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## Did Birsa Munda die in vain?

in Life/Philosophy

15/11/2023



*Birsa Munda Freedom Fighter Museum at Ranchi*

Birsa Munda, born on November 15, 1875 in Ulihatu village (present Jharkhand) in British times, died mysteriously – reportedly of cholera, but likely poisoned – as an undertrial in Ranchi Central Jail on June 9, 1900. But why was Birsa Munda in jail? He had committed the “crime” of challenging the mighty ruling British, whose Christian missionaries were engaged in conversion activities. He also militantly led Adivasi people in open revolt against government-sanctioned land-grabbing by non-tribal landlords (*thekedars*), because it would make his people bonded labourers in their own land.

### Post-British times

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After Independence, Birsa Munda's portrait was installed in India's Parliament, and his  English portrait was installed in several places including Bokaro. He is a hero who fought for the rights of Adivasi peoples, and is revered even today by Adivasi people, in places even as far away as Karnataka.

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Adivasi people were recognised and designated as Scheduled Tribes (STs), and the Directive Principles of State Policy (Constitution Article 46) mandated that: *"The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation"*.

Today, there are 744 STs across 22 States. Adivasi folk have varied lifestyles, and possess different social and cultural identities. Some are nomadic food gatherers and hunters, some are graziers and pastoralists, and others are skilled settled agriculturists and horticulturists, but all are dependent upon forest and forested lands.

## Laws

Parliament enacted two laws to protect the life, livelihood and social rights of Adivasi people, namely PESA in 1996, and FRA in 2006. PESA (Panchayat (Extension to Scheduled Areas) Act, 1996) is meant to ensure that Adivasi people living in the Scheduled Areas can establish traditional Gram Sabhas for self-governance. FRA (The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006) recognizes the rights of forest-dwelling tribal communities and other traditional forest dwellers, to forest resources for their livelihoods and economic security, and assures them rights of habitation, cultivation and grazing, hitherto unavailable to them.

It took Independent India 49-years to enact PESA and 59-years to enact FRA. They are well-intentioned Acts, but they have in-built frailities. Successive Central and State governments continue to exploit the frailities of these laws and even make them weaker by amendments, thus curtailing Adivasis' rights granted under PESA and FRA. This barely conceals governments' intention of permitting mining and other industries to enter forest areas, against the assured interests of Adivasis, in the name of development and economic growth.

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## Role of State governments

State governments need to constitute Gram Panchayats in the scheduled tribal areas for PESA to operate, and State government Forest Departments have to administer forests and forest resources so as to implement the provisions of FRA, for benefit to Adivasis. Thus, State governments have a critical role in benefitting their respective Adivasi populations. It is the duty of state governments to inform Adivasi people concerning the laws which confer vital rights upon them, and “*protect them from social injustice and all forms of exploitation*”.

In most states, governments have been (possibly motivatedly) negligent in not even informing their Adivasi populations about their rights under PESA and FRA. This injustice by negligence has enabled corrupt state officials at different levels to take advantage of Adivasi people, over years. It is even more unfortunate that the ruling party and opposition legislators in successive State legislative assemblies, have been complicit in keeping Adivasi people ignorant of their rights and entitlements. Worse, even after Adivasis have become aware of PESA and FRA, legislators have not espoused their just demands.

It is unfortunate that even after 76-years since Independence, Adivasi people in all of India's states are mostly neglected, and even subjected to exploitation and legacy injustices, in spite of PESA and FRA. Elected central and state governments which are duty bound to implement and enforce PESA and FRA, and follow Article 46 and other constitutional provisions, deploy Police to punish Adivasis who peacefully demonstrate for the rights granted to them by those very laws – and this is done to help the industrial and business corporations. Examples of such State oppression are more than can be cited in a short article, but two instances will serve the purpose.

## Odisha

Odisha is home to 62 STs. The resistance of the Dongria Kondh Adivasi people near Lanjigarh, beginning in 2004, against industrial-scale bauxite aluminium ore mining by government-backed Vedanta Alumina corporation, is legend among Adivasi people peacefully fighting for their rights.

The Supreme Court applied FRA for the first time, saying that it was [up to the local communities to decide](#) whether the project should go forward, through public consultations and votes in each of the surrounding villages. [Ref.1]

Prafulla Samantara, an iconic leader of social justice movements in India, led a historic 12-year legal battle that affirmed the indigenous Dongria Kondh's land rights and protected the Niyamgiri Hills from a massive, open-pit aluminum ore mine. Almost a decade after Samantara's initial filing, the Supreme Court issued a [historic decision on April 18, 2013](#). [Ref.2] It empowered local communities to have the final say regarding mining projects on their land, and gave the right to vote on the Vedanta mine, to Gram Panchayats. By August 2013, all 12 tribal Gram Panchayats had unanimously voted against the mine. In August 2015, after years of partial operation and stoppages, Vedanta

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Supreme  
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announced the closure of an aluminum refinery that it had constructed in anticipation of sanction to begin mining operations.

by S G Vombatkere

However, in an effort to revive the project, Odisha Mining Corporation (OMC) sought to overturn the Gram Panchayats' votes, claiming that some tribal members had died and new ones had come of age. OMC petitioned Supreme Court to mine bauxite as a sole venture, but following an appeal by Samantara, in May 2016 the Supreme Court denied the petition. The Niyamgiri Hills' future was left safely in the Dongria Kondh's hands. The State had tried to re-establish the bauxite mining industry and failed.

Notwithstanding the State's defeat in the Apex Court, even as recently as August 2023, in Niyamgiri hills (Lanjhigarh) and Sijlimali, Kutrumali and Majhingmali hills (Kashipur), *"the Odisha police have [unleashed severe repression](#) by resorting to mid-night raids, abductions, illegal detentions, physical assault and incarceration as part of the road clearing operation for companies to loot bauxite reserves".* [Ref.3] This establishes the nexus between the State and industrial corporations, that works against Adivasis.

### Madhya Pradesh

Madhya Pradesh (MP) is home to 46 STs, among them, Bhil, Barela, Naik, Gond, and Baiga Adivasis. The 2011 Census information for villages having forest land potential, reveals that granting forest rights would help secure the rights and livelihoods of more than 13.8 million forest-dwellers.

Over the years, successive MP State governments had not informed Adivasi people about their rights under PESA (1996) and FRA (2006), and forest officials and others were taking advantage of this. Adivasi village people claim that they were regularly paying state forest officials to allow them to cultivate forest lands, and that forest officials targetted those who failed to pay, in various ways.

However, Adivasis became aware of their rights under FRA only sometime in 2017, due to a political campaign, during which they were promised implementation of FRA. Realising that forest officials had been effectively extorting money, in 2018, some Adivasi families stopped paying the forest officials. This soon became known to others, who also stopped paying.

This snowballed into Adivasi village people loudly demanding the *patta* (land document) for the forest lands which they were cultivating. According to the village people, their defiance led to an [exponential rise in atrocities](#) against them: demolition or burning of homes, confiscation of farmlands and produce, and arrests and custodial violence. [Ref.4]

On November 15, 2022, the MP government belatedly announced the implementation of PESA, concerning Adivasis forming Gram Panchayats. MP Governor Mangubhai Patel handed over the first copy of the PESA Manual to



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Landslide

President Droupadi Murmu. But even one year later, the provisions of PESA have [not yet come into effect](#). [Ref.4]

Reportedly, there are growing tensions between the MP State government administration and Adivasi populations.

## Another year

From the foregoing, it is easy to understand that across States, Adivasi populations are being misgoverned by State governments through various acts of commission and omission.

At annual rallies and meetings of Adivasi people to celebrate Birsa Munda's birthday, people inevitably compare government oppression in Birsa Munda's times, with the present circumstances of Adivasi people. There is no doubt of the terrible oppression of Adivasis during British rule, and Birsa Munda's untimely death at 25-years age in the cause of Adivasis. But today's Adivasis are aware of oppression by the nexus of central and State governments with industrial-business-commercial interests, which promotes change of land use of forest areas, in the name of economic growth and national or state "development".

India's eight northeastern states have significant ST populations, four of them – Arunachal, Mizoram, Nagaland, and Meghalaya – with huge ST majority. Manipur has 35% ST population, and the 9-months ongoing civil unrest is affecting them very adversely. With contemporary communications, despite government-ordered internet shutdowns, Adivasi populations countrywide are well-informed and consequently agitated.

[President Smt. Droupadi Murmu](#), visited Birsa Munda's village on November 15, 2022, honouring his leadership of Adivasi people against oppression. [Ref.5]

It is not known whether Adivasi people succeeded in informing President Murmu – the first Adivasi person to occupy that exalted position – about their troubles and travails, non-realisation of their rights under PESA and FRA, and the continuing injustices and violence against them by State governments. Perhaps it will never be known. However, President Murmu's silence on Manipur is intriguing, especially for Adivasis.

The Adivasi people's celebration on 15 November 2023 of Birsa Munda's memory and sacrifice, is likely to be yet another year gone by without real empowerment of STs. However, there will likely be effects on upcoming State and general elections.

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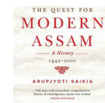
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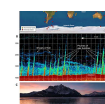
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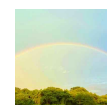
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