



## Illegal Activities and Violation of Tribes' Human Rights: an Empirical Study of South Rajasthan"

### KEYWORDS

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*The tribal population reside in a place of paradoxes. It is rich in minerals but the people are living in abject poverty; both legal and illegal mining led to severe environmental degradation and also severe loss of traditional livelihood methods. Their livelihood is totally accompanied by the government policy of globalization, capital intensive industrialization like mining in the regions, land grabbing by using all the tricks possible, not just by the mining mafia but also by the government. The tribal land acquisition and alienation besides resource displacement are severe cases of human rights violation. Keeping in mind we taken case study method as one of the tool of field study and the following case studies have been presented to strengthen field experiences of human rights abuse and tribal in the field of South Rajasthan.*

**Illegal Mining:** Mining contributed less than 0.5 percent of the NSDP of Rajasthan until 1970-71. Later its contribution steadily increased and reached 2.2 percent in 2000-01. In value terms (measured at 1993-94 prices) NSDP from the mining sector increased from Rs. 39.38 crores in 1970-71 to 1000 crore in 2000-01. Rajasthan has a dominant share in the production of quite few minerals like Wollestoneite, Zinc, Asbestor, soapstone, rock phosphate, ball clay, 100% share in National production. Gypsum 99%, Calcite 97%, Felspar 96%, Jaspur, 92%, marble 90%, Lead 89%, Sandstone 81% and Flerg lime stone 70% of share in the National production. Rajasthan is an important producer of copper-ore. Mica, Manganese ore, phosphoresce, potash, and other minerals, though the contribution of these minerals in the total value added is negligible.<sup>1</sup> In South Rajasthan, some of the important minerals are marble, graphite, zinc, lead manganese, soapstone, asbestos, be rye and fluorite. Out of the total mineral production in Rajasthan, south Rajasthan area produces about 97-38 percent of major and 2.12 of minor minerals. But due to highest concentration of tribal population who constitute the core among the weaker sections of the society.<sup>2</sup> Greater preponderance of backward population, higher dependency ratio, and top sided occupational structure, backward agriculture, low level of capital and labour productivity, low per capita income and chronic unemployment are some of the basic features of the region. The tribes must have the possession of mining on their land. But the mining on their lands are taken away in the name of economic advancement of the country. But in return they received landlessness, impoverishments and long-term degradation of the environment on which they totally depend.

The Supreme Court held that forests and mining and lands in Scheduled areas, irrespective of whether owned by the government or by a tribal community, cannot be leased out to non tribal people or to private companies for min-

ing or in dustier uses. It restricted mining activity in these areas to be carried out only by State Minerals Development Corporation or a co-operative of the tribal people. All leases granted by the State governments were declared to contravene Schedule V of the Constitution and were declared null and void. The judgement known as Samatha Judgement, is a significant check to restrain the state from encouraging indiscriminate exploitation of land, forests, water bodies and other resource for commercial purposes, especially in tribal areas. Looking to the Samatha judgement illegal mining operation in forest land has emerged out. As there are rich deposits of minerals in forest land. It caused loss of revenue of crores of Rupees on one hand and caused life injuries and other health problems on other side. According to Deepak Malik, Director of Health, Environment and Development Consotorium, the plight of sand stone workers is the worst as most of them are affected by silicosis and tuberculosis. Silicosis is a lung disease caused by silica dust. It is incurable and has been certified as an occupation hazard through the Rajasthan Silicosis Rules, 1955. The Silicosis Rules (1955) requires getting workers medically examined before hiring them, followed by a check-up every five years to check for the onset of silicosis. Rule to require that a postmortem be performed on a worker who dies of silicosis, so that the family of the diseased can claim compensation. None of these rules is followed, and as a result, the incidence of silicosis is found to be as high as 40-50 percent among sandstone workers. Women workers are paid by Rs. 50 a day, which is below the minimum wages in the State. They are told that they do not work 'as hard as men'. Though women born 37 percent of the mine workers and children 15 percent. But the states apathy to the health and safety of workers in sector that brings crores of Rupees as revenue is worrying. All attentions are directed towards raising production, while the welfare of workers is ignored. In Rajasthan, mining tends to be a family occupation, passed on from father to son. 'With bonded labour' sons frequently inherit their father's debt. The number of bonded labours in Rajasthan today stands at a whopping 5 lakhs approximately. The foremost reason behind peoples being caught in the trap is poverty. Nearly 95 percent of the laborers are dalits and tribes.<sup>3</sup>

Case 1: **Humri Bai Wife of Heera Lal Damor** is a mine worker. She belongs to Oгна village of Jhadol Panchayat Samiti of Udaipur District. She attributed during the interview that she and other family members- a daughter, son and husband all worked in an asbestos mine, inside the forest. "My father in law and brother in law (Jaithji) were also working in the asbestos mine previously. Father-in-law died in the accident due to collapsed of mine 8 years back. Jaithji died due to tuberculosis 4 years back. The con-

tractor did not give any compensation. In spite he claimed the due of the debt taken by my grand father-in-law. We are in the trap of debt and compelled to work with him. I too have chest problems. One of my relatives is suffering from silicosis. We dreamed to send children to school. But our poverty did not allow. Our children of 8-10 years have to work to earn Dal-Roti."

Case -2: **Neetesh** – 13 years boy during Jan Sunwai (public hearing) said that in Kushalgarh – Distt. Banswara "We are employed to load 'manganese' during late hours in night. Day time we go to school but at night we work to support the family for survival. Some time we forgot to wash the hand after loading manganese so some of my friends are feeling not well." When asked did they went for medical check-up. He refused and said "There is no doctor or clinic nearby." In short, workers in illegal mining and legal mining quarries toil in condition that often lead to injury, disease and death, but neither the mine owners nor the State government has done enough to mitigate their suffering.

*Food Scarcity and Starvation Deaths:* Prof. P.N. Srivastav, the noted social scientist and a former member, Planning Commission expressed the view that more than 200 million people, nearly 25 percent of our population, were not having two square meals a day, adding that wastage of food amounted to Rs. 25,000 crores per annum at different levels in products, transportation and handling.<sup>4</sup>

*Food security is basically understood in terms of food availability, stability and accessibility. Ensuring availability of food implies efficient domestic production and internal trade to make enough food available for the entire population. It cares for taking appropriate preemptive measures to ensure stability during harmful, seasonal and inter-annual instability of food supplies. However, food being abundantly available, it may not be within access to certain sections of society. Hence, enhancing people's purchasing power to buy food where it is not produced or making it available at subsidised rates through the public distribution system and employment programmes provides a safety net and ensure accessibility to adequate and safe food. Looking to the backwardness of Rajasthan State, food security needs to be understood also in terms of vulnerability of certain sections of society who are physically and mentally pre-occupied with getting the next meal. Women are more vulnerable than men.*<sup>5</sup>

*There are several reasons why people face hunger and are unable to exercise their right to food. These are powerlessness and politics, violence and militarism, poverty, rapid growth of population exerting strains on environment, over consumption and gender discrimination, vulnerability and age. When a family is enabling to buy enough quantities of required food the women's access to food*

*becomes more difficult as the children and men get priority. New Delhi based Centre for Environment and Food Security carried out a survey on Hunger in advasi areas of Rajasthan and Jharkhand" and its report was formally released by the noted social scientist Mr. Ashish Nandey in Oct., 2005. As per the report a Shocking 99% of the Adivasi (tribal) carried out in Udaipur and Dungarpur districts, but the very year this report was released 48 persons had died of hunger and malnutrition induced illness in 40 villages in Baran district from mid July to mid Sept.*<sup>6</sup>

*In 2004 putting a question mark over the State governments pronouncements on the deaths among the Sahariyas in Baran district, a Supreme Court team concluded that these tribes were living in a situation of hunger and starvation. As per the report of the team a large proportion of the Sahariya population was at a risk of mortality because of chronic malnutrition and hunger. Using a Body Mass Index, the survey conducted by the team in Sahariya villages found 100% boys and 93% girls at a high risk of mortality. It calculated consumption of 800 to 1000 calories per capita per day for at least 90 days before the survey. And food intake that is lower than 850 calories per day is in compatible with life in due course and is indicative in starvation.*

*Peoples Union for Civil liberties Rajasthan Unit remained very active to raise the issue of Human Rights violation any- where in the State. Noted the revisiting of hunger and starvation death it filled a case of Right to Food (196/2001) in the Supreme Court. This case became a historic case with several orders making MDMS, ICDS, PENSIONS, DAY and TPDS entitlements for the beneficiaries. More than 58 orders have been passed. But had it changed the ground reality? Having this question in mind the PUCL (Three members) team made a trip in 2009, as against it was a drought year in several districts of Gujarat, Rajasthan and Madhya Pradesh.*<sup>7</sup>

**CONCLUSION:** Human rights violation is a serious question in tribal regions of Rajasthan and India. Their dignity, respect, identity is hampered due to their rich topography with enormous wealth, a part of their life for generation together. It is imperative to discuss whether development and progress are antonyms to respecting human rights.

## REFERENCE

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