified by 17 countries, but not India.¹¹ The new Convention enjoins Member States to continue efforts to ensure that tribal populations are able to “benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population”. However, this Convention requires governments to promote “the full realization of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions”, besides creating a policy environment to assist “the members of the peoples concerned to eliminate socio-economic gaps that may exist between

⁸ Siddiquir Rahman Osmani, Op. Cit., p.112.

⁹ Rajiv Malhotra, ‘Right to Development: Where Are We Today’ in Arjun Sengupta, et al, (eds.), *Reflections on Right to Development*, New Delhi, 2005, p.145.

¹⁰ Indigenous and Tribal Populations Convention, 1957 (No. 107) adopted by the General Conference of the International Labour Organisation on 26 June 1957, Article 2.

¹¹ India’s hesitation in ratifying this Convention is mainly due to the explicit mention of the right to self-determination. India, faced as it is with a variety of violent and non-violent identity movements in the North-east part of the country and Kashmir, is loathe to accept this principle fearing balkanisation of the country on tribal lines.

indigenous and other members of the national community, in a manner compatible with their aspirations and ways of life”.¹²

Thus, the international human rights discourse has moved on to include the questions of tribal identity, culture and heritage, and all means to preserve and promote these aspects of tribal life as a part of tribal rights; in addition to securing the opportunity of socio-economic development leading to a full realization of their rights as citizens.

The operationalization of the right to development “implies free, effective, and full participation of all the individuals concerned in the decision-making and the implementation of the process” in a manner that is transparent and provides equal opportunity to benefit from the resources of development in an equitable manner.¹³

Furthermore, the right to development creates a duty on the state to ensure that legislative and executive authority is discharged in such a manner that this right is realized through appropriate development policies.

The contemporary discourse on tribal rights thus includes both components: socio-economic development of tribal communities, as well as provision of conditions for full realization of their cultural identity. Operationally, these rights would include flow of equitable benefits of the development process to the tribal communities, as well as guaranteeing their rights over lands, natural and forest resources, access to proper livelihood and development facilities.

Theoretical anchors: Liberal State and the discourse of autonomy

The fundamental principles of liberal democracies – basic individual civil rights and political rights, “are well-articulated both in the actual functioning of Western liberal democracies and in the tradition of Western political theory”. However, “it is difficult to define the basic features of a liberal-democratic approach to managing ethno-cultural diversity”,¹⁴ including the myth of ‘ethno-cultural neutrality’ of the state. This myth lies at the roots of the inability of the modern rationalist liberal state in dealing with the diverse claims of rights placed before it by highly mobilized identities premised on cultural factors, and often, demanding autonomy. The state has responded in a rather *ad hoc* fashion with responses ranging from conceding minority cultural rights to denial of all such claims.

“The emergence of ethnicity and minority rights on the political theory mainstream agenda can be traced back to John Rawls’ writings on pluralism and consensus as the essence of liberal democratic thinking”. In the large body of literature engaging with the liberalism-communitarian divide, autonomy of the individual was pitted against the arguments in favour of “a broader communal socialization in a historically-rooted culture” as a necessary precondition for such individualism.¹⁵ This led to debates about the necessity and mechanisms to accommodate communitarian claims into broader liberal political theory.

Amongst other things, attention of scholars has been focused on the claims that

¹² Indigenous and Tribal Peoples Convention, 1989 (No. 169) adopted On 27 June 1989 by the General Conference of the International Labour Organisation, Article 2.

¹³ Sengupta, ‘The Right to Development’, Op. cit., p. 10.

¹⁴ Will Kymlicka, “Nation-building and Minority Rights: Comparing West and East” in *Journal of Ethnic and Migration Studies*, vol. 26, no. 2, April 2000, p. 183.

¹⁵ Stephen May, Tariq Modood & Judith Squires, ‘Ethnicity, Nationalism, and Minority Rights: Charting the Disciplinary Debates’ in Stephen May, Tariq Modood & Judith Squires, eds., *Ethnicity, Nationalism and Minority Rights*, Cambridge: Cambridge University Press, 2004, p.4.

ethnic identities (such as tribals) lay on the state and the political process, which in turn structures the debates within political theory. These claims may be classified into three sets:

- (a) Claims of special rights from the government: special representation rights, devolution and national self-determination;
- (b) Claims of special rights to seek accommodation of a variety of cultural practices: exemption rights and cultural rights leading to special status to disadvantaged communities including affirmative action programmes;
- (c) Demands that are not claims to rights but to collective esteem: symbolism of flags, names, public holidays, national anthems, public funds for cultural activities, educational curricula, etc.¹⁶

While debates continue on the appropriateness of granting the rights being claimed by the articulated ethnic identities, distinction is also made between rights that may be granted to 'national identities' and ethnic identities. Theorists have argued that while 'national' identities may be granted special status, smaller ethnic identities can only be granted rights that enable them to integrate with the mainstream on fair terms. This global debate is rooted in the central premise of liberal state wherein political process should be founded on interests, free association and ideology and all groups claiming rights on any other basis are somehow regarded as less 'legitimate'.

While consensus amongst theorists on these issues is still elusive, the local reality has been of a consistent growth in ethnic (mostly but not by any means tribal) politics¹⁷ – both at the national and international levels. This has led to demolition of the notion that, with increasing modernization and communication, more particularistic identities would eventually be eroded or would be submerged into national identities. In fact, "instead of abandoning their traditional ethnic identities in the quest for socio-economic and political equality", ethnic groups "have retained them along the way, even when they have made it to the top – ethnicity continues to be an important and meaningful source of identity for millions of people in the world".¹⁸ This pattern seems to have intensified in the era of increasing global integration. In fact, "as globalized modernity challenged all societies, the forces of reaction gathered ... the opposition to globalisation was largely parochial".¹⁹

Amongst the many consequences of this pattern of political mobilization has been that the political process must grapple with a wide variety of demands on the liberal state – many of which militate against the liberal state, premised as it is on individual rights. The states have adopted a wide variety of responses to these demands – from repression to cooption and the entire spectrum in between.

However, what is of interest to the politics of ethnic identity-articulation is the fact most modern states operate a diverse set of equalizing policies, such as "affirmative action" or "protective discrimination" located in the global discourse on development and modernization, especially when these policies have failed to prevent ethnic

¹⁶ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford University Press, 1995 as discussed in *Ibid.*, p. 4.

¹⁷ This has had a significant impact on the conception of liberal state as well as liberal-democratic politics.

¹⁸ George M. Scott, Jr., 'Group Solidarity: Towards an Explanatory Model', *Ethnic and Racial Studies*, vol. 13 no. 2, 1990, p. 148.

¹⁹ Simon Murden, 'Culture in World Affairs' in John Baylis and Steve Smith, eds., *The Globalisation of World Politics*, New Delhi: Oxford University Press, 2005, pp. 545-6.

identity-articulation.²⁰ Furthermore, most of these articulated identities demand 'autonomy' – a term whose meaning is as fluid in the academic literature as it is in the popular political discourse.

Being subject to the 'affirmative action' of the state, the development argument becomes central to the politics of identity. Thus, there exists a paradox with respect to most identity articulations: almost all ascriptive ethnic identities require a 'rational' argument of socio-economic deprivation as an added premise for their articulation.

²⁰ In fact, in some cases, these very policies of affirmative action may be responsible for encouraging a swifter identity articulation.

Tribal Rights and Their Operationalization

The above discussion makes it clear that while significant attention has been paid to the issue of the rights of the individual, particularly those of marginalized communities such as the tribals, clarity about the meaning and contents of these rights is expanding as it evolves via the avenue of changing discursive structures of the international debate on human rights. However, the fact remains that the content of tribal rights remains both contested and difficult to concretize.

Nonetheless, there appears to be a degree of consensus that the right to development forms a central pillar of definition of tribal rights; based as it is on the internationally accepted conventions and idea of human rights. It is therefore relevant to draw upon the now well-accepted human rights-based approach to development to provide content to the idea of tribal rights.

UN inter-agency understanding on HRBA to development cooperation

While many efforts have been made to concretize the idea of human rights in development programming, perhaps the single largest contribution in this field has been made by the multi-faceted and multi-tiered effort by the UN system, chiefly the UNDP and UNHCHR. It is now widely recognized that, inspired by the writings of Amartya Sen, the UN system has made a significant contribution to the development and acceptance of a human rights perspective in the analysis of development issues.²¹ This is commonly known as the human rights based approach to development, and was most clearly articulated during the second “Interagency Workshop on Implementing a Human Rights-based Approach to Development in the Context of UN Reform” (5-7 May 2003, Stamford, United States). The Inter-agency agreement on HRBA to development clearly delineates that “development cooperation contributes to the development of the capacities of ‘duty-bearers’ to meet their obligations and/or of ‘rights-holders’ to claim their rights”. Going further, the agreement lays down six principal components of human rights, which are central to development programming:²²

1. universality and inalienability;
2. indivisibility;
3. interdependence and inter-relatedness;
4. non-discrimination and equality;
5. participation and inclusion;
6. accountability and the rule of law.

In addition, the inter-agency agreement also enjoins UN agencies to ensure that people are the key actors in their own development, which leads to the inevitable stress on participation as both a means and a goal. This mode of development

²¹ For instance, see Jolly, Richard, Louis Emmerij, Frederic Lapeyre, Dharam Ghai, *UN Contributions to Development Thinking and Practice*, Bloomington, Indiana, 2004.

²² *Towards a Common Understanding Among UN Agencies* as agreed at the *Second Interagency Workshop on Implementing A Human Rights-based Approach to Development in the Context of UN Reform* held at Stamford, 5-7 May 2003, and endorsed by the UNDG Programme Group is available at http://www.undp.org/governance/docs/HR_Guides_CommonUnderstanding.pdf, p. 2.

programming must also ensure that the process is empowering, particularly for weaker and marginalized sections of the population (such as the tribals) and that it must also include all concerned actors and should be locally owned, transparent and be accountable.²³

From this brief delineation of the HRBA to development, it can be argued that the key factor is participation, without which all the goals listed above would have little substantive content. Participation is therefore a central tenet of the operationalization of tribal rights.

Conceptualization of tribal rights in India

As the discussion above shows, the substantive content of tribal rights is not only contested but also difficult to concretize. It could mean very different things to different persons, depending on their viewpoint as well as context.

In contemporary South Asia, political contestation appears in large part to take the shape and form of politics of identity. The politics of tribal rights lies very much within this category. The premises, boundaries, self-definitions, mode of articulation, etc., of such politics of identity may vary in each region and case but the basic argument stands; that there seems to be almost no serious contestation of the political space (with the state as well as with other similarly politically-articulate groups) that is not rooted in (and often articulated through) the politics of identity.²⁴

For instance, the range politics of identity in India is wide.²⁵ With only very few exception,²⁶ all other articulations of identity demand various degrees and forms of autonomy. However, there is no consensus on the meaning and content of 'autonomy'. Articulations of visions of autonomy are as varied as the groups and political actors demanding it.²⁷

In view of this discussion, the substantive content of tribal rights may be conceptualized as follows:²⁸

- Right to preservation of their socio-cultural distinctiveness;
- Right to socio-economic development.

The first covers a set of tribal rights which invokes the liberal notion of rights and multicultural politics, fundamental rights and human rights. The local political

²³ Ibid., p. 3.

²⁴ While some of the left wing movements in many parts of South Asia may not qualify for such a description, their being restricted to certain geographical pockets in the country would indicate that the question of identity is not totally irrelevant.

²⁵ For instance, linguistic movements in the many parts of India during the late 1950s-1970s; the numerous ethnic identities in the North-eastern parts of the country; the Dalit assertion of North India; various 'development-deficit'-oriented articulations across the country (such as Telangana, Ladakh, erstwhile UP hills or Uttaranchal, north West Bengal, tribal south Gujarat and erstwhile tribal MP or Chhattisgarh, etc.); the Coorg issue in Karnataka, communal mobilisation of 1980s and 1990s; and so on.

²⁶ Namely, the communal identity politics and Dalit assertion.

²⁷ Many groups in Nagaland view autonomy as a sovereign state, while many of the other articulations would be happy with a State within the Indian Union, as has been the case in Jharkhand. Still others wish to see the creation of a sub-state 'development' council while yet others have a vision of a regional, multi-state structure.

²⁸ For instance, PNS Surin, a former bureaucrat with a long experience of administration and a tribal himself listed tribal rights to include: (a) right to land; (b) customary forest rights; (c) cultural and religious rights; and, educational rights, interview with PNS Surin at his residence in Ranchi on 22 February 2006.

contestation for the realization of these sets of tribal rights is normally expressed in demands for administrative autonomy (including the right to self-determination), right to special representation, the right to special culturally-oriented affirmative programmes and often, demands (not necessarily claims) for collective esteem: symbolism of flags, names, public holidays, national anthems, public funds for cultural activities, educational curricula, etc.

The second set of tribal rights straddle the framework of right to development and various international articulations on socio-economic rights. This set of tribal rights lay a claim on the state for adequate public policy mechanisms for ensuring that the members of the tribal societal groups are able to claim the same level of socio-economic development as the rest of the population. Many aspects of these sets of rights are rooted in an 'original settler' argument by the tribal populations and thereby claim an over-riding right to the resources of the region. While this aspect of tribal rights are central in any analysis of the tribal right to socio-economic development, it must be kept in mind that these arguments often become essentialist.²⁹

The two sets of rights enumerated above are not exclusive to each other. It can be argued that one set of tribal rights is meaningless without the other. In fact, the two are closely linked through: (i) the politics of development and identity; and (ii) claims for structures for participation in decision-making (for instance, local governance).

Further, both these sets of rights, particularly the second (right to socio-economic development) have additional dimensions. While the importance of participation in the decision-making process on development planning cannot be overstated, it is also equally important that people from tribal community have an equal opportunity to benefit from the fruits of the process of development. If the flow of these benefits (for instance, livelihood, literacy, health facilities, etc.) to the tribal communities and individuals is marginal, the right to participate in the development process is being violated and thereby, tribal rights are under threat.

This framework will be utilized to assess the status of tribal rights in Jharkhand – the newest State of the Indian Union – whose creation was premised on tribal identity and arguably, is the fruition of some of the tribal rights claim on the Indian State.

The context and background

While a number of terms are used to refer to the tribal population, such as tribes, *Adivasi*, aborigines or autochthones, social science has "not examined the term 'tribe' in the Indian context rigorously".³⁰ Hence, the discussion about tribal population in India has largely followed the government categorization of Scheduled Tribes (STs),³¹ under which 212 tribes have been declared STs by presidential order under Article 342. This study has adopted the categorization in use by the governmental agencies, as well as social scientists and the terms tribe, tribal and STs have been used synonymously.

²⁹ See John R. Bowen, 'Should We Have a Universal Concept of "Indigenous Rights": Ethnicity and Essentialism in the Twenty-First Century' in *Anthropology Today*, vol. 16, no. 4, August 2000, pp. 12-6.

³⁰ Ghanshayam Shah, *Social Movements in India: A Review of Literature*, New Delhi, 2004, p. 92.

³¹ Article 366 (25) defines STs as "such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purpose of this Constitution;" *Constitution of India* (as on 01 January 2001), New Delhi: Lok Sabha Secretariat, n.d., Article 366.

The 2001 Census shows that STs represent 8.2 percent of India's population (as opposed to 8.08 percent in the 1991 Census) and continue to be at the margins of the development process "incidence of poverty was higher among tribals in 1999-2000 at 44 percent, while that among 'others' (i.e. non-*adivasi*, non-*dalit*), was 16 percent. Between 1993-1994 and 1999-2000, while the poverty ratio among *dalits* fell from 49 to 36 percent, and that of 'others' (non-*dalit*, non-*adivasi*) even more from 31 to 21 percent, that of *adivasis* fell from 51 to just 44 percent".³² Thus, the tribal population has recorded not only a higher rate of poverty but also a slower rate of decline in poverty. Shortfalls in the policy mechanisms, both at the planning and implementation levels is responsible but much of the blame has to be borne by the industrial and large projects development model adopted for most of India, tribal areas included.

Much of tribal economy, which is rooted in locally available natural resources (forests, land, water, etc.), has been threatened by the industry-led development model adopted by both the colonial and post-colonial state in India. Such 'modern' forms of economic activity have limitations in tribal areas owing to the geographical factors, while older and perhaps, more sustainable livelihood patterns have been severely disrupted by the commercialization of resources. This leaves tribal communities with very few options, severely threatening their rights.

Furthermore, the creation of modern industry and projects in tribal areas (many of which have a wealth of natural resources, minerals, forests, hydro-electric potential, etc.) have often dislocated the tribal communities. This, not only destroys their life and livelihood, but also creates a serious dislocation of communities, thereby impacting on their cultural distinctiveness.

To secure the tribal rights of such communities in India, the Union Government introduced the Scheduled Tribes (Recognition of Forest Rights) Bill in 2005, along with a draft national policy on tribals for discussion and comments. Both of these initiatives have been severely criticized and form the immediate context of the study.

³² Piush Antony, Harishwar Dayal and Anup K. Karan, *Poverty and Deprivation Among Scheduled Tribes in India*, New Delhi, Institute for Human Development, 2003 quoted in Dev Nathan, 'The Future of Indigenous Peoples' in *Seminar*, vol. 537, May 2004.

The Study and Its Geographical Focus

Jharkhand's mineral and forestry resources were of keen interest to the colonial economic enterprise, and this situation has little changed in the post-colonial state. The region has seen a sustained campaign for autonomy in order to claim the rights of the tribal population of the region over land, water, forests and other resources. The State of Jharkhand was created in the year



Source: Jharkhand Government Website at <http://www.jharkhand.nic.in>

2000 after a long and protracted demand for a separate State. Once created, the recognition of tribal rights to autonomy gained in importance. However, the original claim of a 'Greater Jharkhand'³³ carved from five States has also become a non-issue, politically. The larger tribal struggle was also therefore undermined. The longstanding demand for a separate State in Jharkhand has underlined the distinctive tribal heritage and culture of the region as the primary reason for alternative administrative and political arrangements. However, the question of a development-deficit in the region gradually became an important part of the discourse of autonomy in the Jharkhand region and occasionally, overshadowed the issue of tribal rights and autonomy.³⁴

There are many reasons for this intermingling of the issue of tribal rights and a development-deficit oriented approach to the Jharkhand region. One of the main reasons was the appropriation of tribal land and resources for the 'modern' industry-led development process. The fact that Jharkhand accounts for a majority of India's mineral resources is central to this question as tribal rights were marginalized in the quest for national development. Also important is the fact that under these very processes, the proportion of tribal population in the region compared with the total population gradually declined. By the 2001 Census, tribals accounted for a mere 26.3 percent of the population of Jharkhand.

³³ The original demand of tribal politics in the Eastern Tribal Belt of India was for the creation of a separate Tribal State of Jharkhand consisting of eighteen districts in the south Bihar, three in West Bengal, four in Orissa and two in Madhya Pradesh. This vision of Jharkhand has come to be known as Greater Jharkhand.

However, through a complex series of political processes, the Jharkhand State created in the year 2000 included only 18 tribal districts of Bihar. For details, see Amit Prakash, *Jharkhand: Politics of Development and Identity*, New Delhi: Orient Longman, 2001, especially chapters 1 and 6.

³⁴ For full details, see Amit Prakash, *Jharkhand: Politics of Development and Identity*, New Delhi: Orient Longman, 2001, especially chapters 2, 3 and 6.

Methodological Note

The study has adopted a combination of methodological tools. Background library work and desk research were conducted for placing the study in its context but much of the research materials for addressing the questions of tribal rights were collected with the help of field research in the State.

Empirical datasets

An important issue in any study evaluating the status of tribal rights is the absence of coherent and consistent datasets. Keeping this in mind, the study has tried to collate and analyse datasets derived from a variety of sources: government publications, datasets generated by non-governmental organizations, individual scholars, activist organizations and individuals and others.

While reams of data are generated by both governmental and non-governmental agencies, there is actually no or very little data on many of the questions that are central to the tribals. Many of the datasets that are available for tribal populations in Jharkhand delineate the financial allocations for various schemes of tribal development. However, owing to the under-utilization of allocations, transaction leakages and inefficiencies in the delivery mechanism, the study decided to focus on outcome indicators instead on inputs. For instance, instead of focusing on the financial allocation for literacy of the STs, the study analyses the relative literacy rates of the tribal population.

Much of qualitative assessment of the status of tribal rights in Jharkhand was made with the help of targeted interviews with informed and relevant individuals during the field study. The interviews were recorded with the help of a recording device and were later transcribed for use in the study.

The interviews were conducted with the help of structured interview schedule to interview a cross-section of the opinion in the State. Owing to the limited time and resources available, the Snowballing Method was adopted to identify the relevant individual, as well as the purposive sampling method to ensure that central actors in the ongoing debates about tribal rights are included in the sample.

Special efforts were made to interview ordinary tribal individuals across a cross-section of the State with particular attention to the inclusion of women in the sample.

Owing to peculiar structural and historical reasons, much of the articulate activism on tribal rights is located at the State capital, Ranchi. Most central activist figures located at Ranchi were interviewed about the content of tribal rights, their experience in advocating tribal rights and the impediments to their realization. A number of academics, analysts and political actors were also interviewed. The viewpoints gained from these interviews lay the foundation of the framework for the study and have also informed many of the analyses.

In addition, effort was made to interview the relevant policymakers in the government such as the Principal Chief Conservator of Forests, the Tribal Development Commissioner and the Development Commissioner. These interviews provided a useful reality check for the study and assisted in contextualising many of the demands articulated by various sections of Jharkhandi activists.

Most importantly, the study focused upon interviewing the ordinary tribal individuals in the remote parts of the State. The interviews were conducted in the districts of Gulma, Latehar, West Singhbhum, Simdega, Lohardagga and Hazaribagh. In addition, focus was laid in interviewing ordinary individuals at the relevant sites in Neterhaat, Latehar district (hydel project), Sikni, Latehar district (mining project), Ranchi district (industrial mega-projects). The purpose behind these interviews was to have a first-hand assessment of the degree of violation of tribal rights due to displacement and the rehabilitation, if any. The opinions expressed by ordinary displaced tribals have helped immensely in contextualising the analyses.

Status of Tribal Rights in Jharkhand

Right to preservation of socio-cultural distinctiveness

Jharkhand's tribal population's claim to the right to preservation of their socio-cultural distinctiveness has a long, complex and fluid history. While most proponents of the Jharkhand Movement claim intellectual ancestry to the tribal revolts of the 18th and 19th centuries, any articulation of tribal rights in the modern sense (however loosely interpreted), cannot be traced beyond the early part of the 20th century.

In fact, the first recorded articulation of a proto-Jharkhandi identity premised on tribal heritage and culture can only be traced to the 1920s when an organisation called the Chota Nagpur Unnati Samaj (Chota Nagpur Improvement Society) submitted a memorandum before the Simon Commission petitioning for a separate Governor's province in the area today known as Jharkhand. Of course, no such action was contemplated by the Simon Commission, given the central place that the mineral-rich south Bihar had in the colonial economic enterprise. Jharkhand continued as a part of Bihar with constant demands being raised by the elite of the Jharkhand movement for administrative and political autonomy.

By the time India gained independence, Jharkhandi identity had emerged as a more politically assertive force and the demand for autonomy was already being clearly articulated as premised on a distinctive tribal heritage and culture and the right to preserve this distinctiveness. Alongside, nascent arguments had started emerging to stress the autonomy of the political at the local level, which must be recognized in the administrative arrangements being contemplated for a free India. In fact, some of the articulations in the Constituent Assembly were claiming a right to autonomy in order to protect and preserve a distinctive tribal culture and to ensure the exclusive right of the tribals to utilise the local resources (land, water, forests and minerals) in accordance with their customary rights. However, the discursive structures prevalent at the time of independence precluded any consideration of such rights for the tribal population and all that was conceded was the necessity to 'bring up' the tribals via a combination of paternalistic administration, targeted-development planning and reservations.³⁵

On the political horizon, the demands for autonomy were being led by the Jharkhand Party which was formed for the purpose, under the leadership of Jaipal Singh. However, by the 1950s, the demographic reality of the region had already undermined the possibility of democratic politics premised on a claim of tribal rights only; since tribals were only about a third of the total population. Consequently, "The discourse developed by the Jharkhand Party involved a delicate and sometimes unsustainable compromise between a primordialist account of the rights of India's 'original people', and references both to the wit and wisdom of these people ...".³⁶

³⁵ For full details of the trajectory of the Constituent Assembly debates and the consideration of the demands of the tribal population, see Amit Prakash, 'Contested Discourses: Politics of Ethnic Identity and Autonomy in the Jharkhand Region of India' in *Alternatives: Social Transformation and Humane Governance*, vol. 24 no. 4, 1999, pp. 461-96.

³⁶ Stuart Corbridge, 'The Continuing Struggle for India's Jharkhand: Democracy, Decentralisation and the Politics of Names and Numbers' in *Commonwealth and Comparative Politics*, vol. 40, no. 3, November 2002, p. 60.

In addition to this structural weakness, the Jharkhand Party struggling for recognition of the rights of the tribals of Jharkhand had to face another foe: the Indian state. In a situation of pauperisation and poor developmental indicators, the Indian state promised to deliver everything that modernization theory ever promised: food, employment, water, as well as political and civil rights and freedom from exploitation. The credentials of the brand new Indian State were yet to be tarnished and the newly franchised electorate voted with its feet: Congress Party and Jharkhand Party both, were the darlings of the electorate until the late 1960s.³⁷

An additional factor entered at this stage: the Indian state, premised on rationalist and liberal principles of individual rights found it difficult to concede to the demand for autonomy premised on a tribal rights argument. Hence, in response to the demands for recognition of tribal rights, the state responded with promises for a more vigorous developmental effort. An example of this was the Modified Area Development Approach started under the Fifth Five Year Plan (1976-77 to 1980-81) under which Tribal Sub-Plans were developed to which a quarter of the budget of Bihar was assigned. The Jharkhandi political actors, who were demanding recognition of tribal rights to autonomy, accepted this 'development-deficit' definition as an added premise for their mobilization.

This acceptance of the development-deficit definition of the premises of the Jharkhandi identity had two impacts: (a) it enabled the Jharkhandi leadership to include non-tribals in their mobilization by translating their identity into a regional identity from a tribal one; and (b) it created a politics of development and identity in which the state and the Jharkhand movement both tried to legitimize their respective views. The electorate on its part had rejected the development-deficit interpretation of their demands as is expressed in the electoral patterns of the 1980s and early nineties. However, they also realized that the resource capacity of the state is of a size where its positive role cannot be ignored or taken lightly. Therefore, by the 1990s, strategic voting was noticed on the part of the electorate. For the Parliamentary election, national parties (later the Bharatiya Janata Party, which was the only party to promise creation of a separate state) were supported. For the State Legislature, the regional party (Janata Dal, later the Rashtriya Janata Dal) likely to form the government at the State level and thereby had the capacity to influence public policy implementation, was voted for. The Jharkhandi parties such as the Jharkhand Mukti Morcha (JMM) found partial support to ensure that the claim for tribal rights was raised in the legislatures at the national and State levels.³⁸

As far as the impact of the creation of the Jharkhand State on tribal rights is concerned, it is clearly an acceptance of the tribal autonomy. The new State clearly depends on tribal identity for legitimizing its administrative and legal apparatus.³⁹

“The formation of a separate Jharkhand state admits of many tales. One tale would draw attention to the success of India’s democracy, and rightly so ... Perhaps for the first time, the idea that Jharkhand might become a major centre of hi-tech industry ... was taken seriously by the local press. ... [However,] to the extent that

³⁷ See Prakash, *Jharkhand...*, Op. Cit., especially chapters 4 & 6.

³⁸ See *Ibid.*, especially chapters 6 & 7 for full discussion of these patterns.

³⁹ As can be noticed in the debate around the Jharkhand Panchayati raj Act, whose implementation has been pending. Some actors have been arguing that the Act in its present form violates the traditional rights of the tribals and the State government does not wish to be seen as ignoring the rights of the tribals. Consequently, a rather public debate continues without much action.

Jharkhandis are rewarded with better governance and high rates of economic growth they will have reason to be thankful for its success. There remain doubts, even so, that all Jharkhandis will be fairly rewarded in the new state”.⁴⁰

As far as the question of right to preserve the socio-cultural distinctiveness of the tribals is concerned, the Constitution guarantees this right along with elaborate mechanisms for the administration of scheduled areas. It was argued until now that in the absence of autonomy, the decisions for creation of adequate structures for preserving socio-cultural distinctiveness (for instance, teaching in tribal languages, creation of institutions for preservation of tribal art-forms, etc.) are taken at Patna. This situation had led to the tribal distinctiveness being undermined. Now such decisions are taken at Ranchi, sparking off public debates about almost all related issues. Some degree of participative and deliberative democracy can be noticed in all such issues.⁴¹

It may thus be surmised that the focus on development-deficit as a threat to tribal rights is partially the product of poorer level of developmental indicators amongst the ST population. It should be pointed out that almost none of the respondents interviewed in Jharkhand in February 2006 stressed that there was any institutional or structural issues related to the full realization of this component of tribal rights. Most respondents underlined that tribal rights related to the traditional modes of utilization of local natural resources were under threat and constituted the most significant challenge to tribal rights in Jharkhand. Clearly, the right to development was a more serious concern since the right to autonomy had been achieved.⁴²

The next section analyses the status of the right to development of the tribal population of Jharkhand.

Right to Socio-economic Development

The status of the right to socio-economic development of the tribal population of Jharkhand is perhaps the lynchpin in the realization of tribal rights in Jharkhand. Unless the state's entire ST population has access to equitable and just development mechanisms in a participative manner, there was no hope of realizing their socio-cultural rights, which is arguably already available to them. For instance, most ordinary tribals were unaware of their rights on account of illiteracy,⁴³ thus rendering these rights rather empty promises.

These issues also have a close correlation with socio-cultural rights such as land, forests, etc. but have been indicated by the respondents to have a central link to the contest for resource between tribals and the State and the tribals and other

⁴⁰ Stuart Corbridge, 'The Continuing Struggle ...' Op. cit., p. 69-70.

⁴¹ For instance, local newspapers carry these issues with a great deal of passion and detail on a daily basis. Also noticed during the field study were public rallies of various sizes and coherence on a number of such issues ranging from implementation of the PESA to the script that must be adopted for the tribal languages.

⁴² For instance, interviews with Chandan Dutta, Jharkhand Resource Centre, Ranchi on 17 February 2006 and with Kathinka Sinha-Kerkhoff, Director, Asian Development Research Institute, Ranchi on 17 February 2006.

⁴³ For instance, interviews with Brinda, a tribal woman worker in Hazaribagh district on 21 February 2006; interview with Dhanika and Basanti, a tribal women wage labourers at Rohta village, Hazaribagh district on 21 February 2006. All indicated that owing to illiteracy, their knowledge of their rights and privileges was low. In fact Rajhal Babnu, a tribal farmer in an interview on 18 February 2006 at Katra village, Ranchi district said that government keeps on giving them rights but there was no one to give them their rights (!).

competing societal groups, including commercial interest of non-tribals (for instance, forests are central to tribals in their socio-cultural identity as well as for their livelihood security. However, the same forest is also coveted by the logging industry).

Demography

All rights are inherently contestable, politically. And in any democratic system, political contestation is, apart from other factors, a function of the demographic patterns of a society. Therein lies the rationale for some focus on the demographics of Jharkhand. Besides, the focus of this study being on the tribal population, a brief demographic analysis of the state will also highlight the geographical areas requiring greater focus as the tribal population is not uniformly dispersed across the state.

The first and most important issue as far as the tribal population of Jharkhand is concerned is that, in 2001, STs accounted for only a little more than a quarter of the total population when the latest Census was conducted. In fact, the proportion of the State's ST population (the Jharkhand region of Bihar until the year 2001) has been steadily declining over the long term.⁴⁴

The democratic contestation for tribal rights must therefore account for the majority of the population of the region, which is not of tribal origins. This fact also lays down the limits of the possible as far as claim for tribal rights are concerned. In fact, this has been a central factor in the renegotiation of tribal rights over the past half-century of democratic politics in India.

		ST Population			Sex Ratio	percent ST Population
		Persons	Males	Females		
Jharkhand	Total	7,087,068	3,565,960	3,521,108	987	26.3
	Rural	6,500,014	3,267,181	3,232,833	989	31.0
	Urban	587,054	298,779	288,275	965	9.8
Garhwa *	Total	158,959	81,605	77,354	948	15.4
	Rural	157,274	80,686	76,588	949	15.8
	Urban	1,685	919	766	834	4.0
Palamu	Total	392,325	199,311	193,014	968	18.7
	Rural	388,428	197,302	191,126	969	19.7
	Urban	3,897	2,009	1,888	940	3.1
Chatra *	Total	30,384	15,571	14,813	951	3.8
	Rural	30,169	15,455	14,714	952	4.0
	Urban	215	116	99	853	0.5
Hazaribagh	Total	268,333	136,409	131,924	967	11.8
	Rural	214,028	108,477	105,551	973	12.2
	Urban	54,305	27,932	26,373	944	10.3
Kodarma *	Total	4,067	2,153	1,914	889	0.8
	Rural	3,576	1,899	1,677	883	0.9
	Urban	491	254	237	933	0.6
Giridih	Total	184,469	94,005	90,464	962	9.7
	Rural	183,298	93,430	89,868	962	10.3
	Urban	1,171	575	596	1037	1.0
Deoghar	Total	142,717	72,780	69,937	961	12.2

⁴⁴ See Prakash, *Jharkhand ...*, Op.Cit., especially chapters 4, 5 & 6.

	Rural	139,443	70,962	68,481	965	13.9
	Urban	3,274	1,818	1,456	801	2.0
Godda	Total	247,538	124,716	122,822	985	23.6
	Rural	245,899	123,822	122,077	986	24.3
	Urban	1,639	894	745	833	4.4
Sahibganj	Total	270,423	135,222	135,201	1000	29.1
	Rural	266,017	132,817	133,200	1003	32.1
	Urban	4,406	2,405	2,001	832	4.5
Pakaur *	Total	312,838	157,777	155,061	983	44.6
	Rural	310,470	156,598	153,872	983	46.6
	Urban	2,368	1,179	1,189	1008	6.6
Dumka	Total	701,903	352,306	349,597	992	39.9
	Rural	695,473	348,995	346,478	993	42.3
	Urban	6,430	3,311	3,119	942	5.6
Dhanbad	Total	202,729	103,100	99,629	966	8.5
	Rural	170,727	86,227	84,500	980	15.0
	Urban	32,002	16,873	15,129	897	2.5
Bokaro *	Total	218,600	112,184	106,416	949	12.3
	Rural	163,164	83,499	79,665	954	16.8
	Urban	55,436	28,685	26,751	933	6.9
Ranchi	Total	1,164,624	585,582	579,042	989	41.8
	Rural	964,242	484,797	479,445	989	53.4
	Urban	200,382	100,785	99,597	988	20.5
Lohardaga	Total	203,053	101,888	101,165	993	55.7
	Rural	192,074	96,554	95,520	989	60.3
	Urban	10,979	5,334	5,645	1058	23.8
Gumla	Total	920,597	459,243	461,354	1005	68.4
	Rural	893,661	445,985	447,676	1004	70.2
	Urban	26,936	13,258	13,678	1032	36.5
W Singhbhum	Total	1,111,322	553,903	557,419	1006	53.4
	Rural	1,042,435	518,577	523,858	1010	60.2
	Urban	68,887	35,326	33,561	950	19.6
E Singhbhum	Total	552,187	278,205	273,982	985	27.8
	Rural	439,636	221,099	218,537	988	49.3
	Urban	112,551	57,106	55,445	971	10.3
Source: Census of India, 2001, PCA						

As far as the tribal population in the State is concerned, Table 1 shows that they are widely dispersed over all districts of the State and are a majority in only three districts: Gumla, Lohardagga and West Singhbhum.

While there is no reason to believe that democratic politics in these districts follows a homogenous tribal orientation (there bring multiple denominational and other socio-economic cleavages between and within tribes), the changes of tribal rights-based contestation in the rest of the districts are even more remote.

It is in this demographic background that one must remember that in Jharkhand poverty is rather acute. "More than 56.8 percent of population are below poverty line (as against 36 percent for India in 1996-97)". Besides, the "lack of road connectivity in more than 60 percent of the villages, 54 per cent literacy rate (42 percent in the tribal sub-plan area that includes 112 blocks in Jharkhand, spread in 11 districts out of 22) and 85 percent of villages having no electricity".⁴⁵ In such a scenario, the worst

⁴⁵ Nitya Rao, 'Jharkhand: Vision 2010: Chasing Mirages' in *Economic and Political Weekly*, 03 May 2003, p. 1756.

sufferers of a developmental deficit are the tribal populations of the State – seriously undermining the realization of their right to development and also impacting their socio-cultural rights.

Social group	Average Monthly Per Capita Consumption Expenditure (Rs.) per 30 days on										
	Pan, tobacco & intoxicants	Fuel & light	Clothing	Footwear	Misc -goods & services	Durable goods	Non-food total	All	Clothing (second hand)	Durable goods (second hand)	No. Of sample Households
Bihar											
Scheduled tribe	15.00	25.26	19.07	2.02	40.56	5.00	106.91	337.40	0.05	0.02	673
Scheduled caste	9.79	27.73	21.80	2.05	42.36	6.49	110.22	331.02	0.09	0.01	1486
Other backward classes	6.62	28.57	25.28	2.71	56.67	6.87	126.73	384.96	0.05	0.02	3598
Others	6.69	30.47	32.23	4.28	79.99	8.89	162.55	458.20	0.03	0.01	1526
Not recorded	9.54	27.58	26.90	4.04	67.66	8.31	144.03	428.17	0.00	0.00	28
All social groups	7.91	28.53	25.51	2.84	57.24	7.07	129.10	385.09	0.06	0.02	7311

Social group	Average Per Capita Consumption Expenditure (Rs.) Per 30 days on														
	Cereals	Gram	Cereal substitutes	Milk & milk products	Pulses & products	Edible oil	Meat, egg, & fish	Vegetables	Fruits (fresh)	Fruits (dry)	Sugar	Salt	Spices	Beverages, refreshment etc.	Food total
Bihar															
Scheduled tribe	120.33	1.07	0.00	16.36	34.13	20.38	22.53	36.46	5.57	2.35	8.23	1.40	11.99	30.17	310.97
Scheduled caste	125.39	1.13	0.00	15.45	22.95	17.32	18.58	35.24	3.87	0.34	6.94	1.8	10.24	18.57	277.79
Other backward classes	125.54	1.15	0.00	18.28	36.22	18.71	15.70	36.92	5.61	1.16	8.25	1.20	10.15	25.43	304.32
Others	134.46	1.61	0.01	24.29	74.12	29.01	25.34	44.95	13.23	5.97	14.6	1.6	13.54	45.05	427.78
Not recorded	120.03	1.46	0.00	14.82	21.67	15.97	9.00	37.51	5.34	1.39	5.53	1.23	10.21	11.43	255.59
All social groups	128.31	1.31	0.00	19.92	47.70	22.23	19.81	39.49	8.06	2.81	10.30	1.4	11.45	31.70	344.53

MPCE: Monthly Per Capita Expenditure
Source: Extracted from *Differences in Level of Consumption among Socio-Economic Groups 1999-2000*, Report No. 472 (55/1.0/10), NSS 55th Round July 1999- June 2000. New Delhi: National Sample Survey Organisation, Ministry of Statistics and Programme Implementation, Government of India, 2001, p. A-181, A-192.

One of the standard avenues for overall assessment of the well-being of the ST population of the state and the status of realization of their right to development is to compare the consumption levels with rest of the population.

While such data for the Jharkhand State is still to be computed, some data is available for the erstwhile State of Bihar. As more than 90 percent of the ST population of the undivided State of Bihar lived in the former Jharkhand region, the data for ST population of Bihar can safely be projected to apply to the majority of the

ST population in the present State of Jharkhand.

Even a brief examination of Tables 2 and 3 on consumption shows that the expenditure on articles of consumption by the ST population in Bihar is lowest amongst all social groups surveyed. As far as the rural ST populations were concerned, the 55th Round of the National Sample Survey (NSS) conducted in 1999-2000 showed that the ST population's consumption expenditure on non-food items in rural areas was about a fifth lower than the average for all social groups. Similarly, expenditure by ST populations on food in urban areas was about 10 percent lower than average for all social classes, except that of Scheduled Castes.

These two sets of figures underline the centrality of focusing on the access of the ST populations to the fruits of development and realizing socio-economic rights. Such patterns not only outline the degree of success in the realization of tribal rights in Jharkhand but also stresses the participation (or lack thereof) of ST populations in the processes of development.

Literacy

Literacy is a central component in realizing developmental, as well as socio-cultural rights. Apart from being a central component of tribal rights, the right to education has also been legislated for all citizens of India, STs included.⁴⁶ Any violation of this right for the ST population of Jharkhand is thus a double jeopardy.

While primary education in Jharkhand, including those of the ST population, has to some extent progressed over past decades, there is still vast ground to cover. The delivery of literacy, primary and secondary education is abysmally low.

		Total Population			ST Population		
		Person	Male	Female	Person	Male	Female
Jharkhand	Total	53.6	67.3	38.9	40.7	54.0	27.2
	Rural	45.7	60.9	29.9	38.1	51.7	24.4
	Urban	79.1	87.0	70.0	67.8	77.8	57.4
Garhwa *	Total	39.2	54.4	22.9	19.8	29.5	9.6
	Rural	37.7	53.1	21.2	19.5	29.2	9.3
	Urban	72.0	80.8	61.6	46.4	55.7	35.1
Palamu	Total	44.9	58.9	29.9	26.9	37.8	15.7
	Rural	42.7	57.1	27.3	26.6	37.5	15.3
	Urban	77.6	85.0	69.3	60.8	66.3	54.9
Chatra *	Total	43.2	55.6	30.2	29.4	38.4	19.9
	Rural	41.2	53.9	28.1	29.1	38.1	19.6
	Urban	77.2	83.8	69.5	74.0	82.8	63.6
Hazaribagh	Total	57.7	71.8	42.9	33.6	44.6	22.1
	Rural	50.9	66.6	35.2	29.2	40.6	17.5
	Urban	78.9	86.7	69.3	50.9	60.4	40.8
Kodarma *	Total	52.2	70.9	33.6	23.8	31.3	15.5
	Rural	47.4	67.7	27.9	20.1	28.3	10.9
	Urban	73.8	84.4	61.8	50.9	53.5	48.1
Giridih	Total	44.5	62.1	26.6	19.4	29.1	9.3
	Rural	42.0	60.3	23.5	19.0	28.8	8.9
	Urban	78.6	85.5	70.8	71.2	78.6	64.1
Deoghar	Total	50.1	66.4	32.0	24.5	37.2	11.3
	Rural	44.5	62.2	25.2	23.9	36.5	10.8
	Urban	82.3	89.6	73.6	51.7	64.4	35.8
Godda	Total	43.1	57.5	27.4	23.6	33.9	13.1
	Rural	41.6	56.3	25.7	23.3	33.6	12.8
	Urban	82.4	89.0	74.5	67.0	72.4	60.5
Sahibganj	Total	37.6	47.9	26.6	19.5	26.6	12.4
	Rural	33.4	43.8	22.3	18.9	25.9	11.9
	Urban	71.2	79.3	61.9	52.8	61.5	42.4

⁴⁶ The Constitution (Eighty-Sixth Amendment) Act, 2002 inserted Article 21A into the Fundamental Rights chapter of the Constitution, which provides that "The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine."

Pakaur *	Total	30.6	40.2	20.6	17.9	25.1	10.5
	Rural	28.3	38.0	18.1	17.6	24.9	10.2
	Urban	72.2	78.2	65.4	49.5	49.4	49.6
	Total	47.9	62.9	32.4	29.3	40.7	17.9
Dumka	Rural	45.5	60.9	29.6	29.1	40.6	17.6
	Urban	80.9	88.7	72.0	54.6	59.0	49.8
Dhanbad	Total	67.0	79.5	52.4	32.6	46.5	18.2
	Rural	58.2	74.5	40.1	29.8	44.1	15.2
	Urban	74.7	83.8	63.7	47.5	58.7	35.0
	Total	62.1	76.0	46.3	30.9	43.1	18.0
Bokaro *	Rural	47.7	65.1	28.8	23.8	36.2	10.9
	Urban	78.6	88.1	67.3	51.6	63.3	39.1
Ranchi	Total	64.6	76.6	51.7	43.5	54.1	32.7
	Rural	54.0	68.7	38.9	39.1	50.5	27.5
	Urban	83.1	89.7	75.5	64.6	71.7	57.4
	Total	53.6	67.3	39.6	36.5	47.3	25.8
Lohardaga	Rural	49.0	63.9	34.1	34.9	46.1	23.6
	Urban	82.9	88.8	76.6	65.7	69.0	62.6
Gumla	Total	51.7	63.5	40.0	41.1	49.8	32.5
	Rural	49.8	61.9	37.8	40.3	49.1	31.5
	Urban	83.6	89.1	77.6	69.4	73.6	65.2
	Total	50.2	65.6	34.4	31.5	44.0	19.0
W Singhbhum	Rural	44.2	60.8	27.5	30.1	42.8	17.6
	Urban	78.2	86.9	68.4	52.8	62.8	42.3
E Singhbhum	Total	68.8	79.4	57.3	39.0	51.7	26.1
	Rural	51.8	67.0	36.1	34.8	48.1	21.4
	Urban	82.2	88.9	74.6	55.4	65.6	44.9

Source: Census of India 2001, PCA

While the of literacy education the ST of the plagued structural main

progress and amongst population state are by many issues, the problems

that hinder delivery of primary education in Jharkhand are rural impoverishment, particularly amongst STs, very low levels of literacy and use of non-mother tongue (Hindi) as medium of instruction.⁴⁷

The impact of these and other issues in the delivery of literacy of the ST population of Jharkhand is also evident in the gaps for literacy figures for the ST population in general and those of the ST women in particular.

The overall literacy rate of the ST population in Jharkhand in 2001 was a mere 40.7 percent compared with 53.6 percent for all the population of Jharkhand. More importantly, the literacy rate for ST women in Jharkhand was only 27 percent compared with almost 39 percent for Jharkhand. The literacy gap for the ST population was quite large, particularly for ST women (Table 4). As can be expected, the literacy attainments of ST population as well as ST women in rural areas of Jharkhand were poorer than those in urban areas (Table 4).

In those districts where the ST population had a demographic dominance – Gumla, Lohardagga and West Singhbhum – there seems to be some correlation between numerical presence of ST in the district and higher literacy attainments. It must also be pointed out here that these districts are also the ones which have a long history of missionary activity, one of the effects of which has been a higher level of educational attainments by the ST.

In Gumla district, the gap between the literacy rates of ST and averages for the district is evident but the difference was a little narrower. This was also the case for the literacy rate for ST women. The difference between urban and rural areas as far as literacy rates were concerned, broadly followed the patterns for State averages.

In the Lohardagga district, however, the gap in literacy rates for ST and the district average was larger than the State average, as was the case for the literacy rate of ST women. The pattern of lower level of literacy of ST population was starker as was that of ST women in West Singhbhum. In this district, only 31.5 percent of the ST population was literate (district average: 50 percent) and an even lower proportion of

⁴⁷ Kumar Rana and Samantak Das, 'Primary Education in Jharkhand' in *Economic and Political Weekly*, 13 March 2004, p. 1176.

ST women were literate at a mere 19 percent (district average: 34.4 percent) (Table 4).

Clearly, tribal rights were far from being realized as far as access of literacy and education for ST population in Jharkhand was concerned. The gap between the literacy attainments of the ST population and the State and district averages was rather large, even after more than half-century of concerted development effort. The picture becomes even more grim when considering the literacy rates of ST women.

In such grim picture, the availability and access to educational infrastructure such as schools, their staffing patterns etc. becomes central in realization of the right to education for the ST population of Jharkhand.

As Table 5 shows, the largest number of schools were in Ranchi district, the State capital. The district with the largest proportion of ST population – Gumla, with 1,458 schools – held the 13th place out of the state's 22 districts. Furthermore, as far as education guarantee schools (EGS) were concerned, Gumla had only 780 such schools – about half the total number of such schools in the capital, Ranchi.

West Singhbhum, the district with second largest proportion of ST population was at the seventh place as far as total number of schools were concerned but 13th in terms of the total number of EGS schools were concerned.

Lohardagga came last but one in terms of total number of schools and

19th in terms of EGS schools. It can therefore be surmised that as far as realization of the ST populations' right to education is concerned, the fact that the ST population have access to a lower number of schools is not a very heartening picture.

The low level of public policy prioritization these lower numbers of schools reflect is also a matter of concern as far as tribal rights are concerned. In addition, as was noted in the field study, many of these schools are in poor shape of repair and do not really function as institutions of basic education.⁴⁸

The absence of adequate infrastructure for realization of the right to education for the

District	Total No. of Govt. Primary Schools	Total No. of Govt. Upper Primary Schools	No. of Primary Schools Under DPEP (NPS)	Total No. EGS Centres	Total
Grand Total	16,840	3,911	1020	15316	37,087
Ranchi	1,424	385	148	1527	3,484
Giridih	1,237	170		1442	2,849
Dumka	1,236	230	225	1047	2,738
Hazaribagh	1,308	243	175	862	2,588
Palamu	818	222		1158	2,198
E Singhbhum	1,142	313	213	470	2,138
W Singhbhum	1,138	229	100	606	2,073
Dhanbad	881	262		900	2,043
Chatra	597	229	159	823	1,808
Deoghar	770	161	-	809	1,740
Saraikela	721	175	-	668	1,564
Bokaro	700	155	-	670	1,525
Gumla	532	146	-	780	1,458
Sahibganj	574	109	-	765	1,448
Godda	872	173	-	389	1,434
Garhwa	480	152	-	536	1,168
Lathehar	494	120	-	552	1,166
Jamtara	551	119	-	266	936
Pakur	567	95	-	245	907
Simdega	308	88	-	319	715
Lohardagga	225	74	-	282	581
Koderma	265	61	-	200	526

⁴⁸ For instance, in Gumla district, it was noted that a number of schools have physical existence but are poorly maintained and run.

tribal population of Jharkhand is however not underlined by the teacher-pupil ratio in the districts of the State, as shown in Table 6. Gumla district has a substantially lower average pupil-teacher ratio in the primary schools of the district while at the middle school level, the ratio was in accordance with the State averages as was the case at secondary school level.

Similar patterns can be seen for the other two district with a ST majority – West Singhbhum and Lohardagga. The pupil-teacher ratios for both these districts was either lower than or around the State averages.

It must be noted here that these averages mask certain important issues which might undermine the right to education of the ST population. The better averages for ST majority districts may simply be a function of lower enrolment or demand for primary education. Alternatively, it could also be because such schools are not sufficiently dense on the ground, leading to serious problems of access for the pupils. Furthermore, it is also possible that pupils drop out before completing schooling – a scenario which is supported by the high persistence of illiteracy in these districts.

	Primary	Middle	Secondary/ H. Sec.
Jharkhand	59	57	38
Koderma	100	77	44
Deoghar	84	64	34
Bokaro	79	64	31
Giridih	78	67	40
Chatra	77	79	51
Hazaribagh	77	80	45
Garhwa	73	78	42
Palamu	63	61	63
Jamtara	62	72	54
Dhanbad	60	50	41
Dumka	56	59	37
Lohardaga	54	58	38
Pakur	53	54	31
Ranchi	50	54	34
Sareikela and Kharsawan	50	52	49
Latehar	49	55	38
W Singhbhum	49	47	41
Sahibaganj	49	50	42
Gumla	48	50	41
Simdega	47	47	41
Godda	44	42	43
E Singhbhum	39	44	32

* : As on 30 September 2002.
Source: Department of Secondary and Higher Education, Ministry of Human Resource Development, Govt. of India.

Table 7 delineates the enrolment rates for the ST population and the GER for the total population for the districts of Jharkhand. Gumla (the district with the highest proportion of ST population) presents a case of a declining enrolment rate for the ST pupils. While about two-thirds of the ST pupils were enrolled in primary education during the year 2002-2003, the figures declined marginally during 2003-2004. This pattern of declining enrolment of ST pupils continued for the year 2004-2005 by which time only 67.5 percent of the pupils were enrolled. This pattern is also consistent with the GERs for the total population of the district, which shows a rising trend. From 39.7 percent in 2002-2003 to 50.0 percent in 2003-2004, the GER for the total population of Gumla rose to 61.8 percent. This pattern, read with the declining enrolment rates for ST indicates that not only were fewer pupils from the ST being enrolled, overall, there was a rising trend of pupils not joining school at the right age and/or substantially large proportion failing to pass their respective grades.⁴⁹

⁴⁹ Gross Enrolment rate is the total enrolment in a specific level of education, regardless of age, expressed as a

Similar patterns can be noticed for Lohardagga in which the enrolment rate for ST pupils declined from 72.2 percent in 2002-2003 to 58.1 percent in 2003-2004 and to only 58.2 percent in 2004-05.

Simultaneously, the gross enrolment ratios were rising from 66.4 percent in the first year to 95.8 percent in the second year

to a high 107.1 percent in the year 2004-2005. West Singhbhum, as in many other indicators, was slightly better off compared with the other two districts with large proportions of ST population. While the enrolment rate for the year 2002-2003 was low at only 63.1 percent, the same figure for the year 2003-2004 rose to slightly more than three-fourths of the pupils but declined marginally to 74.4 percent for the year 2004-2005. The GER for the total population of West Singhbhum district on the other hand shows a rising trend but the pattern is much less steep than the other two districts. While the GER for the entire population of the district was 30.6 percent in 2002-2003, the same figure rose to 50.2 percent in 2003-2004 and 52.4 percent for the year 2004-2005. Clearly, the primary education picture of West Singhbhum was much better than the other two districts.

In light of this discussion, it can be surmised that the realization of right to education by the tribal population of Jharkhand is still a distant goal. Unless this goal can be

Districts	ST Enrolment (Percentage)			Total Population GER*		
	Year 2002-2003	Year 2003-2004	Year 2004-2005	Year 2002-2003	Year 2003-2004	Year 2004-2005
Bokaro	16	13.8	12.8	40.0	54.7	50.7
Chatra	4.7	4.5	4.9	72.2	102.9	107.2
Deoghar	10.5	10.1	11.3	61.4	78.7	82.1
Dhanbad	14.7	9.7	9.5	22.8	45.5	51.5
Dumka	43.7	42.7	44.3	54.1	56.5	57.0
Garhwa	13.4	14.1	15.3	52.9	54.4	89.1
Giridh	9.6	11.1	12.2	53.1	81.7	89.8
Godda	23.7	20.6	18.0	45	69.2	88.1
Gumla	74.8	74.5	67.5	39.7	50.0	61.8
Hazaribagh	10.9	11.6	12.3	60.9	80.3	82.9
Jamtara	30.1	32.9	31.6	na	na	na
Kodarma	0.88	0.7	1.10	62.2	77.4	107.7
Latehar	51.3	46.8	47.1	na	na	na
Lohardaga	72.2	58.1	58.2	66.4	95.8	107.1
Pakur	48.1	42.5	41.7	66.2	61.8	95.6
Palamu	9.3	11	13.2	36.8	0	62.5
W Singhbhum	64.1	75.2	74.4	30.6	50.2	52.4
E Singhbhum	40.7	39.7	40.7	47.7	54.1	57.6
Ranchi	51.6	53.1	52.9	57	68.2	67.1
Sahibganj	31.2	29.5	29.3	42.1	61.3	66.1
Saraikela Kharsawan	44.5	46.6	52.5	NA	NA	NA
Simdega	72.2	75.4	72.5	NA	NA	NA

* Gross Enrolment Ratio
Source: Source: Elementary Education in India: Where Do We Stand?: District Report Cards 2004-05 (vols. 1 & 2), New Delhi: NIEPA, 2006.

percentage of the official school-age population corresponding to the same level of education in give school-year and is widely used to show the general level of participation in a given level of education. It indicates the capacity of the education system to enrol students of a particular age-group. While a high GER generally indicates a high degree of participation, whether the pupils belong to the official age-group or not, GER can be over 100% due to the inclusion of over-aged and under-aged pupils/students because of early or late entrants, and grade repetition. In this case, a rigorous interpretation of GER needs additional information to assess the extent of repetition, late entrants, etc.

realized, the remainder of tribal rights will not bear fruit in Jharkhand.

Socio-economic status

Socio-economic development has emerged as a central component of tribal rights. The discursive literature on tribal rights and right to development stresses the importance of achieving an improvement in living standards for the tribal population, in which the degree to which these populations can participate in the process of socio-economic development is a central variable. In the case of Jharkhand, as has been noted earlier, an inextricable link has already been established between tribal rights, identity articulation and the process of development. Thus, it is crucial to make an assessment of the degree of success achieved in ensuring participation of STs in the process of socio-economic development, as well as the outcome indicators of such participation in Jharkhand, which is also contingent upon the access to infrastructure for development.

Employment

		ST Population			Total Population		
		Persons	Males	Females	Persons	Males	Females
Jharkhand	Total	46.3	51.9	40.6	37.5	48.0	26.4
	Rural	47.9	53.0	42.8	40.9	49.6	31.8
	Urban	28.0	39.6	15.9	25.7	42.4	6.5
Garhwa *	Total	43.6	48.9	38.0	38.9	47.2	30.0
	Rural	43.7	48.9	38.2	39.5	47.4	30.9
	Urban	30.8	43.9	15.1	26.2	42.7	7.2
Palamu	Total	43.6	49.4	37.6	37.8	47.2	27.8
	Rural	43.7	49.5	37.8	38.7	47.6	29.1
	Urban	27.2	39.7	13.9	24.7	40.8	6.6
Chatra *	Total	40.4	47.0	33.4	37.8	47.0	28.2
	Rural	40.4	47.0	33.6	38.6	47.5	29.3
	Urban	32.6	50.0	12.1	23.9	38.6	7.1
Hazaribagh	Total	38.0	47.9	27.8	34.7	45.4	23.5
	Rural	40.9	49.8	31.8	37.5	46.3	28.5
	Urban	26.4	40.3	11.8	25.5	42.3	5.3
Kodarma *	Total	40.7	49.1	31.2	35.0	45.3	24.8
	Rural	41.2	49.0	32.4	36.7	45.4	28.1
	Urban	36.9	50.4	22.4	27.4	44.5	8.0
Giridih	Total	41.3	50.2	32.0	33.8	45.6	21.8
	Rural	41.4	50.3	32.2	34.5	45.9	23.0
	Urban	24.6	34.8	14.8	24.3	42.5	4.2
Deoghar	Total	44.9	54.0	35.4	37.1	49.3	23.8
	Rural	45.2	54.3	35.8	39.0	50.5	26.6
	Urban	28.7	41.0	13.3	25.4	42.2	5.5
Godda	Total	48.9	56.3	41.4	40.3	50.9	28.8
	Rural	49.0	56.4	41.5	40.8	51.2	29.6
	Urban	31.1	41.3	18.8	25.4	41.9	6.0
Sahibganj	Total	50.6	56.4	44.9	41.8	51.2	31.9
	Rural	51.1	56.7	45.4	43.9	52.5	34.7
	Urban	23.6	35.4	9.4	24.6	40.2	6.9
Pakaur *	Total	49.3	55.8	42.6	44.1	52.2	35.7
	Rural	49.5	56.0	42.8	45.0	52.7	37.0
	Urban	20.3	29.5	11.1	27.7	44.2	9.3
Dumka	Total	51.6	57.0	46.1	44.2	53.4	34.7
	Rural	51.8	57.2	46.3	45.4	54.1	36.4
	Urban	35.1	44.9	24.7	27.1	43.7	8.4
Dhanbad	Total	37.7	49.3	25.6	27.7	43.6	9.5
	Rural	39.5	50.7	28.0	30.7	45.5	14.5
	Urban	28.0	42.4	12.0	24.9	42.0	4.7
Bokaro *	Total	34.5	47.3	21.1	28.7	43.7	11.8
	Rural	37.2	49.4	24.5	32.7	46.6	17.8
	Urban	26.5	41.1	10.7	23.7	40.3	4.3
Ranchi	Total	44.6	49.5	39.6	38.7	47.6	29.1

The degree of participation of the ST community in productive economic activity is a good proxy for both socio-economic empowerment, as well as central

	Rural	48.0	51.9	44.0	45.2	50.9	39.5
	Urban	28.2	37.8	18.5	26.5	41.9	9.0
	Total	45.2	47.8	42.6	42.1	47.4	36.6
Lohardaga	Rural	46.5	48.7	44.2	44.6	48.5	40.7
	Urban	23.8	31.9	16.1	24.7	40.1	8.3
	Total	50.5	53.3	47.7	48.9	52.9	44.9
Gumla	Rural	51.2	53.9	48.6	50.3	53.7	46.9
	Urban	25.1	34.6	15.8	25.5	39.8	10.2
	Total	48.2	51.7	44.7	44.1	51.2	36.8
W Singhbhum	Rural	49.4	52.4	46.5	47.3	52.5	42.1
	Urban	29.2	40.9	16.9	28.0	44.8	9.1
	Total	44.7	51.6	37.7	34.9	48.6	20.2
E Singhbhum	Rural	48.7	54.1	43.3	44.9	54.1	35.5
	Urban	29.1	42.0	15.8	26.7	44.4	7.2

Source: Census of India 2001, PCA

factor influencing many of the other parameters of right to development such as literacy and education, consumption (which is related to the issue of nutrition and wellbeing), health attainments, etc.

As far as work participation of the STs in Jharkhand was concerned, the picture is not very rosy. While the State averages for work participation was 37 percent in 2001, the same average for ST population in Jharkhand was 46 percent. This higher work participation may not necessarily indicate more productive employment, when read with poorer literacy and consumption figures, it would indicate poorly paid work or working in the fields, which have poor scope of productivity. This view is bolstered when the urban-rural divide in work participation is taken into account. The ST population report a significantly higher work participation rate (50 percent) compared with the State averages (41 percent).

Fieldwork experience also indicates that higher work participation in rural areas entails toiling in fields with little or no infrastructural support and/or participating in lowly remunerative traditional livelihood strategies, such as foraging for food or gathering and selling non-timber forest produce. It would not be fair to classify these activities as productive employment on account of the low returns, as well as the well-entrenched network of non-ST contractors and traders in all parts of Jharkhand who purchase their traditional produce at rates which do not guarantee fair returns to tribal communities.

Turning to the urban work participation, the ST population report a work participation rate of 34 percent compared with a marginally lower 32 percent for the State averages. The near equal work participation by STs and all communities in urban areas hide the fact that most STs are engaged in low-paid, unskilled labour in urban areas.⁵⁰

Lower literacy rates, education and skills of the STs preclude any higher paying employment opportunities and precludes them from working in modern industry and commerce – a fact that was one of the central factors in the mobilization and blockading of minerals transport from the region by students' organizations such as the All Jharkhand Students Union (AJSU) during the late 1980s and 1990s.⁵¹

⁵⁰ Due care should be taken while interpreting the work participation rates owing to the constantly changing definitions of 'work' in the censuses as well as the low threshold level in classifying any individual as a 'worker'. For the 2001 census, the scope of the definition of work was expanded to include production of milk for domestic consumption. In the 1991 Census, cultivation of certain crops even for self-consumption was treated as economics activity. The scope of the term Cultivation was expanded in the Census 2001 to include certain other crops such as tobacco, fruits, all types of flowers, roots and tubers, potatoes, chilies, turmeric, pepper, cardamom, all types of vegetables and fodder crops etc.,. This meant that activities related to production of all the above- mentioned crops for domestic consumption has been classified under plantation in the Census of India, 2001.

⁵¹ See Prakash, *Jharkhand...* Op. Cit.

A significant gender gap in work participation also exists, albeit smaller for the ST population. While the work participation rate for ST women was almost 45 percent, the same figure for all social groups was 25 percent. Thus, ST women seem to be more economically empowered in Jharkhand. However, these figures once again conceal the fact that the ST women are often recorded as 'workers' on account of their poor economic situations and not otherwise. Tribal women have to carry out hard and tiring manual labour and collecting minor forest produce to ensure daily food for the families. In the case of Jharkhand, based on the field study, it can be confidently asserted that the higher work participation by ST women is not a reflection of greater economic independence and empowerment.

As far as the districts in Jharkhand with numerical dominance of tribal populations is concerned, similar patterns are noticeable. The ST work participation rate in Gumla at 50.5 percent was slightly higher than the state average at about 49 percent. Similar to the state averages, the gender gap in work participation was higher for the district averages, compared with that of the ST population. The work participation rate for both STs and all communities in rural areas was also similar as was the case in urban areas. In Gumla, there seems to be very little difference in work participation for ST and non-ST communities. Lohardagga, showed similar patterns while West Singhbhum's patterns were in consonance with the state's averages.

Overall, there are only small differences in work participation rates for the ST population of the State compared with the average figures. Thus, there seems to be very little handicap for the ST population as far as work participation is concerned, save the already mentioned fact of low-level, non-skilled jobs coming to STs. However, lack of difference acquires a serious dimension when the decades of targeting of ST by the State's developmental effort are taken into account. These targeted policies aimed at the ST population seem to have yielded very little result as far as ST population is concerned. This has serious implications for the realization of tribal rights in Jharkhand as public policy efforts aimed at the economic empowerment of ST only seem to be having little or at best, marginal impact.

Health patterns and development

Access to quality health facilities, leading to improvements in quality of life and well-being, is another important facet of the realization of tribal rights. The centrality of health indicators, such as the birth rate, infant mortality and death rates in analysing the status of access to health to the tribal population cannot be overstated.

	Birth Rate			Death Rate			Natural Growth Rate			Infant Mortality Rate		
	Total	Rural	Urban	Total	Rural	Urban	Total	Rural	Urban	Total	Rural	Urban
Jharkhand 2002	26.4	28.5	19.0	7.9	8.6	5.8	18.4	19.9	13.2	51	55	33
Jharkhand 2003	26.3	28.5	18.9	8.0	8.7	5.5	18.3	19.8	13.5	51	54	34
India 2002 [*]	25.0	26.6	20.0	8.1	8.7	6.1	16.9	17.9	13.9	63	69	40
India 2003 [*]	24.8	26.4	19.8	8.0	8.7	6.0	16.8	17.8	13.8	60	66	38

*: Excludes Nagaland (rural) due to part-receipt of returns.
 Note : Infant mortality rates for smaller States and Union territories are based on three-years period 2001-03.
 Source : *Sample Registration System (SRS) Bulletin*, vol. 38, no. 1, April, 2005, New Delhi: Registrar General, Government of India & *Sample Registration System (SRS) Bulletin*, vol. 37, no. 1, April, 2004, New Delhi: Registrar General, Government of India.

Table 9 shows that the birth rate in Jharkhand closely follows the national average, although the rate of decline is lower than

the national average, primarily owing to the fact that there has been no decline in the rural birth rate. On the other hand, the death rate for Jharkhand rose during 2002 and 2003, while there was a small decline in national death rates over the same period. This rise in death rate for Jharkhand is due to rise in rural death rates.

Keeping in mind the fact that the demography tables presented earlier show that more than 90 percent of the ST population reside in rural areas, this rise in death rate would impact the ST population. This is particularly in view of the weak economic status of tribals in Jharkhand, as evidenced in consumption and employment patterns.

The same pattern is also evident in the infant mortality patterns for Jharkhand. While the national infant mortality figures have, as shown above, declined over the two years under review, the same figures for Jharkhand were constant with a marginal rise for urban areas and a marginal decline for rural areas. Natural growth rates for Jharkhand have therefore shown a sharper decline than the national average, this is due to a decline in rural natural growth rates but a rise in the same figures for urban areas.

Land and forests

Land has been a central question in the contestation for rights in most parts of the country, tribal areas included. Jharkhand is no different where access and control over land has a number of dimensions: security of livelihood, as an anchor for social and political identity articulation, as a focus of contestation of tribal rights, as a source of strength to contest and counter the state's initiatives at homogenising development, etc. Besides, land acquires an added dimension in tribal Jharkhand – both economic and socio-cultural – by virtue of the fact that a large proportion of land is afforested and acts as a central facet of the tribals' livelihood and is at the centre of much of their socio-cultural life. "The long association of the tribes with the forests and their lower levels of socio-economic development have resulted in a higher dependence of tribals on forests for a livelihood than other population groups".⁵² The centrality of land in the socio-cultural conscious of the tribal society of Jharkhand is attested to by the fact that the tribal revolts of the 19th century, to which much of contemporary identity articulation is traced, was primarily rooted in the colonial state's efforts at revenue extraction. While a number of interpretations can be drawn on the root cause of these revolts, scholars largely agree that the primary reasons behind the revolts were agrarian.⁵³ Further, the issues of acquisition of land by the state 'in public interest', thereby not only threatening the tribals' livelihood and socio-cultural autonomy but also creating the misery of displacement and social fracture, adds another dimension in the questions of land and forests in Jharkhand.

One of the most important issue in Jharkhand is that of the alienation of tribal land. Historically, the alienation of tribal land has been disallowed by law since the colonial period under the Santhal Parganas Tenancy Act and the Chota Nagpur Tenancy Act.⁵⁴ However, transfers do happen but owing to the illegality of the transfer, no

⁵² Suhel Firdos, 'Forest Degradation, Changing Workforce Structures and Population Redistribution: The Case of Birhors in Jharkhand' in *Economic and Political Weekly*, 19 February 2005, p. 773.

⁵³ See for instance, Sumit Sarkar, *Modern India 1885-1947*, Basingstoke: Macmillan, 1989.

⁵⁴ See Nandini Sundar, "'Custom' and 'Democracy' in Jharkhand" in *Economic and Political Weekly*, 08 October 2005, p. 4430-4.

reliable estimates are available about the scale of the issue.

There are two kinds of cases of transfer of tribal land, as was discovered in interviews with various actors. The first is in cases where the transfer is merely informal and the land continues to be *de jure* property of the tribal individual but the *de facto* ownership is transferred to a purchaser on receipt of due consideration. The informal and non-legal nature of these transfers makes it difficult to assess the scale and intensity of the issue. The second kind of transfer of tribal land is between individuals of tribal origin, which captures the changing nature of tribal society.⁵⁵

Table 10: District-wise Land Utilization in Jharkhand (1997-1998) Percent

District	Geographical Area (hectares)	Area Under Non- Agricultural Uses	Forest Area	Barren & Uncultivable Land	Permanent Pastures & Other Grazing Lands	Land Under Misc. Trees Crops & Groves	Cultivable Waste Land	Fallow Land other than Current Fallows	Current Fallows	Net Area Sown (NAS)	Area Sown more than Once
Dumka	55,8199	11.27	11.27	6.07	4.90	1.77	6.18	12.42	15.53	29.47	0.20
Godda	23,1840	8.63	13.51	4.19	2.89	1.00	2.26	14.70	19.54	33.29	1.80
Deoghar	24,8133	11.13	13.96	5.02	4.03	1.09	5.61	13.27	16.65	29.25	0.60
Sahibganj	20,1754	8.04	21.19	7.77	1.40	1.45	3.25	10.27	23.78	22.85	3.36
Pakur	18,1699	11.15	11.44	6.34	3.12	1.81	4.11	7.10	21.18	33.74	3.20
Hazaribag	60,4629	7.90	43.94	8.96	0.65	1.01	1.34	9.42	10.58	16.20	1.40
Kodarma	13,0202	6.82	42.42	11.36	1.11	1.39	1.52	7.99	13.21	13.56	4.50
Chatra	37,5520	3.28	60.40	5.29	0.43	1.25	1.24	7.55	8.03	12.54	0.62
Giridih	49,3223	8.08	32.12	7.83	2.23	2.59	3.65	11.31	14.78	17.41	5.71
Bokaro	28,8976	17.85	25.00	8.66	0.70	0.89	3.63	12.02	18.70	12.55	4.48
Dhanbad	20,4162	24.06	9.27	15.96	0.28	1.57	5.57	0.02	15.08	18.49	2.34
Ranchi	75,8247	10.95	20.99	5.21	0.27	1.40	3.47	8.30	16.24	33.19	1.43

⁵⁵ The latest published estimates available for such transfers are dated 1974, making it of little use for contemporary

Lohardagga	15,3618	7.17	28.88	6.12	0.04	0.54	3.41	11.35	12.45	30.05	2.18
Gumla	91,0553	6.95	15.06	7.37	0.05	1.70	5.07	12.33	22.47	29.02	0.83
E. Singbhum	55,6691	28.59	22.06	7.57	0.48	1.61	3.86	7.87	11.56	16.40	14.34
W. Singbhum	79,9933	6.34	40.44	8.89	0.56	1.03	4.17	5.95	7.53	25.09	2.97
Palamu	84,3897	4.61	43.23	6.02	0.36	1.36	1.90	9.33	15.82	17.37	3.44
Garhwa	42,8823	4.54	44.58	5.77	0.48	0.53	1.54	9.44	18.41	14.71	5.69
Jharkhand	7970081	9.89	29.27	7.19	1.10	1.38	3.48	9.78	15.22	22.68	3.27

Totals may not tally due to rounding up of percentages

Source: Calculated from *Fertiliser & Agriculture Statistics, Eastern Region, 2001-2002*, New Delhi: The Fertiliser Association of India, n.d., available at <http://www.indiastat.com>.

Table 10 shows the proportion of land utilization in Jharkhand, this not only provides an overview of the utilization of the total land areas of Jharkhand but also underlines the centrality of forest in economic patterns.

At the level of the State, a mere 9.9 percent of the total land area was under non-agricultural use, while forests comprised more than 29 percent of the land area. This proportion of land under forests was larger than the net sown area of the State which stood at about 23 percent. These figures are in consonance with the hilly terrain of the State as well as the dependence of vast tribal populations of the State on forest produce.

This dependence of tribal (as well as some non-tribals) on forest resources is also highlighted by the fact that a mere 3.27 percent of the land area was sown more than once. This data when analysed in light of the majority of populations being resident in rural areas, points to poor levels of agricultural development in the State. Since tribals mostly reside in rural areas, this poor agricultural profile of the State cannot but have significant impact in the realization of rights by the tribal populations of the State. This deduction is also buttressed by an analysis of the data for the districts in which the ST population were in numerical majority. Gumla, where the ST population was largest in proportion, had only about 15 percent of the total land area under forests while the net sown area was at about 29 percent. However, the area sown more than once was a mere 0.83 percent of the land area. Together, these figures describe a situation in which the rural population, particularly tribals, have poor scope of carrying out productive agriculture leading to greater dependence on forests. The forests however have also been dwindling to about half of the State average, which seriously compromises their ability to generate a reasonable livelihood. Thus, one of the central component of tribal rights is under serious threat in Gumla.

Lohardagga, on the other hand, roughly follows State averages with a slightly lower land area under forests and under more than one crop but a little higher net sown area. West Singhbhum shows a substantially higher area under forest cover at 40.4 percent as also a higher net sown area of about 25 percent. Area sown more than once was also about 3 percent, which was close to the State averages.

The above discussion, besides highlighting the risks to the livelihood patterns of the tribals in Jharkhand, also underlines the centrality of the forests – both, in terms of the large land area under forests as well as its impact on livelihood. In fact, a number of scholars have argued that the depletion of forests over the past few years have had a severe impact on livelihood of tribal communities. Focusing on the Bihror tribe of Jharkhand, Firdos has argued that “degradation of forest cover has uprooted Bihhors from their traditional source of livelihood and brought in instability in their economic activities... they have not been able to adopt agriculture ... Insecure

analysis. See *Bihar Statistical Handbook 1978*, Patna: Directorate of Economics and Statistics, Government of Bihar, n. d.: 192

livelihood have compelled them to move out of the districts with diminishing traditional economic activity” with the result that “their population is getting redistributed”.⁵⁶

Clearly, such patterns of change in forest cover not only undermine the autonomy of socio-economic processes of tribal life in Jharkhand but also seriously impact the security of livelihood of the tribals. Since both land and forests are an integral part of any contextualised definition of tribal rights, the pattern discussed above diluted their rights.

The changes in forest cover in Jharkhand offers a mixed picture. While on the one hand, overall forest cover in Jharkhand showed a positive change over the period 2001-2003, the total area under dense forests showed a small decline from 11,787 to 11,035 Km². This decline will also affect the availability of forest produce, which, as was argued earlier, is central to the preservation and realization of socio-cultural as well as economic rights of the tribal population. On the other hand, the forest area classified as ‘open forests’ rose from 10,850 Km² in 2001 to 11,035 Km² in 2003.⁵⁷ This increase also indicates a depletion of forest cover as the classification used here connotes a lower forest density.

As far as the three tribal majority districts were concerned, Gumla showed a small net increase in forest cover of about 0.8 percent in 2003 over the figures for 2001. Dense forests recorded a decline from 1,231 to 1,161 Km² while open forests rose from 1,255 to 1,402 Km², reflecting a net decline in forest cover in the district.

Table 11: Forest Cover in Jharkhand 2001 and 2003 (in Km²)

	Total Geog. Area	Forest Cover 2001				Forest Cover 2003				Change in Forest Cover (Per cent)
		Dense Forest	Open Forest	Total	Per-cent	Dense Forest	Open Forest	Total	Percent	
Bokaro	1,929	270	304	574	29.76	282	299	581	30.12	0.36
Chatra	3,732	945	950	1,895	50.78	1,093	695	1,788	47.91	-2.87
Deoghar (T)	2,479	73	15	88	3.55	27	75	102	4.11	0.56
Dhanbad	2,996	70	104	174	5.81	45	163	208	6.94	0.56
Dumka	6,212	231	257	488	7.86	120	376	496	7.98	0.12
Garhwa	4,092	670	705	1,375	33.6	607	827	1,434	35.04	1.44
Giridih	4,963	324	459	783	15.78	401	419	820	16.52	0.74
Godda	2,110	163	227	390	18.48	179	296	475	22.51	4.03
Gumla (T)	9,077	1,231	1,255	2,486	27.39	1,161	1,402	2,563	28.24	0.85

⁵⁶ Firdos, Op. Cit., p. 778

⁵⁷ Classification of forest areas, with their intricate connotations of access rights for various sections of tribal population as well as utilisation of resources from reserved, protected, and open forests is another area of serious contestation in Jharkhand. This issue is not a focus of this study and hence, the scheme of classification used here is that developed by the Forest Survey of India is as follows: Very Dense Forest: All lands with canopy density over 70 percent; Moderately Dense Forest: All lands with canopy density between 40 percent and 70 percent; Open Forest: All lands with canopy density between 10 to 40 percent; Scrub: All lands with poor tree growth mainly of small or stunted trees having canopy density less than 10 percent; Mangrove: Salt tolerant forest ecosystem found mainly in tropical and sub-tropical inter-tidal regions; and, Non-Forest: Any area not included in the above classes. *State of*

Hazaribagh	5,998	909	1,253	2,162	36.05	911	1,177	2,088	34.81	-1.24
Kodarma	1,435	229	387	616	42.93	385	222	607	42.30	-0.63
Lohardaga (T)	1,491	392	165	557	37.36	381	135	516	34.61	-2.75
Pakaur (T)	1,571	79	215	294	18.71	43	239	282	17.95	-0.76
Palamu (T)	8,657	2,616	1,244	3,860	44.59	2,300	1,261	3,561	41.13	-3.46
W Singhbhum (T)	9,907	2,103	1,624	3,727	37.62	2,044	1,767	3,811	38.47	0.85
E Singhbhum (T)	3,533	597	288	885	25.05	577	346	923	26.13	1.08
Ranchi (T)	7,698	735	997	1,732	22.5	835	1,040	1,875	24.36	1.86
Sahibganj	1,834	150	401	551	30.04	290	296	586	31.95	1.91
Total	79,714	11,787	10,850	22,637	28.40	11,681	11,035	22,716	28.50	0.10

T: Tribal. *: Includes 'Very Dense' and 'Moderately Dense' Forests.
Source : *State of Forest Report 2001*, New Delhi: Forest Survey of India, Ministry of Environment and Forest, n.d. & *State of Forest Report 2003*, New Delhi: Forest Survey of India, Ministry of Environment and Forest, n.d.

Lohardagga, on the other hand, recorded a decline of total forest cover by 2.75 percent in the year 2003 over the figures for the year 2001. This decline was for both dense forests as well as open forests (Table 11). This district was thus doubly disadvantaged on account of depletion of dense forest cover as well as open forest cover. West Singhbhum similarly followed the pattern noticed in Gumla wherein there was a depletion of area under dense forest cover but a rise in the area under open forests. More land was thus under thin forest cover, reflecting a net decline in quality forests in the district. Such patterns has serious negative implications for tribal rights in the district.

While commercial exploitation and growing human activity is one reason for the depletion and undermining of forests in Jharkhand, large developmental projects are also a major cause. Such projects, apart from causing displacement of (mostly tribal) population, significantly impacts the total area under forests. While detailed data for this process is unavailable, the overall trend is delineated in Table 12.

Centrality of the issue of destruction of forest for developmental projects, particularly with reference to the tribal population in India's public discourse about tribals is attested to by the fact that the matter was raised in Parliament in 2003. It must be mentioned here that there is little detailed information available in public records. The total number of projects involving destruction of forest areas for developmental projects in Jharkhand and the area diverted for the period 1980-2003 is given in Table 12. Although the proportions expressed in this table are not unreasonably large, two factors should be kept in mind while interpreting this data. First, intensive exploitation of the State's mineral wealth goes back at least 200 years and a large number of projects (many of which were involved destruction of large forests areas) were already in place by the time India gained independence. Secondly, many of the projects which saw large-scale destruction of forests and displacement of population were started before the 1980 date covered by the above table. For instance, the Koel Karo hydel project was started in the 1970s and protests and activism over environmental and social costs have continued since.

	Approved Cases During 1980-2003	
	Number of Cases	Area Diverted (In Hectare)
Jharkhand	31	1444.892
India	10,358	872791.991

Source: Rajya Sabha Unstarred Question No. 395, 5 December 2003.

Developmental infrastructure and socio-economic rights

Realization of socio-economic rights for any set of population is crucially dependent on the availability of developmental infrastructure such as roads, electricity and irrigation facilities. The case of tribal population is no different as weaker social groups are more centrally dependent on such public infrastructure. Detailed data for many of these indicators for Jharkhand is not yet available but data on two crucial ones; namely, village electrification and irrigation potential, is available. These two indicators have been analysed in order to assess their adequacy for generating adequate potential for realization of their socio-economic rights by the ST population of Jharkhand.

Table 13 shows the village electrification projects undertaken in Jharkhand. Only 31.4 percent of the inhabited villages were electrified by the end of financial year 2004-2005, including those whose electrification was contracted out to M/s Rites. However, this figure reflects a significant improvement over the situation before the creation of Jharkhand as a separate state. Until the end of financial year 2000-2001, only 5,105 villages had been electrified, representing a mere 14 percent of the total number of inhabited villages in Jharkhand. On the other hand, between the financial years 2001-2002 and 2004-2005, 4,131 were electrified, thereby doubling the proportion of electrified villages in Jharkhand. This is likely to have a significant impact on the developmental scenario of tribals in Jharkhand.

However, in the three tribal majority districts, the situation was different as the growth in village electrification after the creation of Jharkhand cannot be noticed. At the end of financial year 2004-2005, only 18.4 percent of the inhabited villages had been

	Total No. of Villages*	Number of Villages Electrified/ Rehabilitated					Percent of Villages Electrified
		Up to 31 March 2001	During 2001-02	During 2002-03	During 2003-04	During 2004-05 [#]	
Ranchi	2146	299	41	65	113	215	34.16
Palamu	1681	226	24	16	47	65	22.49
Garhwa	861	197	14	16	17	33	32.17
Latehar	756	21	8	3	13	37	10.85
Gumla	938	105	2	13	9	44	18.44
Simdega	425	16	1	2	6	24	11.53
Lohardaga	350	43	1	5	16	7	20.57
Hazaribagh	1025	246	75	97	99	133	63.41
Koderma	1033	219	6	52	37	24	32.72
Chatra	1287	168	8	14	27	32	19.35
E. Singhbhum	1612	414	42	50	110	114	45.29
W. Singhbhum	1069	179	12	13	52	75	30.96
Saraikela	1230	311	30	25	89	36	39.92
Dumka	2782	312	9	23	39	94	17.15
Jamtara	994	110	46	22	53	89	32.19
Pakur	1121	173	17	3	7	23	19.89
Sahebganj	1302	182	9	6	24	30	19.28
Deoghar	2666	464	25	90	53	177	30.35
Godda	1881	206	15	19	54	32	17.33
Giridih	2451	774	42	54	112	104	44.31
Bokaro	628	93	36	78	130	91	68.15
Dhanbad	1098	350	74	105	118	119	69.76
Jharkhand	29336	5108	537	771	1225	1598	31.49

* Inhabited. # Including those electrified by M/S Rites
Source : Jharkhand Electricity Board, available at <http://www.indiastat.com>

electrified in Gumla district, of which about 11 percent were already electrified by the end of financial year 2000-2001. Thus, the healthy growth in the electrification of villages does not extend to the district where STs make up two-thirds of the population. This does not augur well for the potential of realization of the rights of the tribal population.

Similarly, in Lohardagga district, with more than half of the population being tribal, only 20.5 percent of the inhabited villages had been electrified by the end of financial year 2004-2005. Of this proportion, more than 12 percent had been electrified before the new State of Jharkhand was created and only about 8 percent of the villages were electrified over the past four years. Compared with the State totals, this scenario is rather bleak. On the other hand, West Singhbhum district broadly follows the patterns noticed at the State level.

The irrigation potential for Jharkhand is central in agricultural development of a largely rural ST population, and perhaps, the most important factor in the potential for economic empowerment.

Table 14: District/Source-wise Gross Irrigated Area in Jharkhand (1997-98) (Hectares)

Districts	Canal			Tank		Electric Tubewell		Diesel Tubewell		Other Well				Lift Irrigation				Other Sources	Total
	Large	Medium	Small	Govt.	Private	Govt.	Private	Govt.	Private	Government		Private		Large	Med.	Small	Private Small		
										Pucca	Kachcha	Pucca	Kachcha						
Dumka	23	57	-	949	1574	-	-	-	-	2902	166	2213	821	-	-	-	-	1925	10630
Godda	-	-	57	4789	1118	4	-	-	-	2291	-	1942	162	-	-	-	-	998	11361
Deoghar	-	-	-	1283	1024	-	-	-	-	516	-	1520	362	-	-	-	-	2298	7003
Sahibganj	-	-	-	383	285	61	81	-	33	63	-	107	134	-	-	-	-	5411	6558
Pakur	-	-	-	481	941	-	-	-	3	120	-	101	132	-	-	-	-	772	2550
Hazaribagh	387	479	205	1690	1137	89	420	-	3489	3407	-	2343	1004	10	6	129	227	53	26005
Kodarma	-	-	-	414	50	-	300	-	651	298	-	482	113	50	-	201	-	387	2946
Chatra	-	18	429	1301	452	33	276	-	1471	1477	-	803	481	-	-	-	-	1134	7873
Giridih	-	-	-	-	342	73	93	287	3079	1291	31	3380	653	-	-	-	-	418	9647
Bokaro	-	-	-	92	305	-	-	-	852	164	-	938	-	-	-	-	-	22	2373
Dhanbad	-	16	-	200	79	-	-	-	7	163	31	398	278	-	-	38	10	685	1905
Ranchi	-	4119	920	108	84	-	-	-	3914	3807	1590	3070	1244	-	-	-	-	2923	21779
Lohardagga	-	259	456	1140	483	-	-	-	-	1099	184	706	66	-	-	-	-	287	4680
Gumla	-	30	129	143	70	-	-	-	-	2809	370	1153	954	-	-	59	-	5179	10896
E. Singhbhum	-	75	33	331	159	25	48	-	-	-	33	66	-	-	-	40	-	1096	1906
W. Singhbhum	-	3231	1681	339	426	139	15	-	-	14	1	6	12	-	-	-	-	2498	8362
Palamu	6	1486	7785	3813	1998	316	2609	9	2241	7940	122	4004	285	-	279	171	602	5783	40989
Garhwa	-	-	4322	496	1606	632	782	1149	495	3546	8	1331	744	-	-	207	741	7568	23627
Jharkhand	416	9753	16017	17952	12133	1372	4524	1445	16235	31907	2536	24563	7445	158	408	2483	1406	41984	192850

Source : Fertiliser & Agriculture Statistics, Eastern Region. 2001-02. The Fertiliser Association of India.

Table 14 presents the various sources of irrigation in Jharkhand. At the State level, 'other sources' remain the largest source of irrigation in Jharkhand, with as much as 21 percent of the total irrigated area dependent on this source. Since all the major sources of irrigation are listed separately, the category of 'other' primarily implies rain-fed agriculture. Well irrigation is the second largest source of irrigation in Jharkhand, with government wells irrigating only a slightly larger proportion. Together, government and private wells account for more than a third of the total irrigated area in the State. Tanks and canals account for about 15 and 13 percent of the total irrigated area, respectively. Modern devices such as tube wells (electric as well as diesel) account for only about 12 percent of the total irrigated area. Lift irrigation, which perhaps has the best application in the socio-cultural as well as

geographical terrain of the State, accounts for mere 2 percent of the total irrigated area.

In the district of Gumla, the dependence on rain for agricultural activities was much higher as 47.5 percent of the irrigated area being classified as irrigated by 'other' sources. Government wells were the second largest source of irrigation accounting for about 29 percent of the irrigated area in Gumla. Put together, government and private wells irrigated more than 48 percent of the irrigated area with no significant hectareage being irrigated by modern devices such as tube wells. Lift irrigation accounted for only 0.5 percent of the irrigated area in Gumla. As far as the Lohardagga district is concerned, dependence on rain was lower with only 6 percent of the area being irrigated by 'other' sources. The largest source of irrigation in Lohardagga was tanks, which accounted for 34.6 percent of the total irrigated area in Lohardagga. Privately or government-owned wells accounted for 43.9 percent of the total irrigated area of the district with government wells accounting for 27.4 percent of the irrigated area. Canal irrigation in Lohardagga was also significant at 15 percent, while tube wells and lift-irrigation techniques had no significant share in the irrigation of agricultural land in this district. Irrigation in West Singhbhum district was largely dependent on canals (58.7 percent of the irrigated area) and the rest of the area was rain-fed (almost 30 percent). Unlike Gumla and Lohardagga, well irrigation was marginal in West Singhbhum and tanks accounted for about 9 percent of the total irrigated area. Significantly, electric tube wells accounted for almost 2 percent of the total irrigated area.

Overall, the irrigation potential in Gumla and Lohardagga was not very heartening, while West Singhbhum seemed to be better off. Irrigation in Jharkhand seems to be very much dependent on the vagaries of rain, which does not augur well for economic empowerment of the tribal population in these districts, resident as they are in rural areas with low consumption levels and high dependence on agricultural activities. Unless infrastructural issues are addressed, the chances of participation of tribal populations in productive economic activities are poor, which will in turn affect the realization of tribal rights.

Displacement and rehabilitation

One the running themes when analysing tribal rights is the issue of displacement, and related issue of rehabilitation, as they are crucial facets of much of the critical developmental discourse. These issues acquire added importance in the light of the centrality of land and habitat to the preservation and protection of tribal heritage and culture, which in turn is central to the social and political identity of the tribals. Many of the individuals interviewed during the field study stressed this issue.⁵⁸ Without exception, these individuals emphasized that alternatives should first be explored to not displace the tribal population from their ancestral lands and if it is inevitable, the decisions regarding displacement should be arrived at after informed consultation with the affected community. Further, resettlement of the displaced persons should be efficient and within the same socio-cultural region (to avoid the possibility of social alienation and fracture of communities), and the compensation should be fair and swift. Clearly, the issue of displacement is one of the most important factor affecting the rights of the tribal communities in Jharkhand.

⁵⁸ Interview with Sanjay Bosu Mulick at his offices in Ranchi on 24 February 2006 and PNS Surin at his residence at Ranchi, 22 February 2006.

However, dependable datasets on the extent and nature of displacement in Jharkhand, particularly those of tribal population, are largely absent. Competing claims are put forth by the State and the affected persons/ organizations. Of the few scientific studies conducted on the issue in Jharkhand, the one by Alexius Ekka is noteworthy. It estimates that more than 1,546,000 acres of land was acquired for projects between 1951 and 1995, which is about 8 percent of total land area of Jharkhand. These lands have mainly been acquired for mining and hydro-electric projects and has displaced at least 1,503,017 persons, of which about 41 percent are tribals. Only a third of these were resettled, in many cases only nominally.⁵⁹ Other authors have estimated a much higher figure (see Table 15) of which about three-quarters are yet to be settled. The fuzziness about the size of the problem notwithstanding, most scholars agree that sufficiently large numbers of people in Jharkhand, particularly from among the tribal population, have been displaced without sufficient attention to their rehabilitation, thereby seriously undermining their rights.

Further, the impact of such displacement is not limited to the physical displacement but has important impact of forced loss of livelihood, problems in adjustment of skill sets and social

Project Type	Displaced	Resettled	Backlog	Backlog Percentage
Dams	53	13.15	39.86	75.21
Mines	12	3	9	75.00
Industries	2.6	0.65	1.95	75.00
Animal Sanctuaries	5	1.25	3.75	75.00
Others	1.5	0.4	1.1	73.33
Total	74.1	18.45	56.26	75.92

Source: Minz, A, 'Development and/or Destruction in Jharkhand: Growing Fascism' *Update Collective* quoted in Prakash Louis, 'Marginalization of Tribals' in *Economic and Political Weekly*, 18 November 2000, p. 4088.

fracture among communities. Therefore, "the process that begins with the announcement of the project and continues long after the people have lost their livelihood ... "cannot be limited to the narrow concept of physical ouster from the old habitat".⁶⁰ Such displacement has an added effect of marginalising the already weak sections of society, who are not even consulted, leave alone asked to participate in the decision-making about the project which would displace them.

Further, the cost-benefit analysis of the value of land acquired for 'public purposes' is based on the market value of land and fails to factor in the non-monetized livelihood avenues that marginalized sections of society experience. Besides, the absence of formal property relations among many sections of the tribal populations ensures that the meagre compensations, whenever they are actually provided, are not restituted to the displaced and often, the most vulnerable sections of the populations. Needless to add, the benefits that are purported to flow to the displaced populations due to the projects are often doubtful and often accrue only to the elite in the local communities, tribals included.⁶¹

Further, tribal populations are at far greater risk (compared with *Dalits*, to take one example) owing to their relative isolation from the external economy and greater dependence on their local environment (for instance, dependence on non-timber

⁵⁹ Alexius Ekka and Mohammed Asif, *Development Induced Displacement and Rehabilitation in Jharkhand, 1951 to 1995: A Database on its Extent and Nature*, New Delhi, 2000, p. 134

⁶⁰ Ibid.

⁶¹ Ibid., pp. 135-7.

forest produce) for their livelihood, in particular. More often than not, “the situation of women is worse than that of men. Tribal women, for example, depend on non-timber forest products more than men do since it is their responsibility to ensure the regular supply of food, fodder, fuel and water. They are less literate than men”, which closes avenues of alternative employment and therefore “continue to work in the informal sector” that is often poorly paid and without infrastructural support mechanisms.⁶² Therefore, impoverishment and environmental destruction is often the only end result of project-related displacement.

In addition to issues related to livelihoods and economic opportunities, the tribals of Jharkhand also face another acute side-effect of displacement, namely loss of social identity. As mentioned earlier, much of tribal livelihood, economy and socio-cultural system is rooted in their traditional habitat, forests and land. In addition, the communal ownership of land often prevalent amongst the tribal populations of Jharkhand anchors their socio-cultural life and existence. Displacement thus imperils their socio-cultural identity – a fact that perhaps cannot be taken care of by better rehabilitation efforts.

Apart from severely impacting tribal livelihood issues, displacement of people to find space for various projects has also led to numerous clashes between persons protesting against displacement and the state’s law enforcement agencies. The cases are too many to list and analyse⁶³ but the assertion of the right to residence in any area of their choice on the part of the tribals have often clashed with the state and industry’s objectives of maximising exploitation of natural resources in Jharkhand. Such clash has often led to a situation in which the state has used both, violence as well as institutional coercion. The net result of this process has been gross violation of the rights of the tribals in which they have often lost their land, liberty, livelihood and sometimes, even their life.⁶⁴

A central issue in this complex set of question is that of participation of the tribal population in the decisions about the allotment of tribal lands for various activities. “The tribals are the powerless lot in this system [of exploitation of natural resources in which large-scale displacement happens] that monopolizes resources in favour of a small minority. They are only one more dispensable commodity”.⁶⁵ Despite “Constitutional safeguards and affirmed powers under PESA and SPTA of tribal people to veto the land transfer, the government did not attempt to invite ‘participation’ of the people while leasing out *raiyat* lands...” In fact, there was no prior informed consent of the affected tribal population and process utilized amounted to “cheating/ betraying/ luring the tribals ...” and was “perfectly wrong interpretation of the ‘participation’”.⁶⁶ Any protest that was witnessed was suppressed by the police. Further, Minz shows that as far as the Koel Karo hydel project is concerned, only a

⁶² Ibid., p. 139.

⁶³ For some of the details see ‘Massacres of Adivasis: A Preliminary Report’ in *Economic and Political Weekly*, 03 March 2001 which provides a narrative of the background and recent events in the long-drawn protest against the Koel Karo hydel power project, which has witnessed more than three decades of sustained activism against displacement as also raises significant issues about the benefits of large ‘developmental’ schemes.

⁶⁴ For instance, the tribal communities of Kalinganagar, Orissa contested the government’s decision to allot 2400 acres of their land to a corporate for establishment of a steel plant. The tribals, protesting their displacement and fearing inadequate compensation and rehabilitation measures, assembled to prevent the bull-dozer from destroying their houses and taking over their lands on 02 January 2006. Through a contested narrative of events, what is clear is that police opened fire killing 12 tribal protesters. While this particular event occurred in the neighbouring State of Orissa, countless similar incidents of a smaller and less reported nature have occurred in Jharkhand as well.

⁶⁵ Walter Fernandes, ‘Power and Powerlessness: Development Projects and Displacement of Tribals’ in *Social Action*, July-September 1991, pp. 269.

⁶⁶ *Tribal Land Rights and Industrial Accountability: Case of Mining in Dumka District of Jharkhand*, New Delhi: PRIA, 2004, p. 81.

small proportion of displaced persons received compensation and only about half of those who did purchased land with the money they received. In fact, this figure show that amongst the few who have received compensation, only 4.61 percent of the total amount received was spent on purchase of land, while 39.41 percent was spent on current and miscellaneous expenses.⁶⁷

⁶⁷ Sunil Minz, *Ab Yum Mujhe Nahin Rok Sakta [Now You Cannot Stop Me]*, Ranchi, 2000, p. 126.

Participation, Panchayati Raj, PESA and Tribal Rights

The crucial link between the two components of tribal rights and their realization is participation. Political acceptance of rights and their legal creation is of little value if they cannot be exercised by the individuals of the group concerned, in this case the STs. This is the rationale behind the brief focus on institutions of local governance in Jharkhand.

Jharkhand has had a long tradition of customary institutions of local governance, the legitimacy of which was recognized by various enactments in the pre-independence era such as, amongst others, the Chota Nagpur Tenancy Act (1908) and the Santhal Pargana Tenancy Act (1949).⁶⁸ While scholars and activists have stressed the importance of such provisions in sustaining the autonomy of the tribal customary society, culture and livelihood, these laws raise significant issues of debate.

The introduction of the provisions of the Panchayatis (Extension to the Scheduled Areas) Act (1996), commonly known as the PESA, was an attempt to extend modern democratic institutions of local governance among the tribal population in scheduled areas, while not totally replacing the traditional institutions. PESA aimed at “facilitating participatory democracy in tribal areas by empowering the *Gram Sabha* to manage and control its own resources.” For this, the ‘*Gram Sabhas* were given special functions and responsibilities to ensure effective participation of tribal communities in their own development in harmony with their culture so as to preserve/ conserve their traditional rights over natural resources. The Act restored primary control over natural resources including land, water, forest and minerals and bestowed rights over minor forest produces to the *Gram Sabha*.”⁶⁹ The Act provides that “within the boundaries of the *Gram Panchayat*, it can use customary mode to plan and manage natural resources that include land, water and forests in conformity with PESA.” The most glaring omission is that there is no mention of ownership rights over MFPs, unlike the PESA. Instead, it provides only for “the collection, storage, processing and marketing of MFPs is to be arranged or organised by the Gram Panchayat in all areas including Scheduled Areas” and for the management and supervision of MFPs by the *Zilla Panchayats*.

The introduction of PESA created a sharp divide between traditional systems premised on customary tribal headmen and the statutory *Panchayats* who are elected democratically. The tribal groups under the banners of Jharkhand Pradesh Parha Raja, Manjhi Parganait Manki Munda, Doklo Sohor Maha Samiti, Samiti are opposed to elections in tribal areas despite the fact that the “very idea of a special panchayat law for scheduled areas ... was to enable a form of government which built upon local traditions of participatory democracy”. On the other hand, the supporters of the PESA under the banners of Chatra Yuva Sangharsh Samiti and Jharkhand Pradesh Panchayati Raj Adhikar Manch have been demanding immediate elections for the *Panchayats*.⁷⁰ An intense public debate between these two extreme

⁶⁸ Sundar, “Custom” and “Democracy”...’. Op. cit., p. 4430. Also see Nandini Sundar, ‘Laws, Policies and Practices In Jharkhand’ in Economic and Political Weekly, 08 October 2005, p. 4459-62 for a discussion of the tension between customary law on local governance and the statutory panchayats.

⁶⁹ Nabaghana Ojha, ‘Schedule V Areas: Rights over MFP Still a Far Cry’ in *Community Forestry*, vol. 3, no. 3, February 2004, p. 4.

⁷⁰ Sundar, “Custom” and “Democracy”...’. Op. cit., p. 4430.

positions as well as all shades in between was noticed during the field study. To make matters more complex, the constitutional validity of Jharkhand's enabling act, the Jharkhand Panchayati Raj Act (2001) has been challenged before the courts.⁷¹

In the case of Jharkhand, the Jharkhand Panchayati Raj Act (2001) was enacted and rules framed under it for conduct of elections but owing to the fact that the elections are yet to be held, there has been no operationalization of the PESA provisions in Jharkhand.

While the issue of the "manner in which traditional structures and processes interact with modern structures of participation"⁷² continues, what is lost in this debate is participation by the tribals in realizing their socio-economic rights, as well as their socio-cultural rights.

⁷¹ For a full discussion of the provisions of the PESA, see Arbind Kumar, 'Tribal Participation' in *Seminar*, vol. 514, June 2002 and for a discussion of the relationship between various legal provisions for local governance in tribal areas, see Nandini Sundar, 'Tradition' and 'Democracy' in Jharkhand: A Study of Laws relating to Local Self-Governance', New Delhi, n. d.

⁷² Arbind Kumar, 'Tribal Participation' in *Seminar*, vol. 514, June 2002.

Conclusions: Challenges and Opportunities

The forgoing analysis of tribal rights in Jharkhand throws up a mixed picture with respect to the status of tribal rights in Jharkhand. As far as the question of autonomy and recognition of the tribal identity is concerned, the creation of the State of Jharkhand is a positive step. The principle of tribal political autonomy has been accepted, and along with Constitutional provisions concerning socio-cultural rights, there is little formal threat to tribal rights.

However, the exercise of these rights by the tribal population is another story. The issues of land, water, forests and local resources, which are central to the tribals for both, preserving their livelihood as well as socio-cultural identity, are under constant threat from various quarters. Formal rights are of little use in the absence of structural conditions for their enjoyment by the tribal population. It is here that the socio-economic rights enter the discussion. As has emerged in the earlier discussion, there are significant threats to the realization of the tribal's socio-economic rights. Not only are the tribals the weakest section of the population as far as their socio-economic development and participation in economic activity is concerned, they seem to have a low priority on the State's public policy agenda. This emerges from the fact that areas largely populated by the STs in Jharkhand have seen the slowest creation of infrastructure which would enable the STs to participate more fully in the economic activities. Further, in terms of some select human development indicators as well, the STs are amongst the weakest.

In such a situation, the possibility of the tribal population exercising their rights appears bleak. However, what is positive is the intense and vigorous public debate that has emerged on various aspects of tribal rights. This indicates a degree of democratic contestation, which can only strengthen tribal rights in Jharkhand. The announcement by the Planning Commission that provision is being created for allocation of 25 percent of all plan funds to the development of SC/ST population⁷³ is a step in the direction of securing tribal rights.

Two examples of this new environment of public debate are the Scheduled Tribes (Recognition of Forest Rights) Bill (2005) and a Draft National Policy on Tribals. While both these documents have been severely criticized for what they fail to address, the debate and battle for the realization of tribal rights has been engaged. While the Union Ministry of Tribal Affairs will make its opinions known on these recommendations, bearing in mind the public nature of these recommendations and the intense debate around it, the 'rolling back' of these recommendation will not be easy.

⁷³ 'Now, 25% Plan funds sought for SCs & STs' in *Indian Express*, Internet Edition at <http://www.expressindia.com/>, 23 May 2005.

Future Directions and Policy Suggestions

The goal of realization of tribal rights is contingent on the ability of the state and public discourse to enforce transparency and accountability of duty-bearers and participation of tribals in the governance of their affairs. To ensure this, some of the policies towards the tribal population need to be re-examined to restructure them in accordance with the framework of tribal rights, instead of a paternalistic tribal administration.

Besides, many of the existing Constitutional provisions need to be operationalized. The development model adopted would also have to be re-examined to ensure that the benefits of development can be secured for the tribals. For instance, mega-projects for irrigation, electricity, and industrialisation may need to be re-examined to bring them in consonance with the requirements of the tribal population and simultaneously, reduce the environmental and social costs of development.

For these goals to be achieved and tribal rights to be secured, the chief mechanism is to ensure that effective structures and policies of participation of tribal population in the decision-making apparatus. While the creation of the Jharkhand State has certainly brought decision-making closer to the tribals, effective decentralisation mechanisms with due space for traditional social structures need to be created to ensure that tribal rights over land, forests and local resources are guaranteed.

While the role of the state is central in realization of these rights, rights are inherently political and they can only be realized by the avenue of contestation by the tribals themselves. The most crucial missing link in this story is the abysmal levels of information and awareness amongst the tribal population of Jharkhand. It is here that the non-governmental organizations can play a central role. The recently implemented Right to Information Act holds great promise in this endeavour.

Unless steps are taken to address these issues, there is no hope of the tribal population benefiting from an equitable participation in the development process. And unless this happens, the formal and institutional rights guaranteed will hold little or no content and double jeopardy of tribal rights will be the end result.

Possible policy programming initiatives

The discussion in this paper has focused on assessing the degree of effectiveness of public policies in securing the tribal rights in Jharkhand. It has also been argued that the socio-cultural and identity-based components of these rights are not seriously under threat, save those aspects which are dependent on the second component of tribal rights: that of the socio-economic rights of the tribal population of the State. This is particularly relevant as this component of tribal rights is derived from the emerging international articulation on the right to development, which in turn is embedded in the discourse on human rights.

It is here that the steps taken by various agencies involved in development policy at all the three stages – planning, implementation and evaluation, attain centrality. While much of public policy vis-à-vis development is located in national structures, a

crucial capacity-building role can and has been envisaged for international agencies such as the UNDP and the UN system. Such an inter-twined two-fold role would include leading the discursive change as well as actual development programming in terms of augmenting capacity of both rights-holders and duty-bearers to enable realization of tribal rights in Jharkhand.

Here it must also be stressed that the question of capacity-building of rights-holders and duty-bearers will succeed only if a partnership can be built with civil society organizations working at the grassroots level. And there is no dearth of highly motivated and committed civil society organizations and public spirited individuals in Jharkhand. Any programming initiative which does not tap into the immense energy and initiative of these organizations will be seriously compromised from the outset.

Alongside, in view of the geographical and socio-economic landscape of Jharkhand, the importance of state machinery should not be under-estimated. Along with civil society organizations, partnerships need to be built with government agencies for reasons of practical necessity and democratic legitimacy.

Within the framework of programming initiatives set forth above, some specific suggestions and avenues are as follows:

Leading discursive change

First and foremost, international (as well as national) development agencies, such as UNDP and the Planning Commission must play a central role in raising the issue of tribal rights in the public discourse of development planning and implementation. Public policy and political discourse is only now becoming aware of the issue of tribal rights. The role which UN agencies can play in highlighting the centrality of this issue cannot be overstated.

Many policy tools are available to combine the issue of tribal rights within the broader human development framework, as well as build the capacity of both right-holders and duty-bearers to help them understand the importance of focusing on tribal rights. One further step consists of providing technical assistance to translate existing policy initiatives to address the issue of promoting tribal rights, etc.

Strengthening participation

The central link in the preservation and promotion of tribal rights in Jharkhand is participation – both in terms of participation in the structures of decision-making, as well as in the processes of socio-economic development. Such an approach is also consistent with a HRBA – one of the central conceptual anchors in the operationalization of tribal rights.

As the discussion above has repeatedly underlined, this aspect of tribal rights is seriously under threat. Local governance structures, such as the *Panchayati Raj* Institutions, which could act as the central pivot of tribal participation in the development process have yet to be operationalized in the State. Besides, participation of tribal populations in the process of socio-economic development is also low. In this respect, policy programming can also play a central role by:

- Offering support – technical as well as substantive – to the right-holders (the tribal population) to claim their right to participate in all aspects of public policy.
- Support duty-bearers in resolving implementation issues in the early and full operationalization of the Constitutional provisions requiring statutory *Panchayats*

in tribal areas. As has been noted, political mobilization demanding the creation of statutory *Panchayats* in Jharkhand is already at a high point. Any support that can assist the demand will be invaluable on the road to fuller participation of the tribal population.

- Evidence from other parts of the country suggests that creation of *Panchayats* is only the first hurdle on the road to fuller participation. Support of international development agencies will be required for quite some time to assist newly elected *Panchayat* officials, particularly women and the marginalized to discharge their function of ensuring full and free participation of all sections of the local population. In this vein, initiatives such as training programmes for local-level elected officials, technical support for development planning and implementation and infrastructural issues are ripe areas for programming.

Building awareness about rights

Closely related to the issue of participation is the issue of awareness among the tribal population. As has been noted earlier, much of the tribal population surveyed in the field study were grossly under-informed about their rights – both as citizens of India and as tribals. This is another area crying out for attention and offers a crucial space for programming initiatives. Unless the rights-holders are aware of their rights and the avenues to realise them, any discussion of tribal rights remains academic.

Some of policy options that could achieve this is to:

- Harness the avenues offered by civil society organizations and support their initiatives (if required, commission new initiatives) to support awareness amongst the remotest of tribal areas of Jharkhand.
- Use radio-based information dissemination to programme initiatives. In the contemporary digitized world with its attendant plethora of IT-enabled tools, the efficacy of this medium has been ignored. Programming initiatives utilizing this tool (including community radio) have the potential of high policy impact and is likely to meet with high success rates, particularly in the poorer and remote tribal areas where access to television or computers may be extremely limited and poor literacy rates severely restrict print-based information dissemination.

Contributing to socio-economic development

Since participation of the tribal population in the benefits flowing from the development process is a central part of the context of tribal rights, programming initiatives may also focus some attention on supporting processes that encourage a greater and deeper participation of the tribal population in the development process.

The central issue in encouraging such participation is that of empowering individuals from tribal communities for such a role. As has emerged above, the most important factor restricting such participation are illiteracy; poor maternal and child health services (which also impacts tribal demographic patterns); and skills improvement.

Many of these issues require small investments in local structures and civil society organizations – an issue which programming initiatives must look at closely. Some avenues which may be examined include:

- Supporting traditional tribal livelihood patterns and providing technical assistance to improve their yield;
- Exploring the possibility of commercializing tribal produce through tribal-owned

organizations. The cooperatives model of organizing production and distribution has yielded good results in Chhattisgarh and may be explored for Jharkhand.

- Establishing training programmes for tribal youth to empower them to make full use of their capability, including programmes for literacy and education.
- Supporting public-private partnerships for the creation and sustenance of micro-credit structures.
- Once again, many such initiatives are already underway, spearheaded by grassroots organizations and local structures. Supporting their efforts may be considered.

Advocacy for policy change

Advocacy for policy change is also needed to ensure that existing policies are brought in line with the tribal rights framework. Some areas where such policy advocacy initiatives may be considered are:

- ◆ Policies governing land and forests utilization by tribal communities;
- ◆ Issues related to the realignment of the development model to ensure tribal rights are upheld and promoted;
- ◆ Issues dealing with the displacement/rehabilitation of tribal population whose policies which require substantial reworking.

References

- Ahmad, M Shakeel, *Five Decades of Planning and Tribal Development: Jharkhand and Uttaranchal*, New Delhi: Gyan, 2004.
- Anon, *Tribal Land Rights and Industrial Accountability: Case of Mining in Dumka District of Jharkhand*, New Delhi: PRIA, 2004.
- Anon., 'A Rights- based Approach to Development' in *Women's Rights and Economic Change*, no. 1, August 2002.
- Anon., 'Massacres of Adivasis: A Preliminary Report' in *Economic and Political Weekly*, 03 March 2001, pp. 717-21.
- Areeparampil, Mathew, *Struggle for Swaraj: A History of Adivasi Movements in Jharkhand*, Chaibasa: Tribal Research and Training Centre, 2002.
- Barsh, Russel Lawrence, 'The Right to Development as a Human Right: Results of the Global Consultation' in *Human Rights Quarterly*, vol. 13, no. 3, August 1991, pp. 322-338.
- Bell, Daniel, 'Which Rights are Universal?' in *Political Theory*, vol.27, no. 6, December 1999, pp. 849-56.
- Bowen, John R., 'Should We Have a Universal Concept of "Indigenous Rights": Ethnicity and Essentialism in the Twenty-First Century' in *Anthropology Today*, vol. 16, no. 4, August 2000, pp. 12-6.
- Campbell, David, 'Human Rights: A Culture of Controversy' in *Journal of Law and Society*, vol. 26, no. 1, Human Rights, March 1999, pp. 6-26.
- Corbridge, Stuart, 'The Continuing Struggle for India's Jharkhand: Democracy, Decentralisation and the Politics of Names and Numbers' in *Commonwealth and Comparative Politics*, vol. 40, no. 3, November 2002, pp. 55-71.
- Corbridge, Stuart, Sarah Jewitt and Sanjay Kumar, *Jharkhand: Environment, Development, Ethnicity*, New Delhi: Oxford University Press, 2004.
- Dyke, Vernon Van, 'The Cultural Rights of People' in *Universal Human Rights*, vol. 2, no. 2, April-June 1980, pp. 1-21.
- Ekka, Alexius and Mohammed Asif, *Development Induced Displacement and Rehabilitation in Jharkhand, 1951 to 1995: A Database on its Extent and Nature*, New Delhi: Mimeo., Indian Social Institute, 2000.
- Ekka, Alexius, 'Jharkhand Tribals: Are They Really a Minority' in *Economic and Political Weekly*, 30 December 2000, pp. 4610-2.
- Fernandes, Walter, 'Power and Powerlessness: Development Projects and Displacement of Tribals' in *Social Action*, July-September 1991, pp. 243-69.
- Firdos, Suhel, 'Forest Degradation, Changing Workforce Structures and Population Redistribution: The Case of Birhors in Jharkhand' in *Economic and Political Weekly*, 19 February 2005, pp. 773-8.
- George, Ajitha Susan, 'Laws Relating to Mining in Jharkhand' in *Economic and Political Weekly*, 08 October 2005, pp. 4455-8.
- Herbert, Tony and Kuntala Lahiri-Dutt, 'Coal Sector Loans and Displacement of Indigenous Populations: Lessons from Jharkhand' in *Economic and Political Weekly*, 05 June 2004, pp. 2403-9.
- Hooja, Meenakshi, *Policies and Strategies for Tribal Development*, Jaipur: Rawat, 2004.
- Jolly, Richard, Louis Emmerij, Frederic Lapeyre, Dharam Ghai, *UN Contributions to Development Thinking and Practice*, Bloomington, Indiana: Indiana University Press, 2004.
- Kumar, Arbind, 'Tribal Participation' in *Seminar*, vol. 514, June 2002.
- Kumar, Sanjay and Stuart Corbridge, 'Programmed to Fail?: Development Projects and Politics of Participation' in *The Journal of Development Studies*, vol. 39, no. 2, December 2002, pp. 73-103.
- Kumar, Sharat and Praveen Jha, *Development of Bihar and Jharkhand: Problems*

- and Prospects*, New Delhi: Shipra, 2001.
- Louis, Prakash, 'Marginalisation of Tribals' in *Economic and Political Weekly*, 18 November 2000, pp. 4087-91.
- Maharatna, Arup and Rasika Chikte, 'Demography of Tribal Population in Jharkhand 1951-1991' in *Economic and Political Weekly*, 20 November 2004, pp. 5053-62.
- Maharatna, Arup, *Demographic Perspectives on India's Tribes*, New Delhi: Oxford University Press, 2005.
- Mathew Areeparampil, *Tribals of Jharkhand: Victims of Development*, New Delhi: Indian Social Institute, 1995.
- May, Stephen, Tariq Modood & Judith Squires, eds., *Ethnicity, Nationalism and Minority Rights*, Cambridge: Cambridge University Press, 2004.
- Minz, Sunil, *Ab Tum Mujhe Nahin Rok Sakta [Now You Cannot Stop Me]*, Ranchi: BIRSA, 2000.
- Mooij, Jos, 'Food and Power in Bihar and Jharkhand: PDS and Its Functioning' in *Economic and Political Weekly*, 25 August 2001, pp. 3289-99.
- Mukherji, Partha N and Chandan Sengupta, eds., *Indigeneity and Universality in Social Sciences: A South Asian Experience*, New Delhi: Sage Publications, 2004.
- Munda, R D and S Bosu Mullick, eds., *The Jharkhand Movement: Indigenous People's Struggle for Autonomy in India*, Copenhagen: IWGIA in collaboration with Transaction Publishers, New Delhi and BIRSA, Ranchi, 2003.
- Nathan, Dev, 'The Future of Indigenous Peoples' in *Seminar*, vol. 537, May 2004.
- Ojha, Nabaghana, 'Schedule V Areas: Rights over MFP Still a Far Cry' in *Community Forestry*, vol. 3, no. 3, February 2004, pp. 4-7.
- Pal, Sudhir & Ranendra, eds., *Panchayati Raj: Hashiye Se Hukumat Tak [Panchayat Raj: From the Margins to Rule]*, Panchkula: Adhar Prakashan, 2003.
- Prakash, Amit, 'Contested Discourses: Politics of Ethnic Identity and Autonomy in the Jharkhand Region of India' in *Alternatives: Social Transformation and Humane Governance*, vol. 24 no. 4, 1999, pp. 461-96.
- Prakash, Amit, *Jharkhand: Politics of Development and Identity*, New Delhi: Orient Longman, 2001
- Rana, Kumar and Samantak Das, 'Primary Education in Jharkhand' in *Economic and Political Weekly*, 13 March 2004, pp. 1171-78.
- Rao, Nitya, 'Displacement from Land: Case of Santhal Parganas' in *Economic and Political Weekly*, 08 October 2005, pp. 4439-42.
- Rao, Nitya, 'Jharkhand: Vision 2010: Chasing Mirages' in *Economic and Political Weekly*, 03 May 2003, pp. 1756-8.
- Rath, Govinda Chandra, ed., *Tribal Development in India: The Contemporary Debate*, New Delhi: Sage, 2006.
- Sagar, Ravi, *Forest Rights of the Scheduled Tribes and Forest Dwellers: The Gauhati High Court Judgement and the Central Forest Bill*, Gauhati: North Eastern Social Research Centre, 2005.
- Sawaiyan, Shanti, 'Forcible Displacement & Land Alienation is Unjust: Most of the Forcibly Displaced in Jharkhand are Adivasis' <http://www.mmpindia.org/>
- Scheduled Communities: A social Development profile of SC/ST's (Bihar, Jharkhand & W.B.)*, New Delhi: Planning Commission, Government of India, n.d.
- Seminar: The Monthly Symposium*, Special Issue on Forests and Tribals: A Symposium On The Proposed Bill Recognising Tribals Rights On Forest Lands, vol 552, August 2005.
- Sen, Nandini, *Meanings and Identities of Citizenship: Study on Santhal Tribals in Jharkhand*, New Delhi: PRIA, 2004.
- Sengupta, Arjun, 'Realising the Right to Development' in *Development and Change*, vol. 31, no. 3, June 2000, pp. 553-78.
- Sengupta, Arjun, 'Right to Development as a Human Right' in *Economic and Political Weekly*, 07 July 2001, pp. 2527-36.

- Sengupta, Arjun, Archana Negi and Moushumi Basu, eds., *Reflections on Right to Development*, New Delhi: Sage/ Centre for Development and Human Rights, 2005.
- Sharan, Ramesh, 'Alienation and Restoration of Tribal Land in Jharkhand: Current Issues and Possible Strategies' in *Economic and Political Weekly*, 08 October 2005, pp. 4443-6.
- Singh, K S, *People of India: Introduction*, New Delhi: Oxford University Press/ Anthropological Survey of India, 1992.
- Stan Lourdaswamy, *Jharkhand's Claim for Self-Rule: Its Historical Foundations and Present Legitimacy*, New Delhi: Indian Social Institute, 1997.
- State of Forest Report 2001*, New Delhi: Forest Survey of India, Ministry of Environment and Forest, n. d.
- State of Forest Report 2003*, New Delhi: Forest Survey of India, Ministry of Environment and Forest, n.d.
- Sundar, Nandini, "Custom" and "Democracy" in Jharkhand' in *Economic and Political Weekly*, 08 October 2005, p. 4430-4.
- Symonides, Janusz, 'Cultural Rights: A Neglected Category of Human Rights' in *International Social Science Journal*, vol. 50, issue 158, December 1998, pp. 559-72.
- Umozurike, U.O., 'Human rights and Development' in *International Social Science Journal*, vol. 50, issue 158, December 1998, pp. 535-543.
- Upadhya, Carol, 'Community Rights in Land in Jharkhand' in *Economic and Political Weekly*, 08 October 2005, pp. 4435-8.
- Vasan, Sudha, 'In the Name of Law: Legality, Illegality and Practices in Jharkhand Forests' in *Economic and Political Weekly*, 08 October 2005, pp. 4447-50.