



TRIBAL LAND ALIENATION IN INDIA

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INTRODUCTION

The term, “tribe” originated around the time of the Greek city-states and the early formation of the Roman Empire. The Latin term, “tribus” has since been transformed to mean, “A group of persons forming a community and claiming descent from a common ancestor”. The Imperial Gazetteer of India, 1911, defines a tribe as a “collection of families bearing a common name, speaking a common dialect, occupying or professing to occupy a common territory and is not usually endogamous though originally it might have been so”.

In Indian context the term tribe has never been defined satisfactorily. Tribals in India were considered to be as “backward class” and until 1919 they were termed as “depressed class”. The census of India accorded the different nomenclature for tribals, in 1931 census referred them as “primitive tribes”, 1941 census as “tribes” and 1951 census as “scheduled tribes”. The Constitution of India refers to such communities as “Schedule Tribes”. In Hindi, the synonyms used for “Scheduled Tribes” is “Anusuchit Janjati” and other words like Adivasi, Vanavasi or Adimjati are used as synonyms of tribal.

Article 366 (25) defined scheduled tribes as “such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this constitution”. Article 342 prescribes procedure to be followed in the matter of specification of scheduled tribes. The criterion followed for specification of a community, as scheduled tribes are indications of primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large, and backwardness. This criterion is not spelt out in the Constitution but has become well established.

Tribes can be defined as a “collection of families bearing a common name, speaking a common dialect, occupying or professing to occupy a common territory and is not usually endogamous though originally it might have been so”.

According to R.N. Mukherjee, “a tribe is that human group, whose members have common

interest, territory, language, social law and economic occupation”. Scheduled Tribes in India are generally considered to be ‘Adivasis,’ meaning indigenous people or original inhabitants of the country. The tribes have been confined to low status and are often physically and socially isolated instead of being absorbed in the mainstream Hindu population. Psychologically, the

Scheduled Tribes often experience passive indifference that may take the form of exclusion from educational opportunities, social participation, and access to their own land. All tribal communities are not alike. They are products of different historical and social conditions. They belong to different racial stocks and religious backgrounds and speak different dialects. Discrimination against women, occupational differentiation, and emphasis on status and hierarchical social ordering that characterize the predominant mainstream culture are generally absent among the tribal groups.

There are as many as 573 tribes and sub tribes in India. They have been broadly classified into different classes, groups depending upon their present state of development and factors namely, mode of living in forest, shifting villages, forest villages, community villages and revenue villages. They have got a heterogeneous cultural pattern with variegated economic condition and activities largely based on ecological settings and ethnic Environment. The basic economic activities of the tribes may be classified under the following heads. (1) Food gathering, (2) Pastoral, (3) Shifting hill cultivation, (4) Handicrafts, (5) Cultivation, (6) Trade and Commerce, (7) Labour.

LAND ALIENATION AS A CONCEPT

As per Marx, in a Capitalist society an alienated man lives in an alienated nature and he performs estranged labour and the product of his labour becomes alien to him. Alienation as a concept is used by many social scientists in India, merely as a sociological phenomenon. Since land alienation is the crux of the depeasantization of the tribals, the concept assumes utmost importance in the analysis of



tribal rights as a part of human rights discourse. The problem of land alienation is a much deeply connected phenomenon with full of contradictions related to the existing socio-economic order. The separation of land from the tribal communities can be understood in a more scientific way with the assistance of the theoretical formulations of the concept of alienation.

Alienation was defined by Hegel and was used by Marx to describe and criticise a social condition in which man far from being the active initiation of the social world seemed more a passive object of determinate external processes. Marx says, alienation is fundamentally a particular relation of property, involving involuntary surrender to antagonistic other. Alienation is inherent in exploitative relations of production and its nature varies with that of exploitation. Hence alienation's manifestations also differ among societies based on slavery, serfdom and capitalism etc. Thus the concept of alienation may be interpreted to understand a specific problem of the tribals where land becomes the primordial source of exploitation and results in the creation of a society where exploitative production relations exit.

THE PROBLEM OF LAND ALIENATION

Tribals of our country resides in such a territory, which is marked by the presence of hills, forest, islands, mountains, seacoasts etc. They live in a special geographical territory. That is why, some scholars see tribe as a territorial group. Tribals have to face a number of problems due to their isolated residences situated in remote areas. But they are closely and emotionally related to their lands and forest. They do not like any outsiders in their territory. The alienation of tribal lands took place in British rule and also in post-independence period. When British were able to establish their rule in India, the system of Zamindari, big and small, was created to collect taxes on land under their jurisdiction. Zamindari system was also introduced in the tribal area. Zamindars were integral parts of local administration. They came from non-tribal communities. They employed their men for the collection of levies and taxes their lands were auctioned. Being pleased with their courtiers, Zamindars used to give the best land of tribal villages to their courtiers as Jagir (Gift). Thus, the courtiers and servants of Zamindar became jagirdars of the tribal village lands. Zamindars also invited a number of non-tribals in the tribal areas for doing agriculture and performing work under jajmani system. In this way, land alleviation was started for the first time during the British rule through the system of Zamindari and Jagirdari.

Another attempt of land alienation in the British period was made for the establishment of

railways, roads, government offices, officers' residences, stations, schools, hospitals, colleges, administrative towns, residence of administrators etc. Forests were cut for the preparation of ships and palatial buildings and furniture. Establishment of Zamindari system, administrative towns, offices, residences, colonies, Schools, Hospitals, Colleges, Railway station, Post-office, etc., attracted outsiders to pay a visit in tribal areas. They not only came for service, business, money lending etc., but they also purchased the lands of tribals and became resident of the tribal areas. In course of time, they purchased more and more lands in tribal areas. Now they are lords of the tribal area and tribals are their servants. Tribals have to earn wages by performing agricultural works on the same lands, which their forefathers used to possess.

There were two types of ownership of lands in tribal areas. Forestlands were treated as common lands over which group of villages had ownerships. Individual families possessed the village lands. Not only the village lands but forestlands were also alienated. By establishing government administration in forests, the British government snatched away the traditional rights of tribals on forestlands. Although alienation of tribal land in a big scale was started in British rule, but the transfer of tribal land continued unabated.

After Independence, the government for the establishment of towns and industries, making dams and reservoirs, exploitation of mineral resources also etc., acquired the tribal lands. Thus, Industrialisation, urbanisation and exploitation of mineral resources and hydel power became the causes of transfer of land belonging to tribals in post independence period. Urbanisation and Industrialisation brought the cases of displacement among the tribals. Thousands and thousands of the hectares of tribal land were acquired for setting industrial complex, residential flats, schools, hospitals, water supply, electricity supply, road construction, market complex etc.

CAUSES OF TRIBAL LAND ALIENATION

Lack of legislation to prevent the passing of tribal land into the hands of non-tribals has added tribal unrest. Due to some loopholes in the existing system of law the tribal land continues to be alienated to non tribals for their own exclusive uses. The state Government also acquired tribal land for industrial, irrigation, power, mining, and other projects. As a result, the tribals have been deprived of their rights over the land. The backward communities incur debt almost entirely for non-productive purposes mostly to meet day-to-day expenditures. The forward communities have incurred debt mainly for farm purposes. The level of indebtedness is more among them than the backward communities. Borrowings as the main source of meeting hospital expenditure of



high percentage of tribal population. They cite financial incapability as a major hindrance to using health-care facilities. This is so when treatment is free in government hospitals and cultural aspects are found to be not roadblocks in accessing health care. The problem is their inability to meet incidental expenses such as travel, bribes to doctors and boarding and lodging of bystanders associated with treatment.

1. Poor economic conditions
2. Drinking habit
3. Indebtedness
4. Urbanisation
5. Industrialisation
6. Christianity
7. Lack of land records
8. Administrative inefficiency
9. Delay in getting judgment
10. Housing Boards and Housing cooperatives
11. Voluntary organisation and NGOs
12. Obtaining papers related to the ownership of land in back-date by the non-tribals
13. Oral mortgage of lands in the hands of non-tribals
14. Non-possession of Judgment
15. Interest not shown by tribal pleaders or not taking interest due to heavy bribe
16. Fear from Police and Court
17. Urban development
18. Establishing marriage with tribal women
19. Share cropping

CONSEQUENCES OF TRIBAL LAND ALIENATION

Land alienation has given birth to several allied problems among the tribals, which are as follows:

1. Increased poverty among the tribals
2. Decreased the occasion of employment
3. Migration of tribals
4. Exploitation of tribal labourers
5. Exploitation of tribal women
6. Created tension between tribals and non-tribals
7. Increased the distance between the rich and the poor tribals
8. Developed extremism and naxalism in tribal areas
9. Brought law and order problem in tribal areas, directly or indirectly
10. Brought the incidence of beggary and prostitution in the tribal areas.

WAYS OF CHECKING TRIBAL LAND ALIENATION

The incidence of land alienation in tribal society can be checked by the following ways:

1. Administration and government should take strong steps to return the land of tribals from the hands of non-tribals.
2. There should be prohibition on taking the tribal lands on lease by the government,

housing board, housing cooperatives, voluntary organisation, NGOs, widow home, aged home etc.

3. There should be a prohibition on oral mortgage, sale and share cropping of tribal lands by non-tribals.
4. Attempt should be made to check the transfer of tribal lands through establishing marriage with a tribal woman.
5. Attempt should be made to check the transfer of poor tribals land in the hands of rich tribals.
6. Attempt should be made to check the transfer of tribal land through the adoption of non-tribal child.
7. A proper compensation should be given for acquiring tribal lands with service facilities and rehabilitation provisions

CONCLUSION

Despite Government initiatives and developmental projects the existing socio-economic profile of the tribal communities is low compared to the mainstream population. The Constitution of India makes special provisions for socio-economic development of the tribal groups. It is also a fact that pre-independent and post independent governments in our state could not and did not do much for the upliftment of the marginalized groups. Consequent to this, the political bodies seldom take care of their concerns. Therefore the government should take steps towards developmental activities like provisions for water supply, bus services and roads, constitute a "Special Land Tribunal" to redress the grievances related to land alienations and Prevention of any further alienation of adivasi lands, ensure that the adivasis have full and complete control over their lands and its produce and various insidious practices of non-adivasis to take control of the land and their produce should be dealt with firmly.

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