

BOOK REVIEW

By- H. K. Singh,
Associate Prof.,
Xavier Institute of Social Service,
Ranchi (Jharkhand)

HUMAN RIGHTS IN INDIAN SITUATION / BY JOSEPH BENJAMIN- NEW DELHI : INDIAN SOCIAL INSTITUTE- 2008. 165P. PRICE Rs.300/-HB

The book is divided in to eight chapters : 1. Aspects of organized violence against Scheduled Castes p1, Chapter 2. Caste-class situation in India and human rights p17 , Chapter 3. Dalit Christian fight for equal rights p32, Chapter 4. Child beyond survival p 47, Chapter 5. Missing girl child in India p54, Chapter 6. Child labour a deadly cancer p79, Chapter 7. Ecology, environment and human rights p97, Chapter 8. Politics of language and human rights.

Human Right is paramount to all laws of the world . No matter how great a nation may be yet it has abide and conform to Human Rights Laws. In institutional sense one of the benchmark is the one which was passed on December 10, 1948 by the United Nations Organisation. Since almost all the member countries of the UNO have put their signature on the document they have to abide by it. Human Rights are those rights to which an individual has a claim by virtue or simply being a human being. So rights are for human beings. No person will be deprived of rights. Some human rights are basic, fundamental and natural. For , example , rights to life, right to food and shelter right to have dignified life and right to follow one's conscience are all are basic rights of all human beings. Without these rights, people can not develop fully and use their intelligence, talents and conscience. These rights satisfy our basic and spiritual needs.

The first article “ Violence against Scheduled Castes ” reveal that the country has witnessed increase in both cast and communal violence since independence, which the process of modernization have not abated. The violence against the SC is not a law and order problem, but it is deep socio-economic problem. Atrocities against SCs are nothing short of violation of natural human rights. In spite of constitutional safeguards for SCs the number of cases of atrocities like rape , arson etc. are increasing. Atrocities committed on SCs have social, religious, and economic causes.

The chapter two “ Caste-Class situation in India and Human Rights ” is an attempt to review the present status of Scheduled Casters in India. Even after 66 years of independence the Scheduled Castes still suffer from the stigma of untouchability. The article deals with the four –fold classification of society , which is commonly known as Verna system. Caste is a complex phenomenon in the first place, it divides the society into groups. The grouping is based on kinship relationship since certain customs related caste system determine who should marry whom . Again these groups are further divided into higher and lower groups. Sudras, a lower caste in the hierarchy of caste system in India, provides needed services to the other castes. This caste is also termed as untouchables . The Hindu society insists on the segregation of untouchables and does not allow them to live inside their own residential area in rural India. The segregation of human being from fellow human being is severe violation of human rights.

The chapter three on “Christian Minority : fight for Equal Rights ” reveal that almost 70% of total Christian of India are belongs to SCs and STs. Dalit Christian have been fighting for equal rights. The Churches of Northern India (CNI) has discussed the cause of Dalit Christian in its conclave of October 6-10,1992 at Delhi and observed that the fundamental rights of Dalit Christian should be restored as per the Presidential Order of 1950. The chapter examine how Christian have been denied their constitutional benefits till the present day.

The chapter four on ‘Child Beyond Survival’ deals with violation of Children rights in India. Children are forced to lead a miserable life; going without even the basic necessities of existence. As a result, most of the children fail to develop their full social and economic potentialities, which would have enable them to grow as useful member in the society. Seventy two million children between 5-14 years do not have access to primary education. The girl child is always given a secondary position. Some times, the female children are victimized in the household of their father in several ways.

Shanta Siha, Chairperson of National Commission for Protection of Child Labour, said that “ children work for lower wages than elders and hence we hire child labourers . If all child are removed , owners will have to employ elders and will have to give more wages, they can give education to their children ”. She said financial constrains are main reason behind child labour. From their very childhood they are trained to be anti-social and notorious. The statement of Mrs. Sinha shows the real story of Child Labour Act.

The chapter five on ‘Missing Girl Child’ deals with how the females rights from the very beginning of human civilization, are considered inferior and treated inhumanly. Again the killing of female infanticide is growing in big cities in India. Right from census 1901 to 2001, shows constant decline in the ratio of girls vis-à-vis boys in India.

The preference of male child is very common in big cities like Mumbai, Delhi. Similarly killing and throwing of live female fetus in garbage is becoming very common now a day. The study shows that girl children in India are providing to be endangered species. The number of surveys conducted by NGOs as well as governmental agencies reveal that a social imbalance has been created due to the steady decline in number of girls. The chapter six deals with ‘Child Labour’. Child labour has been since many years in the world around. In spite of many efforts taken by government and NGOs, many children are out of school and classroom. They are found working in canteen, motor mechanic shops and other places to keep themselves economically afloat. Child labour is considered as deadly cancer but despite passing of central and state governments Acts it shows no sign of abatement. According to World Bank (1995) India has sound child labour laws, yet millions of children are working , often in hazardous conditions. Child labour continues to persists in various occupations. Various dimensions of child labour and its ugly face have been disfiguring the Indian social landscape.

The chapter seven on ‘ Ecology and Environment ’deals with Sardar Sarovar Project. It analyzes the pro and cons of the project, which goes against the rights of tribals living in the forest and the Rights of Development. Many tribals are displaced and their old business has been marred by the project. It deals with displacement but also tries to examine how there is an ecological disaster in the area of project. Proponents and critics of Sardar Sarovar Project said no way can solve the total environmental costs due to human displacement-cum-rehabilitation plus immediate and long-term climate change under the carpet.

The chapter eight on ‘ politics of language and human rights ’ is an attempt to see how the language plays a very important role in the formation of states in India. Majority language speaking people are denied states’ status. There are numerous resistances by the local people over the imposition of languages, by any sort of state dictate. Linguistic problem leads to a threat to our unity and integrity of our Indian federalism. In spite of serious steps taken by both Central and State government the linguistic problem has not been resolved.

There is appendices which include : Declaration on the Right to Development, Convention on the Right of the Child, Fundamental rights Part III of Indian Constitution (Article 12-35), Directive Principles of State Policy. This appendices will be very useful for the readers.

The present book envisages to analyze holistically how Human Rights are being brazenly violated in spite of various commissions, constituted by govt. of India like Commission for Linguistic Minority in India, National Commission for Religious and Linguistic Minorities, National Minority Commission , National Commission for Women, National Commission for Protection of Child Right etc. One can not overlook various commissions constituted by state governments. The target groups are Scheduled Castes, Scheduled Tribes, Women , Religious Minorities , and Children in India.

The book is an attempt to examine how the Human Rights are being practiced in India. An attempt is made to study from almost all fronts to evaluate the functioning of Fundamental Rights.

However, in the overall review, the book is a good resource book on various aspects pertaining to Human Rights. This book may be used as a reference material for students, NGO workers and researchers as it has great relevance of time to the Human Rights functionaries.

**TRIBAL RIGHTS IN INDIA / EDITED BY K.UMA DEVI AND NEERA BHARIHOKE- NEW DELHI :
SERIAL PUB., 2006.292P. Rs.750 . HB.ISBN 81-8387-058-9**

The book is divided into 15 chapters: 1. Social and cultural rights of tribal: a myth or reality, 2. Human rights issues and tribal life: impact of deforestation and displacement on tribal in South Rajasthan, 3. Pastoralists' rights and natural resources management : review and evidence, 4. Legal issues of tribal land alienation in Andhra Pradesh, 5. Public health care system and tribal rights in Scheduled areas of Orissa, 6. Tribal development policy in Manipur relevance and implications, 7. Cultural changes resulting from resettlement and their implications, 8. The human rights and the Aborigines, 9. Tribal rights and justice : a study in Lahoul Spiti, 10. Tribal population in India, 11. Constitutional status of Scheduled Tribes in India : an introspection, 12. Public policy and legislations on land and forest rights of tribal in Orissa, 13. The so-called development , displacement and dispossession: an analysis on land and forest rights of the project affected tribal people, 14. Impact of displacement on formal and informal life of tribal with special reference to residence, land and forest rights, and 15. The status of tribal children in India : policies and programmes.

The present book focuses on the " Tribal Rights in India ". The human rights of the tribal people are guaranteed and enforced in one or the other way by the constitution of India and the Scheduled castes, Scheduled tribes (Prevention of Atrocities) Act, 1989. The enactment of SCs. And STs (Prevention of Atrocities) Act in the year 1989, after about 64 years of independence exhibits that the social , political, economic, cultural or customary rights of these groups are being violated and overlooked

The first article " Social and Cultural Rights of tribal : a myth or reality " written by Harpreet Kur & A.K.Kapoor. The present paper has been pursued with an aim to visualize the reality that exists today with special reference to the Economic, Social and Cultural Rights (ESCR) of tribal people of India. India acceded the International convention on ESC Rights long back, yet the atrocities on tribals are continuing. In the present work it has been argued that there needs to be a change in the paradigm for evaluating compliance with the norms in the covenant if these rights are to be taken seriously. " Progressive realization " and the current standards used to assess implementation, renders economic , social , and cultural rights difficult to monitor. The second article " Human rights issues and tribal life : impact of deforestation and displacement on tribals in South Rajasthan " by P.C.Sikligar deals with relationship between forests and Bhils, Causes of deforestation in Bhils dominated areas , and examine the socio-economic conditions of the rehabilitated Bhil families . This study consisted six villages with 240 sampled of Bhils families. The study finds the deforestation and displacement has created regression on the local tribal communities because no effective arrangement is being made in an around the village premise which compensate the benefits of forest and forest based resources including health, employment, financial institutions, which promotes socio-economic development of the tribal communities. The process of deforestation and displacement has affected tribal lives enormously in all aspects of life such as economic, social , political , and cultural.

The following issues discuss how tribals forced to put in trouble to manage their livelihood in present circumstances without support of forest based resources and displaced situation.

The article " Pastoralists' rights and natural resource management : review and evidence " by Falendra K.Sudan deals with property rights in the state of Jammu and Kashmir. Over the period, property rights have undergone tremendous changes in the state of Jammu and Kashmir and in 1927 community rights were recognized. During the recent past, with rapidly increasing human and animal population and steadily shrinking pasture lands conflicts started suffering between pastoral groups and resident farmers. The local herders started looking at the pastoral groups as intruders in pasture land and as competitors in the market of muttons, wool, and woolen products. It is argued that the local residents protect and rehabilitate the forests and pastures, where as the pastoral groups exploit these ruthlessly and damage the same. The article " Legal issues of tribal land alienation in Andhra Pradesh : some remedial measures " by Reddy and Ramesh deals with land alienation among tribal. The present study reveal that the alienation of land has occurred due to the following methods :

1. Benami transfers; 2 Transfer to non-tribals in the form of lease or mortgage; 3. Transfers in the name of concubines and tribal servants who may work as bonded labour; 4. Marital alliance with a tribal lady for the sake of transfer of tribal land in her name; 5. Adoption of tribals fictitiously 6. Transfer of actual possession of land without any record, in lieu of loan; and 7. Encroachment of tribal land by force.

The fifth article "Public health care system and tribal rights in the scheduled areas of Orissa" by Nilkanth Panigrahi discusses the socio-cultural profile of tribal population who is mostly living in geographically inaccessible regions and is deprived of the natural rights for generations together. While reviewing some of the health policies, it describes the functional adequacy of health infrastructure provided by the state in the tribal areas. It has also rightly pointed out that the existing health service delivery system of the state is still based on charity oriented than rights perspective, which does not honour tribal people and treat their age old health systems as support mechanism. The sixth article "Tribal development policy in Manipur : relevance and implications, by M. Romesh Singh" reveals that the planning of development programmes in Manipur tribal areas is a super imposition on the tribals which is generally based on centralized planning and not from the bottom. There is a huge gap between the government agencies and the development experience of concerned tribals. Majority of villagers are not aware of development schemes implemented by government agencies. There is lack of peoples' participation in the planning and implementation process. Delaying of budgeting provision has been proved to be a major obstacle in the process of development.

The paper "Cultural changes resulting from resettlement and their implications: the case of Jenukurbas at Nagpura" reveals that there have been changes in social, cultural, educational, economic, health and traditional belief systems. In most of the resettlement and rehabilitation programmes of the organization and implementation part of it was the least thought out aspect. In most cases the viewpoints of the affected people are given the least importance. That is against "the Article 23 of the Draft United Nations declaration on the rights of indigenous peoples" which says "Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development".

The article "The human rights and the aboriginals : the problem of future survival" by V.L.N. Dash and T.S. Naidu deals with numerous case studies on deprivation. Tribals from the various segments of the weaker section are with their traditional skills and resources. They are the most vulnerable sectors of the population and they are exploited by the most age-old social and cultural handicaps coupled with environmental factors. History is witness where by indigenous or aboriginal peoples lost their land, resources, culture, tradition and even their identity and history. The Right to Development is one of the most important safeguard for the aboriginal peoples.

The article "Tribal rights and justice : a study in Lahoul Spiti, Himachal Pradesh" by Shilpy Gupta et al. reveals that there is no violation of human rights among Lahouli. Lahoulis have a set of customary laws, like no property rights for female, polygamous marriage etc. There was no constitutional violation of human rights, but surely it was quite perceptible in the customary laws. The violation was subtly engraved on the ways, in which customary laws are functional in the world.

The paper "Tribal population in India" by Pranati Datta highlights the basic features, present status and persisting problem of scheduled tribes in India using census data. The overall scenario and the conditions of tribal regions in India is just pathetic. D'Souza (1990) has examined the effects of planned developmental intervention among the tribals from 1961-1981. He has concluded that twenty years of intervention has not made any significant improving impact on the conditions of the tribals. There is all-round degradation of natural resources in the tribal regions, resulting in rampant poverty among the tribal people. In Human Development Index, tribal regions and tribal people are at the bottom of the index.

The paper "Constitutional status of Scheduled Tribes in India : an introspection" by Rattan Singh and Mamta Mehmi reveals that since independence the Indian Parliament has been making sincere efforts to reform the social structure of the country in order to achieve the goal of egalitarian society. The national policy of 'Protective discrimination' has been used to mitigate the existing inequality between various sections of the society and to accomplish a social reconstruction ensuring socio-economic justice to all. The policy had its critic right from the beginning but lately there is a growing concern for its indefinite continuation. Through the special provisions the government is trying its best to eliminate discrimination and to bring about equality in all political and social spheres.

The paper “ Public policies and legislations on land and forest rights of tribal in Orissa ” by Gandham Bulliyya reveal that the forest resources are flying to other parts with the march of time without providing benefit to the tribal causing serious concern in protecting policies and progress. The overall scenario insists that tribal should be protected from exploitative activities of land and forest. With the steady degeneration of forest resources, national and state policies hampering the livelihood of forest –dwelling communities with mounting pressure on limited cultivable land patches, scattered far and wide within forest cover, needs to be tackled properly under the new Forest Rights Act.

The paper “ The so-called development, displacement and dispossession : an analysis on land and forest rights of the project affected rights of the project affected tribal people ”, by Nibedita Nath and Deepak Behra explore the impact of Upper Indravati Hydroelectric Project on the poor tribal people in terms of loss of their customary rights on forest and lands. Author also makes a critical assessment of the adequacy of the existing laws in providing justice to the tribal people.

The construction of dam has deprived tribal of their Common Property Resources (CPR) like forest and Donger land upon which they have customary rights for centuries together. They have lost substantial part of their income base, as the CPRs were taken away due to dam construction. The tribal people bearing the social and environmental cost and risks of this large dam do neither receive water and electricity services nor the economic benefits.

The paper “ Impact of displacement on the formal and informal life of tribals with special reference to residence, land and forest rights ”, by Prabhudha S. Kamble and D. Murahari Naik reveal that with the rapid change in environment or migration to a new place, the traditional right on the mode of division of labour get disturbed. However, the onus of management of the family at this critical phase of life too revolves on the house wife. Tribals never experienced the scourge of poverty in their traditional habitat and environment, because forest is a perennial habitat and diverse source of edible items. But under the changed conditions and in the new surrounding they for the first time experience the dire and stark conditions of money economy. The forced change from a natural, exuberant and free environment to an artificial constructed and tricky environment often terribly affect the mind and body of tribal.

The articles contributed by authors to this volume provide a panoramic view of the various provisions in national legislation as well as of the multilateral conventions and treatise , tracing them from their evolutionary stage. The articles also highlight the limitations and atrocities caused to economic, social and cultural rights of tribal people, including tribal children of India. The stark and gross violation of not only human rights but also their rights to be human is demonstrated by the empirical study of the tribal people in various districts in India. The tribal people have been deprived, displaced and dispossessed of their cultural and traditional rights too under the garb of development of the districts inhabited by them.

The book is innovative in the way it has been presented. The conclusion of each section leaves you with outline of the policies required to facilitate Tribal Rights interventions. This book will be useful for a wide spectrum of readers including the professionals, law students, academicians, social activists, NGOs, state and government welfare organizations, people involved in civil rights movement and those who are interested in looking into the different approaches to understand Tribal Rights.