

## **DEVELOPMENT VERSUS DISPLACEMENT: DISPLACEMENT-INDUCED MARGINALISATION AND CONFLICT WITH RIGHTS OF THE TRIBALS**

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### **ABSTRACT**

Development is necessary for the progress of a State. Yet, this development has to be inclusive, with all the sections of society being beneficiaries of it. In India, the development of rest of the society is taking place at the cost of the 'tribals'. Whether, it is building of a dam or establishment of industry, every time it is the Tribal community which bears the brunt of such development, by alienating its land. And, such alienation of land leads to marginalisation of this already vulnerable group. This paper discusses the issue of displacement-induced marginalisation of 'tribals', and conflict with their special rights, with a focus on resource-rich states of Central India.

**Keywords:** Displacement, marginalisation, tribal rights, rehabilitation, resettlement, constitution

### **1. INTRODUCTION**

In India, *land* has become the central battleground over which the ensuing tension between contested notions of what is in the greatest common good, on the one hand, and arguments for the protection of individual rights, on the other, is played out (Somayaji et al, 2011: 1). Every year dams, highways, ports, urban improvements, mines, pipelines and petrochemical plants and other such industrial development projects displace about 10 million people globally (Cernea, 2000). In an influential 1989 study, Fernandes, Das and Rao provide an estimate of some 21 million displaced persons.<sup>1</sup> Scholar-administrator and [currently] Secretary of India's Planning Commission, Dr. N. C. Saxena, places his estimate of persons displaced by big projects since 1947 at nearly double this figure — 50 million.<sup>2</sup>

<sup>1</sup> [http://planningcommission.nic.in/reports/articles/ncsxna/art\\_dam.pdf](http://planningcommission.nic.in/reports/articles/ncsxna/art_dam.pdf)

<sup>2</sup> [http://planningcommission.nic.in/reports/articles/ncsxna/art\\_dam.pdf](http://planningcommission.nic.in/reports/articles/ncsxna/art_dam.pdf)

The development induced involuntary displacement of tribes' takes place in most of the states mainly in the tribal concentrated regions of Bihar, Jharkhand, Orissa, Andhra Pradesh, Madhya Pradesh, Gujarat and Maharashtra (Pandit, 2009:1). Administrators have frequently taken the resettlement process to be complete once the monetary compensation was paid to the affected people and they had been relocated to a new resettlement site (Somayaji et al, 2011:3). Traditionally, little thought went into addressing the factors that limited the benefits available to project-affected families, making a series of rehabilitation action plan unsustainable in the long run (Somayaji et al, 2011:3). In the words of Michael Cernea those displaced "are supposed to receive compensation of their lost assets, and effective assistance to re-establish them productively; yet this does not happen for a large portion of oustees". Also, Cernea in his 'impoverishment risks and reconstruction model'<sup>3</sup> proposed 8 fundamental risks that are typical to emerge in future comparable displacement situation. These risks are: *Landlessness; joblessness; homelessness; marginalisation; food insecurity; increased morbidity; loss of access to common property resources; and community disarticulation.*<sup>4</sup>

This paper aims to discuss how State led development activities cause displacement-induced marginalisation of 'tribals', and how this development affects their rights, which have been bestowed on them by national as well as international legal documents, with specific focus on resource-rich Central Indian states..

## **2. DEVELOPMENT-INDUCED DISPLACEMENTS IN INDIA**

Development-induced displacement of tribal communities is one of the major social disruptive processes happening all over the country (Pandit, 2009:33). Adivasis constitute some 8% of India's population, but 40 % of the 20 to 30 million people that have been displaced by large dams since independence (Whiteland, 2003; cited in Nilsen, 2017). It is an irony that these people, who are displaced do get 'no' or the 'least' benefits of these developmental activities. Contrary to this, their living conditions deteriorate as a result of this displacement. The record of the Indian state on resettlement and rehabilitation of people who have lost their livelihood, life worlds and habitats to dams and other large scale development projects is dismal, and this is the main reason why development-induced displacement more often than not entails impoverishment (Nilsen, 2017:102).

The development projects directly benefits other sections of the society. The benefits out of these projects are used by the State, urban and upper classes, landlords, bureaucrats, contractors,

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<sup>3</sup> Impoverishment Risks, Risk Management, and Reconstruction: A Model of Population Displacement and Resettlement by Michael M Cernea; can be accessed through <https://commdev.org/wp-content/uploads/2015/06/Impoverishment-Risks-Risk-Management-and-Reconstruction.pdf>

<sup>4</sup> *ibid*

engineers, politician, project officers and many others (Kamaal, 2017). The impoverishment of marginal groups such as Adivasi peasants stands in stark contrast to the enrichment of the groups, the capitalist farmers as a result of construction of large dams (Nilsen, 2017:103).

## **2.1 Displacements due to Dams and Multi-purpose River Valley Projects**

In India, estimates of the total number of people displaced due to large dams vary from 16 to 38 million people.<sup>5</sup> About half of the displaced population constitutes of the tribals. Hirakund Dam (1948-57) the first Dam of India, built on Mahanadi River, was a multipurpose-river valley project in the State of Orissa. The dam covered a vast area of 743 Km sq., submerged 249 villages in Sambalpur district and 36 villages in Raigarh District (Chhattisgarh). The Dam affected about 22,144 families or a population of 1.1 lakh, where the scheduled tribes constituted 18.34% of total number of affected people.<sup>6</sup> Another one was Bargi Dam (1974-90) that affected 162 villages in the three districts of Madhya Pradesh- Mandla, Seoni and Jabalpur, out of which 82 villages were completely submerged. As per the records, the Dam uprooted 7000 families directly, and the data on indirectly affected families is unknown.<sup>7</sup> Out of all the displaced people, tribals constituted 43%.<sup>8</sup>

The recent one was the Sardar Sarovar Dam that displaced more than 2 lakh people in the three States- Madhya Pradesh, Maharashtra and Gujarat. Over 56% of the population affected was the tribals residing in and around the area acquired.<sup>9</sup> It has displaced more than 45,000 families from 192 villages of Madhya Pradesh, 33 of Maharashtra, and 19 of Gujarat (Dalal, 2017). Because of Ib River Dam project in Orissa around 80,000 tribals population have been displaced (Ekka and Asif, 2000:95). The Rukura Dam is another project in Sundergarh where four tribal villages have been displaced (Somayaji et al., 2011). In Chhattisgarh, till date, ten major projects have been completed for which 257,032 acres of land had been acquired and due to these dam projects 238 villages were affected negatively and their rehabilitation had not been achieved yet (Somayaji et al., 2011). Further, another 123 villages have been affected negatively because of 30 medium projects (Lourdusamy, 1997:25). Another 150 villages have been affected negatively because of other 8 medium sized pending projects (Somayaji et al., 2011). In Jharkhand due to Dam related projects, between 1951 to 1990, around 16, 400, 000 people have been displaced and out of this

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<sup>5</sup> Dams and Development: A New Framework for Decision Making, The Report of World Commission on Dams, November 2000, Page 17

<sup>6</sup> Government of Orissa

<sup>7</sup> <http://www.narmada.org/nvdp.dams/bargi/bargi.html>

<sup>8</sup> SC 12%, OBC 38% and others 7%; data obtained from <http://www.indiawaterportal.org/articles/damn-dams-say-displaced>

<sup>9</sup> <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/displacement-and-development-construction-sardar-dam>

75.2% of the displaced persons were tribals (Lourdusamy, 1997:25). Out of these displaced people only 4,100,000 people have been rehabilitated and 12,300,000 were left without rehabilitation (Ekka and Asif, 2000:95). Overall, 75 % people left without rehabilitation (Ekka and Asif, 2000:95).

Similarly, these are some of the other examples of the River Dams and the percentage of tribals displaced among other displaced people- Curzen (Gujrat)- 100%; Maheshwar (M.P.)- 60%; Ichha (Bihar)- 80%; Chandil (Bihar)- 87%; Keolkar (Bihar)- 88%; Mohibajaj Sagar (Rajasthan)- 77%; Polbharam (Andhra Pradesh)- 53%; Upper Indravati (Orissa)- 90%; and Ichhapalli (Himachal Pradesh)- 77%<sup>10</sup>.

## **2.2 Displacements due to Industries**

Orissa, Jharkhand and Chhattisgarh are the three states in India, where there is maximum occurrence of both, the natural resources as well the displacement. The threat of the tribals' extinction has had a traumatic past with the establishment of industries in these states.

According to an Orissa Gazette Notification, thirty three villages, totalling 2,503, 524 acres of land, had been acquired by the Orissa Government in 1954 to set up the steel plant at Rourkela, and thirty one villages, totalling 1,192,398 acres of land, had been acquired for the construction of the Mandira Dam in 1956-57 (Somayaji et al., 2011). In both the projects, according to the Government of India reports 23,400 persons had been uprooted (Somayaji et al., 2011).

In recent years, more than sixty sponge iron factories have sprung up like mushrooms all over Sundergarh affecting 400-600 villages (Somayaji et al., 2011). Because of Utkal Alumina International Limited (UAIL) plant of Kashipur in Rayagada around 20,000 tribal people from 82 villages have been displaced (Somayaji et al., 2011).

In Jharkhand, because of industry related projects around 1,250,000 people have been displaced. Out of these only 3, 75, 000 people have been rehabilitated and 8,75,000 have been left without rehabilitation (Ekka and Asif, 2000:95). Further, in Jharkhand alone 2,550,000 have been displaced due to mining related projects and out of these only 630,000 people have been rehabilitated and 1,920,000 were left without rehabilitation (ibid). Nearly 29.6 % of those displaced by mining industries are tribals (ibid).

In Chhattisgarh, in Bastar region alone Memorandum of Understandings (MOUs) for an investment of Rs. 17,000 crores were signed in 2005 for the proposed Tata and Essar steel plant (PUCL, 2005a). Prior to these, 8775 new factories were established. Notably most of the

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<sup>10</sup> Data obtained from R.C. Pandit, 2009, Page no. 88-89; original source of data- Tripathi, S.N., Economic Development and Problems of Displacement, P.189.

industries were established in Raipur and Durg districts. Also, there were three steel plants set-up in the offing, owned by the Tata, Essar and NDMC which caused major displacement.

### **2.3 Special Economic Zones (SEZ) and Tribal Displacement**

The highly debatable issue in the recent time has been Special Economic Zone Act, 2005, the aim of which, Union Government declared was to accelerate industrialization through foreign direct investments (FDI), that would provide employment opportunities to a large number of people. But, in reality, SEZ has also become a tool to remove the tribals from their lands. Since last decade, or in post-LPG period, the displacement of tribals and other marginalised groups of people have become an additional source, as economic activity increasingly dispels people their lands and villages.

In Bastar region of Chhattisgarh, tribals' land has been given to big business houses for mining and other industries. Official data suggests that 65,000 ha. land area has already been clear for industrial purpose, and many MoUs have been signed for further clearance. The sum total of MoUs signed in the state of Chhattisgarh alone is 745, the highest in the country (see report of CSE Delhi, 2011). According to a report of Committee on Agrarian Relations<sup>11</sup> about 3,50,000 tribals, or half the population of Dantewada has been displaced from the district.

### **3. EFFECTS OF DISPLACEMENT**

Displacement deprives of the vital sustenance of the tribal people who are dependent on the land, forests, common property resources (CPR), for their livelihood and finally their long term sustainability is also endangered (Pandit, 2009:10). The displacement alienates them from their forests and lands, the two vital elements for their survival. According to Water Commission on Dam report<sup>12</sup> "despite the massive investment in water resource management and particularly in dams, billions of children, women and men in rural areas lack access to the most basic water and sanitation services". Also, indiscrete industrialisation affects a large number of these people by forcefully removing them from their lands, without ensuring them alternate livelihood options.

Various reports and case studies on rehabilitation and resettlement of displaced people, from different evictions sites, suggest that in a large number of cases about 75% of people are never resettled. In Orissa, SAIL and the Orissa government have failed to rehabilitate and resettle the evacuees of the last 50 years (Somayaji et al., 2011). It has been observed that non-recognition

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<sup>11</sup> Committee on Agrarian Relations and Unfinished Task of Land Reforms, Ministry of Rural Development, GOI, Vol.1, Draft Report 2009

<sup>12</sup> Dams and Development: A New Framework for Decision Making, The Report of World Commission on Dams, November 2000, Page 4

of tribes over resources and restrictions on their use, alienation of tribes from the means of production, denial of due entitlement of labour, distressed payment of wages, and misappropriation of funds, have kept the tribal labour in the misery and starvation (Pandit, 2009:15).

The effect of this is that the tribals feel deceived and disillusioned by the governments, which in turn leads to tribal unrest and uproar, in the form of stikes, rallies, lobbying etc. *Narmada Dharangrasta Samiti (Maharashtra)*, *Khedut Mazdoor Sangh (M.P.)*, *ARCH Vahini (Gujrat)*, *Jharkhand Disom Party (Jharkhand)* *Niyamgiri Suraksha Samiti (Orissa)*, and *Bharat Jakat Majhi Pargana Mahal*, a collective of some 6.4 million Santhals across West Bengal, Bihar, Jharkhand, Orissa and Assam, are some of the examples of tribal outfits. Similarly, *Maharashtra Rajya Adivasi Bachao Abhiyan* and *Sarvahara Jan Andolan* in Maharashtra; *Jai Adivasi Yuva Shakti* in Madhya Pradesh; *Jharkhand Mukti Morcha* and *Adivasi Sengel Abhiyan* in Jharkhand are the examples of tribal movements.

Recently, about two hundred Adivasi villages in Khunti District in Jharkhand have put up stone plaques having provisions of PESA, 2006 inscribed on them at the entrance of villages. This movement of putting up of stone plaque is called as 'Pathalgadi' or 'Pathalgarhi' movement, which declares that Gram Sabha is the sovereign authority and that the tribals do not recognise Central or State Government, though they abide by the Constitution of India.

Also, recently the Dongriya Kondh tribe of Niyamgiri hills in Orissa have won the legal battle against the Vedanta group, and saved their "Niyam Raja" the mountain rich in bauxite resources, which the Vedanta group wanted to acquire for mining purposes.

#### **4. CONSTITUTIONAL FRAMEWORK FOR SCHEDULE TRIBES IN INDIA**

Schedule tribes, also known as aboriginals, are those backward sections of the Indian population who still observe their tribal ways, their own peculiar customs and cultural norms.<sup>13</sup> As per census 2011, Schedule tribes constitute 8.6% of total population of India. The Constitution of India contains various special provisions for the scheduled tribes. Some of the constitutional provisions read as under:

***Article 46. Promotion of educational and economic interests of Schedule Castes, Schedule Tribes and other weaker sections-*** *The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Schedule*

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<sup>13</sup> M.P. Jain Indian Constitutional Law, page 1446

*Castes and Schedule Tribes, and shall protect them from social injustice and all forms of exploitation.*<sup>14</sup>

The main problem concerning these people is that their socio-economic conditions be improved at such a pace and in such a way as not to disturb suddenly their social organisation and way of living,<sup>15</sup> as they are mainly forest dwellers, and they live very close to the nature. The Constitution, through Article 46 has imposed a duty on the State to take steps towards promoting education and improving economic conditions among these people, so that they gradually integrate in the social-mainstream.

***Article 244. Administration of Schedule Areas and Tribal Areas-***

- (1) The provisions of the fifth schedule shall apply to the administration and control of Scheduled Areas and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram.*
- (2) The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the State of Assam, Meghalaya, Tripura and Mizoram.*

Articles 244 and 244A read with Fifth and Sixth Schedules of the Constitution outline in detail the powers, privileges, rights and responsibilities of the President, Union Government and the Governors regarding the scheduled areas (Pandit, 2009:15). It has been thought that it may be harmful to the tribal people if they are brought into indiscriminate contact with the outside world<sup>16</sup>. Thus, the Legislatures have been empowered to impose restrictions on the fundamental rights guaranteed by Articles 19 (1)(d), 19(1)(e), and 19(1)(f) in the interests of the scheduled tribes, in order that movement of people from developed areas to tribal areas may be restricted so that the tribal people are not exploited by outsiders.<sup>17</sup>

**5. OTHER LEGAL FRAMEWORKS FOR SCHEDULED TRIBES**

**The Panchayats (Extension to the Scheduled Areas) Act, 1996 or PESA**

The Act came into force with an object to recognise and strengthen the self-governance among the tribal communities. The Act provides as under-

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<sup>14</sup> In Part IV the Directive Principles of State Policy of the Constitution

<sup>15</sup> M.P. Jain Indian Constitutional Law, page 1447

<sup>16</sup> *ibid*

<sup>17</sup> *ibid*

**Section 4.** *Notwithstanding anything contained under Part IX of the Constitution, the Legislature of a State shall not make any law under that Part which is inconsistent with any of the following features, namely:-*

*(a) a State legislation on the Panchayats that may be made shall be in consonance with the customary law, social and religious practices and traditional management practices of community resources;*

*(d) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution.*

*(i) the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level; and*

*(m) while endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with- (iii) the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe;<sup>18</sup>*

Section 4 (i) of the Act makes it mandatory for the government, before any land acquisition for development project and before rehabilitating people, in the tribal areas, to consult the Gram Sabha or Panchayat. Similarly, under 4 (m), the Gram Sabhas are endowed with the power to prevent alienation of land along with the power to restore unlawful alienation in such areas. PESA, 1996 is an important statute as it provides an opportunity for the tribal people to regulate their own activities.

### **Forest Right Act, 2006**

The Act itself is called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act.<sup>19</sup> The objective of the Act is to recognise and vest the forest rights and occupation in forest land in the scheduled tribes and other traditional forest dwellers. As per the Act, the recognised rights of forest dwelling scheduled tribes and other traditional forest dwellers

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<sup>18</sup> The Panchayats (Extension to the Scheduled Areas) Act, 1996No.40 OF 1996

<sup>19</sup> The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 No. 2 of 2007

include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of forest dwelling tribes and other dwellers.

**National Commission for Scheduled Tribes:** Under Article 338A of the Constitution, the first National Commission for Scheduled Tribes was constituted in the year 2004 with a purpose to safeguard the interests and for the accelerated socio-economic development of these tribes.<sup>20</sup>

Also, a **National Tribal Policy** was made in the year 2006, to address issues such as enhancement of living conditions among scheduled tribes and to bring them at par with other citizens; to improve infrastructure in tribal areas; the control of tribals over natural resources; displacement and resettlement; and equitable distribution of wealth and opportunities among these people etc.

Apart from all these provisions specifically meant for the scheduled tribes, the Constitution of India has imposed a duty on State through Article 38 to protect social order and to minimise inequality amongst citizens and their different groups. This Article reads as under-

**38. State to secure a social order for the promotion of the welfare of the people-**

- (1) The state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of national life.*
- (2) The state shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.*

Similarly, Article 39 provides for certain principles of policy to be followed by state for the common good. This Article reads as-

**39. Certain principles of policy to be followed by the state- the state shall, in particular, direct its policy towards securing-**

- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;*
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;*

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<sup>20</sup> A new and separate commission was set up for the STs through the Constitution (89th Amendment) Act, 2003

Article 39 (c) imposes a duty on the state to ensure that the operation of the economic system in the country is carried out in such a way that it does not result in the concentration in wealth and material resources in a few hands, rather, it should result in more equal distribution of these among all the citizens.

## **6. INTERNATIONAL LEGAL FRAMEWORK AND TRIBAL RIGHTS**

**United Nations Declaration on Human Rights, 1948:** The Declaration promises to all the human beings on this Earth, the economic, social, political, cultural and civic rights that underpin a life free from want and fear.<sup>21</sup> India is a signatory to six human rights conventions including ICCPR, 1966 and ICESCR, 1966.

The following Articles of the Declaration, 1948 read as-

*Article 17 (1) Everyone has the right to own property alone as well as in association with others; and (2) No one shall be arbitrarily deprived of his property.*

*Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.*

In addition to this, **Indigenous and Tribal People Convention, 1989 (No. 169)** and the **UN Declaration on Rights of Indigenous People, 2007** are the two international documents for indigenous population of the world. The aim of the two documents is to provide the indigenous people the right to self-determination, determination of their political status and pursue their economic, social and cultural development; and to protect them from all kinds of discrimination they have been subjected to historically. There are various articles such as Articles 8, 10, 26 and 32 in the 2007 Declaration which specifically debar the state from taking forceful possession of the land, territories and resources which these people have traditionally possessed.

Article 32 (2) of the Declaration provides that the *'States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources'*.

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<sup>21</sup> [http://www.un.org/en/udhrbook/pdf/udhr\\_booklet\\_en\\_web.pdf](http://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf)

India is a signatory to ILO convention no. 107 on Indigenous and Tribal Populations<sup>22</sup> and has also voted in favour of UNDRIP, 2007.

## **7. DISPLACEMENT AND ITS EFFECT ON TRIBALS RIGHTS**

Involuntary displacement of indigenous people from their lands and territories, violate the full spectrum of their civil, cultural, economic, political and social rights, which have been ensured to these people through national as well as international legal framework.

Article 21 in Part III Fundamental Rights, is the most important Article in the Constitution which guarantees all the people, ‘**right to life**’ as well as ‘**right to livelihood**’<sup>23</sup>. After displacement, a vast majority of people are either forced to live in slums in urban areas or on destitute lands, without the access to basic means of livelihood. To exemplify, a lot many tribals displaced by the construction of Bargi Dam in Jabalpur, Madhya Pradesh have settled in the slums in the city, living in the state of penury. A large number of male tribal people can also be spotted around the city as rickshaw pullers or daily-wage labourers. The example of Bargi Dam applies to many other Dams and development-related displacements. Uprooting the people from their homes, without ensuring alternative means of livelihood, and further deteriorating their lives, betrays Article 21 and the directives; and is against the spirit of the the Constitution.

## **8. CONCLUSION**

According to Professor Upendra Baxi Indian constitution defines development as: “development is that process of governance which, while respecting human rights of all persons, secures to all Indians freedom from material impoverishment (Baxi, 1997:164). Indian planning history suggests that in the planning process the spirit of the Constitution has been betrayed – people are not partners in the decision making process of development projects, specifically regarding the construction of dams, environment impact, cost-benefit analysis, allocation of resources, displacement and rehabilitation. In India these are considered to be the domain of the administration. But, the development should be more ‘people-oriented’ (Baxi, 1997:166) and more ‘participatory’ in character.

The forceful displacement is always problematic, as the consequent human dislocation is much too high. These people lose their homes, shelter and lands in the process of displacement and this displacement induces their further marginalisation, mostly due to poor resettlement and rehabilitation policies. Historically, the tribes have been the most vulnerable section of Indian

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<sup>22</sup> Though India is not a signatory to Convention no. 169 of 1989

<sup>23</sup> In the case of *Olga Tellis v. Bombay Municipal Corporation* AIR 1986 SC 180 SC extended the scope of Article 21 to right to livelihood.

society. Keeping in mind the vulnerability of tribes, the makers of the Constitution guaranteed these people some special provisions. Despite the constitutional and other safeguards, the state has not taken proper steps to improve the socio-economic conditions of these people. Rather, the State in the guise of 'development' has led to their further marginalisation, which is displacement-induced.

Land is sacred to the tribals because it is the only resource they have for their subsistence (Somayaji et al., 2011). About 70% of India's population, many of whom are tribals, primarily depend on land-related work and agricultural production (Kujur, 2008). Alienation of land and forced displacement, have threatened the livelihood of millions. Also, the reason behind the mass protest by the tribals is alienating them from their lands, as the alienation snaps the 'eternal-bond' between nature and tribals.

As per the objective of Forest Rights Act, 'the recognised rights of the forest dwelling scheduled tribes include the responsibilities and authority for sustainable use, conservation of biodiversity, maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of forest dwelling tribes'. The state, by breaking the 'nature-tribal' bond, also threatens the nature and its resource conservation. Lastly, it goes undisputed that the tribals have been the 'guards' and 'protectors' the forest and its resources; hence, they need to be protected for the survival of both- the *tribals* and *forests*.

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