

Chapter 6

THE OUTPUT PROCESSES

The output process of a political system involves the rule-making, rule-application and rule-adjudication functions. There are four classes of transactions in the output process. These transactions are extractive, regulative, distributive and responsive transactions. The extractions can be of taxes, tributes and personal services. Regulation relates to regulating the behaviour of the people by laws, etc. The distribution process involves the distribution of goods and services, opportunities, honors, etc. And responsive transactions are made through statement of policies, display of political symbols, affirmation of values, etc.¹ As against totalitarian systems, the output processes in democracies are more affected by inputs of demands from groups in a society. Democratic systems cannot function properly without its members acquiring the required political development. When the members of certain subsystems like tribal communities lag behind in political development compared to other members of the political system, the output processes in relation to them are affected.

The Traditional Output Processes

In traditional tribal societies, the structure or institutions involved in the making of rules consist of a group of adult males in a band of village, or certain elders intermittently meeting as a council, or specialized roles such as those of a village head or a magical leader. These groups and individuals made codes and served as the center of the societal traditions, which they applied to problems that arose out of the activities of the community or out of its interaction with other communities. In these societies, the rule

¹ Gabriel Almond and Bingham Powell, *Comparative Politics: A Developmental Approach* (Bombay, 1966), pp 16-17

application roles were undifferentiated. The *Mupan* (Chieftain) and a *Council of Elders* performed the rules of rule making, rule application, and the rule adjudication in traditional tribal societies.

The tribals in Kerala had well-organized traditional output structures until recently. After independence, when a national government with a democratic system was introduced in India, the government tried to assimilate the tribal communities with other communities. The new system of governance, the political processes and policies, and its political socialization introduced a new political culture among the tribals. The tribals in Kerala are now in a transitional stage. They are in the half way between their traditional political culture and national political culture. The traditional institutions like *Mupan* (Headman) *Pujari* (priest), etc., even though weak, are still prevalent among most of the tribal communities.

The tribals of Attappady area of the Palakkad District earlier had a five stage hierarchical system of administration with the *Uru Mupan* [Tribal Chieftain] as the head. The other offices were *Bhandari*, *Kuruthala*, *Dalapathy* and *Mannukaran*. Generally, all these offices were hereditary, but the incumbent to these posts were also some times chosen if required.² The Attappady tribals still perform most of these roles, but due to their interactions with government officials, party leaders and workers, these roles have become unimportant.

Other tribal communities of Palakkad also had the institution of *Mupan* and *Pujari*, but other traditional institutions of administration of Attappady tribals were not

² C G Mohandas, "*Sankalpa Kireetavum Nashtapettavar*", *Gothra Smrithi* (Malayalam) Thiruvananthapuram, Kerala Saksharatha Samithi, Government of Kerala (1995), p 229

found among them. They still have the institution of *Mupan* and *Pujari*, but their influence in the community is very meager. In every tribal settlement, there is a tribal volunteer (social activist) in charge, selected by the Tribal Development Department from among the educated tribal youths. They are given training and monthly salary and are entrusted with assisting and empowering the tribals of their allotted settlement. In effect, these tribal youths have taken up the responsibilities, which were performed by *Mupans* (Headman) in the past.

The Present Position of the *Mupan*

TABLE 6 1

WHAT IS THE PRESENT POSITION OF THE MUPAN IN YOUR HAMLET?

Tribe Name	Absent/Do not recognize %	Nobody obeys him %	Only few people obey him %	Majority obey him % .	Everybody obeys him %	Total %
Eravalar	72	3	17	4	4	100
Irular	19	8	19	26	28	100
Kadar	14	43	14	29	-	100
Kurumba	-	-	23	54	23	100
Malayan	88	-	12	-	-	100
Mudugar	50	12	6	16	16	100
Paniyan	100	-	-	-	-	100
Total	39	8	16	19	18	100

Source: survey data

As the aforesaid table 6.1 shows, at present in most of the Eravalar settlements there is no *Mupan* or Headman. However, in some settlements there is a *Mupan* who is recognized in that position only by a few members of that tribal community. 72 per cent of the Eravalar respondents say that either there is no *Mupan* or, they do not recognize any body as *Mupan*. Among remaining 38 per cent say that there is a *Mupan* in their settlement, only 4 per cent say that everybody obeys him,

another 4 per cent say majority obey him, and 17 per cent say that only a few people obey him

19 per cent of the Irular respondents say that either the institution of *Mupan* is absent at present or, they do not recognize any one as *Mupan*. 28 per cent of them say that everybody obeys him, 26 per cent say majority obey him, 19 per cent say only a few people obey him, and 8 per cent respond that nobody obeys him.

14 per cent of the Kadar respondents say that either the institution of *Mupan* is absent at present or they do not recognize anyone as *Mupan*. 29 per cent of them say that majority obey him, 14 per cent say only a few people obey him, and 43 per cent say nobody at present obeys him

Among the Kurumba respondents, 54 per cent say that majority of the tribals in their settlements obey the *Mupan* 23 per cent among them say that only a few people obey him and another 23 per cent say that everybody in their settlements obey the *Mupan*

88 per cent of the Malayan respondents say that either the institution of *Mupan* is absent at present or they do not recognize anyone as *Mupan*. 12 per cent among them say that still the institution of *Mupan* is existing, but nobody obeys him 50 per cent of the Mudugar respondents say that, either the institution of *Mupan* is absent at present or they do not recognize anyone as *Mupan*. 12 per cent of them say this institution is still existing, but only very few obey him, 6 per cent say only a few people obey *Mupan* at present, 16 per cent say majority obey him, another 16 per cent say all the tribals obey him. All the respondents belonging to the Paniyan tribal community say that at present the institution of Headman or *Mupan* is absent among them

Out of the total 500 tribal respondents, 39 per cent said that either the institution of *Mupan* is absent at present or they do not recognize anyone as *Mupan* 8 per cent among them say that the institution is still existing, but only a very few obey him, 16 per cent say only a few people obey *Mupan* at present, 19 per cent say majority obey him, another 18 per cent say all the tribals obey him

TABLE 6 2
WHOM DO YOU PREFER AS YOUR LEADER?

Tribe Name	<i>Mupan</i> / Headman %	Some other leaders from your tribe %	Some political party leader %	A very capable and sincere leader %	Total %
Eravalal	-	-	86	14	100
Irular	66	5	15	14	100
Kadar	57	29	14	-	100
Kurumba	100	-	-	-	100
Malayan	-	12	54	34	100
Mudugar	54	37	9	-	100
Paniyan	25	50	13	12	100
Total	47	11	29	13	100

Source survey data

Eravalars had the institution of *Mupan* (Headman) in the past, but at present this institution almost ceased to exist. However, there were headmen in a few of their settlements, whom only few of the members recognize. None of the respondents preferred a *Mupan* or someone from their tribe as their leader, 86 per cent of them prefer some party leader, and 14 per cent preferred a very capable and sincere leader irrespective of parties

Among the Irular respondents, 66 per cent still prefer the *Mupan* as their leader, 5 per cent prefer some other members from among their own community, 15 per cent prefer some party leader, and 14 per cent prefer a very capable and sincere leader irrespective of parties

Among the Kaders, 57 per cent favour *Mupan* as their leader, 29 per cent prefer some other members from among their own community, 14 per cent of them prefer some party leader. All of the Kurumba respondents favoured *Mupan* as their leader. None of the Malayan respondents accepted *Mupan* as their leader, 12 per cent of them preferred some other leaders from their tribe, 54 per cent of them liked some party leader, and 34 per cent opted for a very capable and sincere leader irrespective of parties.

54 per cent of the Mudugars favour *Mupan* as their leader, 37 per cent prefer some other members from among their own community, 9 per cent of them prefer some party leader. Among the Paniyans, 25 per cent favour *Mupan* as their leader, 50 per cent prefer some other members from among their own community, 13 per cent of them prefer some party leader, and 12 per cent of *Paniyans* prefer a very capable and sincere leader irrespective of parties.

Among all the seven tribal communities, 47 per cent still consider *Mupan* as their leader, 11 per cent prefer some other members from among their own community, 29 per cent of them prefer some party leader, and 13 per cent prefer a very capable and sincere leader irrespective of parties.

TABLE 6.3

WHO CHALLENGES THE AUTHORITY OF THE *MUPAN* MOST?

Tribe Name	Don't know%	Govt officials %	Politicians %	Elders %	Youth %	Educated %	Others %	Total %
Eravalar	79	4	-	-	14	-	3	100
Iruilar	51	6	2	14	20	7	-	100
Kadar	29	57	-	-	14	-	-	100
Kurumba	40	-	-	20	30	-	10	100
Malayan	31	-	11	-	34	11	13	100
Mudugar	59	3	6	6	23	3	-	100
Paniyan	37	13	-	13	37	-	-	100
Total	53	6	3	9	22	5	2	100

Source: survey data

The *Mupan*'s authority in the tribal settlements has become very weak these days. In most of the Eravalur settlements the Headman or *Mupan* is absent, 74 per cent of the Eravalur respondents could not answer to the question, who challenges the authority of the *Mupan* most. 14 per cent answered that the youth challenges the authority of the *Mupan*, and 4 per cent said that it is the Government officials who challenge the authority of the *Mupan* most.

While 7 per cent of the Irular respondents believe that the Educated tribals challenge the authority of the *Mupan*, 20 per cent say that the youth do so, 14 per cent say that the elders, 2 per cent blame the politicians, and 6 per cent blame that the government officials for challenging the authority of the *Mupan*.

Among the Kadar respondents, 14 per cent assume that the youth challenge the authority of the *Mupan*, whereas 57 per cent believe that the government officials do so. 30 per cent of the Kurumba respondents are of the opinion that the youth challenge the authority of the *Mupan*, whereas 20 per cent blame the elders.

11 per cent of the Malayan respondents are of the view that the Educated tribals challenge the authority of the *Mupan*, 34 per cent say that the youth, and another 11 per cent say it is the politicians who challenge his authority. 3 per cent of the Mudugar respondents perceive that the educated tribals challenge the authority of the *Mupan*, 23 per cent say the youth, 6 per cent say the Elders, another 6 per cent say the politicians, and 3 per cent say that it is the government officials who challenge his authority. 37 per cent of the Paniyan respondents said that the youth challenge the authority of the *Mupan*, 13 per cent blamed the elders, another 13 per cent said that it is the government officials who challenge his authority.

Out of the total 500 tribal respondents, 39 per cent say that either the institution of *Mupan* is absent at present or they do not recognize anyone as *Mupan*. 8

per cent say that the institution is still existing, but only a very few obey him, 16 per cent say only a few people obey *Mupan* at present, 19 per cent say that the majority of them obey him, another 18 per cent say that all the tribals obey him

Among the total tribal respondents, 53 per cent did not answer to the question who challenge the authority of the *Mupan* most. 6 per cent said that the increased role of government officials in tribal settlements challenge the authority of the *Mupan* and 3 per cent said that the increased role of politicians challenge the authority of the *Mupan* 9 per cent of the tribals said, that the elders in the settlements are not obeying the *Mupan*, as they did earlier 22 per cent said that the youth, and 5 per cent said that the educated among the tribals challenge his authority

Among all the seven tribal communities, 47 per cent still consider *Mupan* as their leader, 11 per cent prefer some other members from among their own community, 29 per cent of them prefer some party leader, and 13 per cent prefer a very capable and sincere leader irrespective of parties Tribals are in a transitional stage to the modern world culture, they still have their traditional structures to perform some of the output functions for them

The Legislature

Ever since human beings began to live a social life, they followed certain rules imposing obligations and limiting conflicts. Even the most primitive societies had certain primary rules related to hunting, sex relationships, leadership, limiting the use of violence, etc., for the survival of the community. The sources of these rules were either a charismatic or extraordinary process, or a slow, growing process of the accumulation of the customs and tradition of that society. The members of the traditional or primitive societies were ready to accept the legitimacy of the rules, most of which were in fact a creation of the

Mupan or Pujari (priest) who pretend that it is the result of a prophetic representation of the will of the God or a magical communication with powers beyond nature

A shift from traditional system to modern constitutional system changed the power structure and socio-cultural life of the tribals. The modern legislatures, though representative and democratic, with its complex procedures and laws are inaccessible to majority of the tribals of Kerala, who in general have only a very low cognitive level

Apart from the special constitutional provisions, the Union and state governments have enacted several laws for the protection of the tribals. The Bonded Labour System (Abolition) Act 1976 of the Union legislature abolished all sorts of bonded Labour, which were prevalent among the tribals. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 of the union legislature, enables the government to constitute special courts to try offences relating to the commission of atrocities against members of these communities

Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act 1975, enacted by the Kerala Legislative Assembly provided for restoration of all lands alienated from tribals (occupied by outside settlers) before the year 1960. In Kerala, as elsewhere, the law was not effective. Rules were not framed until 1986, when they framed and a young sub collector tried to take action to restore lands to the tribal owners, he was assaulted by a crowd of "settlers". When he filed a police complaint, he was promptly transferred to an innocuous post at the Secretariat. Not surprisingly, the law remains almost a "dead letter". It was one of the most dramatic cases of the "infanticide of an Act of a Legislature" in recent History.³

³ T Madhava Menon, *The Encyclopaedia of Dravidian Tribes*, (Thiruvananthapuram, 1996) vol 1, p 156

A bill for amending this Act was passed unanimously in the Kerala Assembly on September 23, 1996, legalizing all transactions up to January 24, 1986. When the bill came up for consideration, the Ministry of Welfare objected to the provisions contained in the bill and recommended to the President not to give his assent to the bill. So the Kerala Assembly again passed a bill for amending the Act in 1999. The "Niyamavedi" a voluntary legal aid organization filed a writ petition challenging the validity of this bill. The Union Government informed the Division Bench of the Kerala High Court that the provisions of the new bill was against the interest of the Scheduled Tribes.⁴ The Court struck down as unconstitutional some sections of the bill.

The tribals in Kerala could not protect their interest in the legislature, even though they had a seat reserved in the legislature. The North Wayanad legislative assembly seat in Kerala is reserved for the Scheduled Tribes. The settlers in tribal lands could influence the legislature through their strong pressure groups and political parties, which support them.

The finding of the survey conducted among the tribals of the Palakkad district is interesting in this respect. Among 500 samples taken from among the tribals of the district, 97 per cent respondents know nothing about the Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975. 2 per cent of the respondents know little, and only 1 per cent knows well. No one among the respondents knows very well about the bill. No one from among the Eravalar, Irular, Kadar, Mudugar and Kurumba tribal communities even heard about this controversial Act. (Table 4.4)

⁴ *The Hindu* (Kochi) 15 June, 2000

98 per cent of the tribal respondents do not know about the Prevention of Atrocities Act 1989, 1 per cent know little and another 1 per cent know well. None of the respondents had deep knowledge about the Act. Among the tribal respondents, 100 per cent of Eravalur, Kadar, Kurumba, Mudugar, and Paniyan know nothing about the Act. 2 per cent of the Irular knows little and 11 per cent of Malayans know well about the Act. In this respect, it is important to note that for the first four years (till 1993), no case has been filed or reported under the Prevention of Atrocities Act in Kerala ⁵ (Table 4.5)

The Executive

Most of the primitive political systems had only undifferentiated and undeveloped structures for rule-application. When the political systems expanded in size, or faced increasingly complex environment or a widening range of tasks, specialized rule application structures emerged ⁶. The modern system of elected government ruled by political executives came in to being

The government is spending crores of Rupees for tribal development in Kerala, but several starvation deaths among tribals were reported from the state during the year 2001. According to the Adivasi leader, Ms. C. K. Janu, so far 23 Adivasis (tribals) had died in the state due to starvation ⁷.

There are allegations against the government for irregularities and non-utilization of TSP (Tribal Sub Plan) funds. As per accounts received from various offices of the Kerala State Scheduled Tribes Department, Rs.2,18,47,399 was remaining unspent in 1999-2000 and Rs.30,85,8281, in 2000-2001 ⁸.

⁵ Menon, n 3 p 340

⁶ Almond and Powell, n 1 pp 94

⁷ K. P. M. Basheer, "Janu Flays CPI(M)'s New-found Love of Adivasis", *The Hindu*, 16 August 2001

⁸ *The Hindu*, 22 July, 2002

The Kerala Government had made an agreement with the tribal leaders on 16th October 2001 to conclude their 47 days long strike, demanding the restoration of their alienated lands by building tribal huts in front of the Secretariat. According to that agreement, the Government declared that it would distribute one to five acres of land each to all landless tribals. But apart from the formal inauguration of the land distribution on January 1st 2002, government did nothing to keep the word⁹

To react against the Government for backtracking from its commitment to implement the agreement, a "tribal court" was held under the joint auspices of the *Adivasi Gothra Mahasabha* and the Adivasi Dalit Action Council at Mananthavady in the Wyanadu district. The tribal court was held in their traditional way. The volunteers of the *Mahasabha*, sporting bows and arrows, stood guard at the venue. A "charge sheet" read out before the "jury" alleged that while the government was delaying distribution of land to landless tribals and were ejecting them out of the forests, it was freely releasing forest land for resorts, plantations and to agencies like the Oil Palm Corporation¹⁰

There are a number of 'unwed mothers' among the tribals of the Attappady area. The women activists have asked the state government to rehabilitate the 'unwed mothers' among these tribals, who have become victims of sexual exploitation that has been going on in Attappady for long¹¹

In the modern political systems together with political executives, bureaucracies play a leading role in the rule application function. Bureaucracy is an elaborate organization through which rulers or rule-makers seek to execute their decisions. This administrative structure stand beneath the top decision-makers, serving their information and resource

⁹ *Mangalam*, (Malayalam daily news paper), Kottayam, 24 August 2002

¹⁰ R. Madhavan Nair, "Tribal Court Finds Forest Dept Guilty", *The Hindu*, 25 August, 2002

¹¹ *The Hindu*, 1 July 2000

needs as well as executing their decisions on a regularized daily basis.¹² Bureaucracy or officialdoms were generally not found among the traditional simple political systems like the tribal communities. But the five stage hierarchical system of administration, which is found among the tribals of Attappady area of The Palakkad District is the example of a sort of bureaucracy or officialdom among the traditional simple political systems like the tribal communities

As already mentioned earlier, the tribals of Attappady area of the Palakkad District had a five stage hierarchical system of administration with the *Uru Mupan* [Tribal Chieftain] as the head. The other offices to assist the *Mupan* were *Bhandari*, *Kuruthala*, *Dalapathy* and *Mannukaran*. The *Uru Mupan's* words were final in relation to all social conflicts and issues. No body was courageous enough to question the decisions of the *Mupan*. To enter into the *Uru*, the permission from the *Mupan* was required. *Bhandari* assisted the *Mupan* in overall supervision and administration, and enforce his orders. *Kuruthala* was the messenger through whom *Mupan* sent messages to and received news from the neighbouring *uru*. He conducted ceremonial functions like marriage death, etc. *Dalapathy* managed all the minor problems of the *uru*, he used to report to the *Mupan* issues which he could not solve. *Mannukaran* was entrusted with the duty of looking after the agricultural affairs of the *uru*. The agricultural works of the *uru* would begin only after the *Mannukaran* sow the seeds with the permission of the *Mupan* after making offerings and *pujas*.¹³

In the modern states, the bureaucratic roles greatly outnumber the other roles. The bureaucratic roles are full-time occupations and professions characterized by permanence of

¹² Almond and Powell, n 1, p 95

¹³ Mohandas, n 2, p 229

office. The bureaucrats are technically competent in particular areas of public affairs, and are in possession of information, which is essential to the making and enforcement of public policy.

In fact, the bureaucracies control the whole output process. They enforce laws, policies, or decisions. In modern times, they also have important roles in the process of rule making and adjudication. The governmental structures such as political executives, legislatures and courts must be viewed in relation to the functioning of bureaucracy. Thus, political executives of all kinds may be viewed as initiators of policy, which can only be enforced by bureaucracies as energizers of bureaucracy or as monitors of bureaucratic performance. Bureaucracy guards the "output gate" of the political system¹⁴

The functioning of the bureaucracy is a scale for measurement of political development. In case of the tribals, the Tribal Development Department is the specialized agency in charge of the tribal development measures. Since the tribals are economically and socially backward, together with their function of implementing welfare programmes for them, they also have the responsibility of empowering them.

The tribals are still under the clutches of exploiters. They lost their land to outsiders. Now they are unable to regain their land due to the biased stand of the government in favour of the outside settlers.

The functioning of the bureaucracy in relation to the tribals of the Palakkad district has been analyzed here with help of the survey conducted among them. 27 per cent of the total tribal respondents were of the opinion that the officials are not effective in implementing the laws impartially. 35 per cent of them viewed that the effectiveness of the

¹⁴ Almond and Powell, n 1 p 103

government in this respect is only moderate. Another 35 per cent did not know whether the government is effective or not. Only 3 per cent of the respondents believed that the government is very effective in implementing the laws impartially. Similarly, only 4 per cent of Irular respondents and 11 per cent of Malayan respondents accepted that government is very effective in implementing the laws impartially. No one else among the other tribal communities supported this (Table 4 10)

About the impact of tribal development programmes in improving the condition of tribals, 54 per cent of the tribal respondents were of the opinion that there is slight improvement, 6 per cent said that improvement is moderate and 2 per cent observed that there is fast growth. 22 per cent of the respondents observed no difference and another 16 per cent do not know about it (Table 4 11)

Only 7% of the tribals believe that all the government officials are honest. Another 8% believe that majority of the government officials are honest. 24% of the tribals are of the opinion that none of the government officials are honest, and 27% says only a few among them are honest. 34% respondents do not know whether the officials are honest or not (Table 4 7). 22% of the tribals believe that there is large scale corruption in relation to tribal welfare programmes. 10% is not sure and 20% of them do not believe there is corruption in relation to tribal welfare programmes. 48% do not know whether there is corruption or not (Table 4 9)

TABLE 6 4

HAVE YOU EVER, EXPERIENCED CORRUPTION (BRIBERY)

Tribe Name	Yes %	No %	Others %	Total %
Eravalur	31	66	3	100
Irular	18	82		100
Kadar	14	86		100
Kurumba	20	80		100
Malayan	45	55		100

Mudugar	23	66	11	100
Paniyan	37	63		100
Total	24	74	2	100

Source survey data

24 per cent of the respondents have directly experienced bribery taking by Government officials 31 per cent of Eravalur, 18 per cent of Irular, 14 per cent of Kadar, 20 per cent of Kurumba, 45 per cent Malayan, 23 per cent of Mudugar and 37 per cent Paniyans have direct experience of either paying bribe to government officials or being forced to pay money for releasing the allotted governmental benefits

TABLE 6 5

ARE YOU WILLING TO BRIBE THE GOVT OFFICIALS

Tribe Name	Yes %	No %	Others %	Total %
Eravalur	45	52	3	100
Irular	23	74	3	100
Kadar	100	-	-	100
Kurumba	23	77	-	100
Malayan	55	45	-	100
Mudugar	43	46	11	100
Paniyan	100	-	-	100
Total	37	60	3	100

Source Survey data

60 per cent of the respondents were not ready to pay bribe to officials 37 per cent of the respondents revealed that they are willing to pay bribe to govt officials for getting things done This exposes that, corruption has become very common in the tribal bureaucracy relations and, many people were even willing to accept this as practical

The Judiciary

The performance of the rule adjudication function involves the process of making authoritative decisions as to whether or not a rule has been broken in any given case¹⁵ In the primitive political systems, there were no differentiated rule-adjudication structures

¹⁵ Ibid, p 104

But the functions of rule application and rule-adjudication were performed separately. This shifting from one function to another was indicated by setting aside special times for these purposes, or by employing different forms of procedures or by changing the location of the action.

Still some of the tribal communities of Palakkad maintain their traditional structures, roles and procedures. For adjudicating cases of violation of rules related to their social customs or traditions, still they convene public gathering (*uru sabha*) of their community, where their *Mupan* (chieftain) declare punishments like *uru vilakku* (excommunication), etc. Regarding other matters, they usually approach external authorities and structures. In the simpler forms of political systems like traditional tribal communities, generally the performance of adjudication was unbiased and unprejudiced.

In the modern political systems, which are very large and multifarious, a specialized and independent adjudication structure has become a necessity. A secular body of law and an independent judiciary can check the law enforcing officials from being unpredictable or biased.

In the case of the tribals of Kerala, when The Scheduled Tribes (Restriction on Transfer of lands and Restoration of Alienated Lands) Act of 1975 was not implemented by the government, the Kerala High court intervened several times. This Act was in fact enacted by the state government during the emergency period under the pressure of the Union government. The High court stayed the two amendments brought by the government and ordered to implement the original Act of 1975, which had provided for restoration of post- 1960 alienated lands.¹⁶ To overcome this, the Kerala Assembly again passed an amendment to the Act in 1999.

¹⁶ G Prabhakaran, " Government Fails to Keep Promises on Tribal Land Issue", *The Hindu*, 10 July, 2000

As discussed earlier, "Niyamavedi" a voluntary legal aid organization filed a writ petition challenging the validity of this Act. The Union government informed the Division Bench of the Kerala High Court that, the provisions of the new Act was against the interest of the Scheduled tribes.¹⁷ The Court struck down as unconstitutional some sections of the Act. But still the tribal land issue remains unsettled. The inadequate political development among tribals, due to illiteracy and ignorance, is the major reason for perpetuation of injustice to them. The results of the survey also points to this fact. 60 per cent of the tribal respondents do not know what to do, when they are cheated and harassed.

TABLE 6.6

WHAT IS THE SOLUTION FOR CHEATING AND HARASSMENT OF TRIBALS

Tribe Name	Don't know %	Approach the police %	Court %	Tribal empowerment %	Total %
Eravalar	90	10	-	-	100
Irular	49	33	1	17	100
Kadar	57	43	-	-	100
Kurumba	90	10	-	-	100
Malayan	32	23	12	33	100
Mudugar	81	14	-	-	100
Paniyan	50	50	-	-	100
Total	60	26	2	12	100

Source: Survey data

The tribals are generally reluctant to approach the court. Only 2 per cent among the respondents were found ready to approach the court for justice. From the interviews and discussions with tribals of different places, it was revealed that there are two main reasons for tribals reluctance to approach court. firstly, they are ignorant of the rules and procedures and secondly, they are unable to meet the expenses for approaching the courts.

Though the judiciary stands for the prevention of injustice, due to the above said reasons, the tribals of Kerala are unable to secure it. Most of the petitions for the protection

¹⁷ *The Hindu*, 15 June, 2000

of tribal interests in Kerala were not filed by the tribals themselves, but by some voluntary organizations

To sum up, tribals are in a transitional stage to the modern world culture, but they still have their traditional structures to perform some of the output functions for them. The tribals are still under the clutches of exploiters. They lost their land to outsiders, and are unable to regain their land due to the biased stand of the government in favour of the outside settlers. The government is spending crores of Rupees for tribal development, but several starvation deaths among tribals were reported from the state during the year 2001. There are allegations against the government for irregularities and non-utilization of TSP (Tribal Sub Plan) funds.

From the point of view of political culture, the development of differentiated structures to perform rule making, rule application and rule adjudication functions brings with it a form of competence among the ordinary members of the system. In the case of the tribals of Palakkad they are in a transitional stage to the world culture. They still have some of their traditional structures to perform the output functions for them.