Chapter IV

TRIBAL MOVEMENTS AND LAND LEGISLATIONS IN TRIBAL AREAS

The economic relations in the tribal economy are very generous and sensitive. These are very traditional in the nature and perfect in the practice. The jungle or plain which is economically useless, if it is cleared by a particular person for economic use the right on that piece of land can be assigned to the first clearer. Who clears a plot of land in the jungle also had the right to use this land. This individual right to utilization of land is valid only as long as the land is actually under the cultivation of that particular person. The land relations in the tribal gudems (villages) are not similar to general villages in and over all India. The land rights on the basis of land relations can be divided into three kinds as 1) Community Property Right 2) Common Property Right and 3) Individual Property Right from the historical evidences in Indian tribal villages.

4.1. Village Community Property Right (VCPR)

In the village, where the land is processed by a group of people jointly within the village boundaries; the village community claims the right as a whole. The administration was carried out by a village headman or Panchayat or a village council. The second condition is every individual or a family has a right to its use, not its ownership. It means that it is not transferable and alienable. Under these conditions in shifting cultivation, after a lapse of several years, when the tribal families began to cultivate the same area again, a family that had cultivated the same piece of land in the previous time did not have an automatic right over it. In the case of Koyas of Godavary this system is existed during 19th century.

4.2. Common Property Right (CPR)

The second form was common property right of resources (CPRs) that the resource belonged to the village as a whole. Only use was recognized and no individual control was
possible. Forests, ponds, grazing lands and similar resources fell under this category. Such CPRs is existed in caste villages also and elsewhere in India (Walter Fernands, 1996). These traditional land rights, village community property rights and common property rights have transformed into a individual property right and disturbed socio-economic structure by the entrance of non-tribe Hindus and latter British rulers in the tribal areas.

4.3. Individual Property Right (IPR)

The village people possessed the land as a group and they recognized individual family ownership rights on their land, they followed the community resource aspect in land management (Walter Fernands, 1996).\(^5^4\) It can be alienable or transferable by hereditary or sale. In the case of Konda Reddis or Hill Reddis of AP, the individual land right is also recognised by neighbours. It means after some years the same previous piece of land can be cultivated without any disturbance.

The property rights of indigenous people were mostly village community property or village common property rights. With the interference of non-tribe Hindus and British India government policies, the Village Community Property Right has transformed into Individual Property Right. It has affected their socio-economic structure, production relations and instruments, which are new and inconvenient to their structure. This can be understood by examining the impact of mainstream society and State administrative policies on the transformation of their economy in different periods.

4.4. Tribal Areas and People during pre-British period

In Indian history the co-existence of established states and independent tribal communities were living according to their own rules and customs dates back to the earliest time recorded. In an age when the subcontinent was sparsely populated and beyond the limits of centuries of higher civilization there were vast tracts covered in forests and there

was no difficulty to access to the resources. Population on very different levels of material and cultural development could live side by side without impinging to any great extent on others resources and territories. The Hindus recognized the tribes social and cultural separateness and did not insist on conformity to Hindu patterns of behaviour, and this respect for the tribal way of life prevailed as long as contacts between the two communities were of a casual nature. The tribal people, though considered strange and dangerous, were taken for granted as part of the world of hills and forests, and a more or less frictionless coexistence was possible because there was no population pressure, and hence no incentive to deprive the aboriginals of their land (Christoph Von Furer-Haimendorf, 1990). That does not mean that Hindu Social Order was not in contradiction with the tribal society and was not exploiting in nature. But, it injects the problems slowly in terms of religious activities and social superstitions.

4.5. Land grants to Brahmans

The classical Hindu states, as well as those secondary states which initiated as role models, for establishing and consolidating elite control in undifferentiated tribal societies were royal charters granting villages to brahmans in perpetuity. In most of the cases these royal charters acted as premier mobiles for setting in motion the process of incorporation of tribal societies into the Varna and Jati differentiated in Indian society. It involved the selective incorporation of the identified power centers of tribal societies into the ranks of the kshatriyas and, in much rare cases, of the brahmans, followed by the mass relegation of the rest of the population into the dehumanised ranks of the surplus yielding sudras (Sujit K. Saha, 1996).

4.6. Land grants to other social groups

While the land grants to brahmans were no doubt that the most frequent indicators of the onset of transformation of tribal chieftains into Hindu kingdoms, evidence also exists

---

55 Christoph Von Furer-Haimendorf (1990), Tribes of India – The struggle for survival, Internet.
about several other manifestations of the same process. Land grants were also occasionally made to social groups other than the brahmans, which included merchants, artisans and the locally important tribal leaders like the Nagas (Sujit K. Saha, 1996).

With the entrance of non-tribal Hindu socio-economic systems into tribal structure, Hindu rulers succeeded in adding smooth methods of exploitation through religious transformation. Many studies proved that the transfers of economic resources through social channels in to the Hindu social structure. And how economic policies (Land reforms) and programs have failed due to strong social principles (caste system) in the Hindu social order. But British India Government Administrative methods and policies have further extremely disturbed and made them economically weak and socially unrest (Sujit K. Saha, 1996).

4.7. Andhra agency area under British rule

In the Madras Presidency, West Godavari, East Godavari and Visakhapatnam districts are mountainous and forest tracts with a predominant tribal population about 7,000 square miles area occupied. Some tribes speak dialects of the Gondi language and others speak non-Dravidian, non-Aryan languages of the Mundari linguistic group, but being in contact with the Telugus, a good proportion understand the Telugu language. They are all given to podu or shifting cultivation though, in many places, they are taking to permanent plough cultivation of the various hill crops.

Andhra agency area is traditional home of 33 tribal groups. Out of these 30 groups are inhabited the forest-clad hill ranges and glens of the districts of Srikakulam, Visakhapatnam, East Godavari, West Godavari, Khammam, Adilabad, Mahabubnagar and Kurnool (Ranajit Guha, 1983). The permanent settlement introduced in 1802-03 was

applied to the plain area. The hill tracts were left untouched. And slowly it has expanded to the tribal areas, mostly to forest areas (Dr. K. Mohanrao, 1999) 59.

4.8. The Village revenue structure under British rule in Andhra agency

According to the nature of administration, the lands can be divided into three kinds in the scheduled area are 1) Haveli lands/Government Estates 2) Zamindari Estates and 3) Inamdar Estates. The land revenue administrative structure in the Godavary agency area is very complicate to understand. In the village twelve kinds of hereditary village officers were setup. Among them there are three higher category officers 1. Pedakapu (village headman), 2. Karanam (village revenue accountant), Dhanaparirakshak (Treasurer or money lender) were answerable to the Muttadar. Then Priest, Potter, Washerman, Carpenter, Ironsmith, Barber, Waterman, Watchman and menial. The menial duties were divided between Mala and Madiga of Scheduled Caste communities of hindu society. The above mentioned three officers control the land revenue system of every village under muttadar. These muttadars were responsible to the munasabdar and finally the munasabdbars were responsible to their zamindar. The Government appoints a suitable person as the zmindar to the prescribed area to collect taxes from the people and pay to the state at a fixed rate. The zamindar can appoint faithful and his close persons as munasabdbars to collect the taxes within his jurisdiction. Each munasabdar can appoint muttadars within his jurisdiction and similarly the muttadar can nominate an able person or close person as a village headman to collect taxes from the cultivators in the village. The muttadar collected huge amount of taxes and land revenue from the tribes. The muttadars and munasabdbars gained major shares. A less share has been paid to the government; some times the munasabdbars change the muttadars who do not properly pay the money. They sold the muttas to other non-tribal muttadars. The muttadar collects several kinds of taxes on land, house, forest produce, fuel and gramakarchu for festivals and other unproductive purposes. The huge amount of tax burden and labour exploitation led to debt trap, bonded labour, and absolute poverty in Tribal Andhra. The tribals revolted number of times against exploitation under

these conditions. The government interfered to control the revolts of the tribal people (T.V.S.Rao, 1966).60

These disturbances increased through the government intervention. They created disputes and caused several rebellion movements in tribal areas by tribes against the Government. Mr. Russel was appointed as the special commissioner in 1832 to search the causes of disputes in Visakhapatnam district and Parlakimidi Zamindari of Ganjam. He observed that it was difficult to administer the tracts without having sufficient police force. He proposed the government that it should control the influence of local authorities, and remove the causes of disturbances by the zamindar as part of the tribal area administrator (D.F.Carmicheal, 1869). And further he suggested that ‘these areas be exempted from the jurisdiction of the ordinary courts and placed exclusively under the collector of the district”, the entire administration of the civil and criminal justice worked with the rules for his guidance prescribed by order in the council. This proposal was accepted by the government and this formed the basis for the Act XIV of 1839 leading to the formation of the Visakhapatnam and Ganjam agencies. Even after this Act was implemented, further troubles or outbreaks took place in these areas. Particularly in the Godavari areas, the munasabdars appointed their relatives and friends who were non-tribals as muttadars to collect land revenue and tax. It created more pressure and social unrest in tribal economy. For instance, the Rampa Munasabdar Bhupati Dev started confiscating muttas and intensified the oppression on the people, which resulted in disturbances against his authority in 1857-58 and 1861-62. Such attempts have led insurrection arose which had to be put down by a strong police force.

This British-Indian administration facilitated the non-tribal force to enter into the tribal economy in the name of business and trade. The police too contributed to the discontent among the Tribals. Each and every non-tribal person has been trying to exploit the tribals. The moneylenders have been lending money for cultivation and other

unproductive purposes at higher rate of interests. The Tribal cultivator productivity was low due to primitive and traditional operating methods. Automatically they fell in debt trap (T.V.S.Rao, 1966, Abid.). These pathetic conditions made the tribes as rebellions to survive their lives. Their continuous movements have become lessons to the British India government to understand the tribal struggle and life. Then the British India government has made Acts for special administration to protect the interest of tribes. These Acts are started with Scheduled District Act, 1874 and it is one of many important Acts.

4.9. The Scheduled District Act, 1874

The enactment of the scheduled district Act XIV of 1874 empowered the local government to declare in respect of the tracts specified in the act whatever enactments were not in force and to notify the application with modifications or restrictions, if necessary, of any enactments in force at the time in any part of British rule. In specified areas the laws were modified keeping in view the local needs of the people. These Acts have started in Central India and latter period they were extended to Ganjam, Godavari areas. The Scheduled Area administered by the Agent of the British government was called Agency area that predominantly tribal areas.

Agency rules under Scheduled District Act, 1874

Under section (6) (b) of the Scheduled District Act, 1874 the local governments were also empowered to regulate the procedures of officers appointed under the provisions of section (6) (b). Basing on this, the Governor made rules for the administration of the Agency tracts and for the regulation of the procedure of the officers appointed to administer them.

Under Rule 1, the district Collectors were designated as Agents and the Sub-Divisional officers were designated as Agency Divisional officers to exercise the powers in the Agency portion of the sub-Division. The District Collectors were District Magistrates and District Judges with in the Agency tracts included in their respective districts. The state government was empowered to appoint any other duly qualified person as Agency Munsif
for lower court. The Rules also prescribed procedures for the valuation of suits, jurisdiction of courts, transfer of suits, appointment of pleaders, execution of decrees and orders etc (T.V.S.Rao, 1966, Abid). These systematic formal principles facilitated the non-tribes to exploit the tribes. Number of times the tribes have expressed their unrest through movements. Always, the British India government has tried to oppress with military and police forces with the help of non-tribe hindu elite groups. As a result, tribal movements have transformed more radically and violently. Rampa Rebellion movement is one of important movement in Andhra agency area, which has brought the necessary adjustments in the form of Regulations and Acts.

**4.10. Tribal movements in Coastal Andhra**

The Rampa country was in the possession of zamindar, mansabdar or rajas as representatives of East-India Company. Their illegal extortions, the cruel and corrupt police were the immediate causes of the Rampa Rebellion in 1879. The operation of the civil law of the country was an additional grievance of the tribesmen. Tribal’s ignorance of court proceedings enabled traders from the lowlands to make unfair contracts with them. If these were not fulfilled according to the traders own interpretation then to file suits against tribes, obtain ex-parte decrees and gained as much property as they could lay hands on. The hill people laid the blame for all this injustice on government and government regulations and thought that their only remedy is raising movements against the authorities (Narasimha Reddy, 1993).

The rebellion started in March 1879 with attacks on policemen and police stations in Chodavaram Taluk, and it spread rapidly to the golconda hills of vishakapatnam and to the Rekapalli area in the Bhadrachalam Taluk, which had recently been transferred from the Central Provinces to Madras Presidency. While under the previous administration shifting cultivation (podu) had been virtually unrestricted, the Madras government trebled the land revenue and excluded the tribal cultivators from certain areas. Because of these restrictions the Rampa leaders found adherents in the Rekapalli area, and soon five thousand square miles were affected by the rebellion. In the ensuring guerrilla war the government forces
comprised several hundred police drafted from neighbouring districts, six regiments of Madras infantry, two companies of sappers and miners, a squadron of cavalry, and a wing of infantry from the Hyderabad contingent. Despite these formidable forces the rebellion was not entirely suppressed until November 1880. Then, The British India government has identified the necessity of instituting special methods of administering primitive population and steps were taken to protect the aboriginals from the encroachment of outsiders. The various orders passed from time to time with the view of ameliorating the conditions of the tribal population of the East Godavari Agency were ultimately consolidated in legislation (B.Janardhan Rao & G. Haragopal, 1990).

4.11. Agency Tracts Interest and Land Transfer Act, 1917

By the time this Act was promulgated, a change in the attitude of British Government towards Agency tracts can be seen clearly. While the mood of British government at the time of Promulgation of Ganjam and Vizagapatnam Act, 1939 was only to exclude the areas for purpose of law and order, the Scheduled districts Act, 1874 has an element of protection to the scheduled areas in the Act-I of 1917. The anxiety of the Government to protect the economic interests of tribals and also on land is more pronounced because of increasing exploitation. Therefore, in the very beginning of the Act, mention was made about the expediency to limit rate of interest and to check transfer of land in Agency tracts of Ganjam, Vizagapatnam and Godavari districts from tribals to others. The main features of the Act are as follows.

The agency tracts for the purpose of implementation of this Act means Scheduled Districts as defined in Acts XIV and XV of 874 (Act XIV refers to limitations Act while Act XV refers to the Scheduled districts Act of 1874). The Agent means Agent to Governor in the districts of Ganjam and Vizagapatnam and Government Agent in the district of Godavari. The Hill tribe is defined under section 2 as anybody or class of persons resident

---

in agency tracts that may from time to time notified as such for purpose of the Act by the Government in Council. The immovable property does not include standing timber, growing crops or grass. The ‘transfers’ was defined as mortgage with or without possession, lease, sale, gifts, exchange or any other dealing with property not being a testamentary dispossesion and includes a change or any contract relating to immovable property (P.Ramareddy & P.Srinivasareddy,1995).

The regulations of this Act formed a model for similar legislation in other tribal areas. In order to save the tribals from the exploitation of moneylenders, the Act laid down that “(a) interest on any debt or liability shall not as against a member of a hill-tribe be allowed or decreed at a higher rate than 24% per annum nor shall any compound interest or any collateral advantage be allowed against him; (b) the total interest allowed or decreed on any debt or liability as against a member of a hill-tribe shall not exceed the principal amount.” Even more important were the sections restricting the transfer of land from tribals to outsiders. The relevant section (4) contained the following provisions.

Notwithstanding any rule of law or enactment to the contrary any transfer of immovable property situated within the Agency tract by a member of a hill-tribe shall be absolutely null and void unless made in favour of another member of a hill-tribe or with the previous consent in writing of the Agent or of any other prescribed officer (Agent was the revenue officer comparable to the collector of a normal district). The government has started to make Acts to regulate wages, money lending and to put check to exploitation of non-tribes on tribes. These legislations have become problematic because, many Hindu elite exploitive groups have entered in the name of administrators into the tribal areas to implement the policies, Acts, Regulations (Philip Viegas, 1987).

The British, by legislation, introduced among the tribals, the concepts of landlordism and land rent with which they were not familiar. Besides, individual written

---

documents in a foreign language not known to them. Then they obtained its legitimacy through word of mouth acknowledged by the community. When in a court of law the tribals were asked in English whether they had paid any rent to the landowner, the question was translated as “have you paid money to the diku (outsider or foreigner)?” since suitable terms for rent and landlord did not exist in their language. Most of them gave an affirmative answer since they had at times borrowed money from the outsider and repaid it. The court of law construed it as payment of rent and declared them tenants at will. Thus much tribal land was lost to non-tribals. Often it caused a total crisis in their life since their economy, culture, religion and social structures centered on land and forests.

Underlying this phenomenon is the more important notion of formal and informal sectors of the economy. The former is individual ownership recognised by the state and depends on written records as such accessible to those who have access to formal education i.e. the more powerful sections of society. Ownership through the acceptance by the community and does not depend on written records as such accessible to the less powerful that have not had access to formal education, but precisely for this reason it is considered irregular and unacceptable by the State because it lacks the characteristics of the formal sector (Philip Viegas, 1987).

4.12. The consequences of colonial rule

The penetration of the colonial state into the revenues restricted the process of commoditisation or commercialization of land. The survey and settlement activity along with the extraction of raw material and privatization of property, which led to the creation of the class of Zamindars (land owners) thus, injecting a deep-rooted conflict into the tribal areas. The extraction of surplus undertaken not only by the state but also by the market mechanism. The exploitative structure extending downwards and creating a class of non-tribal migrant peasants, contract tenants and poor non-tribal agricultural labourers. It also led to the co-option of a section of the adivasi chieftains by conferring land titles on them. The cumulative effect of this history was the introduction of an oppressive order in tribal areas (Philip Viegas, 1987, Abid). The attack of non-tribes on tribe’s formal economies
erased the basic features of tribal relations method of life and forced to transform the tribal economy to the market orientation. Tribes don’t have any space to exist and preserve their own life style except changing their attitudes by force (Rekha Bandyopadhyay, 1993).

4.13. Tribal movements and transformation in Andhra agency area

From the above explanation, it can be understood that new land laws and the land and forest taxation system had created a natural nexus between the landed gentry and the trading community (Kulkarni, 1985, p.1171). Eventually, these classes were instrumental in the large-scale alienation of adivasis from their lands. Land alienation in tribal areas is essentially of two kinds. It is created by the non-adivasi zamindars, rich landlords and trading class who took the indirect assistance of the judiciary and the state and used contradictory land regulations to retain control over adivasi lands (Heimendorf, 1943, p.66-92). Benami transfers, mortgages, concubinage, fictitious adoption of tribals, de facto possession of land, forceful occupations, and illegal encroachments. All of these are some of the methods of land alienation used to dispossess adivasis (Rao, 1987).

At the same time, the concentration of land in the hands of feudal landlords continued to prevail, despite new ceiling laws (Patel, 1979, p.64-86). A recent survey of Adilabad and Warangal tribal areas of Andhra Pradesh indicated trends of land concentration in a micro context. The survey reports that at least six families of non-adivasi communities in the Godavari valley control more than five thousand acres of land each. 15 families were reported to be controlling an average of three thousand acres of land each in these areas and a single landlord family, Vemempalli of Chennur Taluka continues to have five thousand acres as patta lands (Parameswar, 1990). About 100 families in both of these districts own more than 100 acres of land (Sangham, 1990). Adivasis were their principal targets. 51% of land in the adivasi areas of Andhra Pradesh is under effective control of non-adivasi exploiting classes (Subba Reddy, 1989). This has been allowed in spite of the promulgation of the so-called Land Transfer Regulation Acts during the years 1949-89, which have amended several times only to facilitate contending propertied classes (Rao, 1987).

---


The Zamindars in Andhra were basically parasitic rent-receiving landholders who exercised ownership right in land and other resources without undertaking supervision and cultivation of land. But, by virtue of their ‘proprietary rights’ they could and did burden the tenancy with heavy taxation (rack-renting), unauthorised and illegal extractions and squeezed out as much surplus as possible. Control over the means of production and production relations, enabled the landlords to exercise unquestioned power and authority over the peasantry. In terms of caste, the zamindars in Andhra were a mixed lot. The landlord class in the coastal Andhra primarily consisted of the non-Brahamin upper castes, viz., Kshatriya, Velama, Kamma, and Reddy. There were few Kshatriya zamindars, mainly found in Vishakhapatnam district (the Maharaja of Vizianagaram and others). Velama zamindars that controlled extensive areas included the kings of Panagal, Bobbili, Venkatagiri, Pithapuram, Mirzapuram and Nuzvid. And estate holders of Challapalli, Vuyyure, Muktyala, etc., were Kammas, while the Munagala zamindar belonged to the Reddy caste.

The zamindars in Andhra held vast estates and obtained unfettered access to communal, waste, forest lands and other resources. It may be noted that they exercised rule and control over not only land and forests but also over ponds, sources of irrigation, etc. Thus, the zamindars power was further reinforced since they acquired enormous wealth and affluence based on rack-renting and illegal cases. Acquisition of wealth and control over

---

resources enabled the landlords to maintain their higher status. It also sustained their hold and hegemony over rural society, economy and polity.

**4.14. Tribal movements and transformation in Godavari area**

Tribal villages have transformed from their own tribal Chieftains to Non-tribal chiefs in the name of Zamindar. In the Zamindari system, Munasabdrug and Muttadars have played main role and gained more land during British rule.

**4.14. A. The tribal zamindari phase (1764-1828)**

Around 1780, there were 17 ancient zamindaris and 26 proprietary estates in the district of Godavari. They also noticed that the royal style of the zamindars meant for them lavish and wasteful expenditure. When more revenue was demanded, the zamindars were reluctant to pay and many of them became defaulters as the estate revenue fell into arrears. The last resort for the Administration was to use military force, confining the zamindars in their forts and forcing them to pay the arrears. Under such humiliating circumstances, the tribal zamindars revolted against the Administration. The usual pattern of revolt by the zamindars was to escape from the fort into the forests in the Nizam’s territory, build up an army and attack police stations and engage in guerrilla warfare in the forests, against the Company’s military forces (M.S.A.Rao, 1983)

This ended the political supremacy and economic dominance of the tribal zamindars in polavaram taluk. It also marked the beginning of a steady increase in the migration of the plainsmen into the tribal territory, exercising control over diverse productive resources, which were hitherto in the hands of the Konda Reddis and Koyas.


The first phase of migration of non-tribal peasants from the plains occurred around 1820 when a number of Zamindaris either whole or in parts came into the auction market

---

and the highest bidder got the rights of ownership. Thus, the Gutala zamindari passed into the hands of a rich Vaisya of Manyam lineage in 1828. Raja Manyam Venkataratnam was originally a resident of Yanam on the coast, which was under French occupation.

The Administration made further steady inroads into the control of the productive resources of the tribals by passing forest laws in 1882 and Abkari laws in 1864. Large areas of forests were reserved making them inaccessible to the tribals in many ways. For instance, through forest laws the government raised the forest revenue from Godavari District from Rs 21,000 in 1874-82 to 2 lakhs in 1904-05. The economy of the tribals, which was mainly based on the forest was upset. They had to pay a tax on podu lands (shifting cultivation). There were restrictions on tapping toddy from any palm tree, and on collecting the forest produce for trade (M.S.A.Rao, 1983).

The response of the tribals to rack-renting of the non-tribal zamindars was violent. Two major revolts erupted outside Polavaram, but remaining two major revolts were inside the Godavari Agency in 1879 and 1922. The Rampa rebellion of 1879 was the result of rack-renting and oppression of the Rampa zamindars, the general discontent of the tribals against the forest and Abkari laws, and the civil and criminal laws which supported the merchants and zamindars who attached cattle, produce and land in payment of their debts. The 1922, Alluri Seetharama Raju’s rebellion was also against the Administration’s laws, which alienated the tribals from productive resources. In particular it was against the forced labour demanded by the British officers to construct a road in the tribal area. The Administration was able to quell the revolts only after getting military reinforcement (M.S.A.Rao, 1983, Abid.).
4.14.C. The non-tribal colonisation phase II (1948-)

With the attainment of independence the Zamindaris were abolished by the Estates abolition Act XXV of 1948. Following this in the 1950s, land in the Agency came into the market in thousands of acres. The non-tribals owning land in large quantity began to sell it in anticipation of the forthcoming land ceiling legislation.

The stream of migration of the Kammas in the 1950s was of a different character from the earlier migration stream of other peasant castes before independence. While the latter was one of subsistence, the former was of development. The kamma migrants who moved from the delta area in the 1950s had the necessary capital and organisational and technical skills for the development of agriculture. They lost no time in exploiting the natural resources. It had not occurred to the Kapu and Raju peasants who were staying in the Agency Area for generations to use the water resources in this way. The Kamma colonisers thus brought about significant agricultural development in the region (M.S.A. Rao, 1983, Abid.).

4.15. New paradigm for tribal development administration during post-independence period

It is a very difficult task to administrate the extremely disturbed the tribal regions of India. However, different approaches have been adopted and, quite often, the characterisation of the social situation has been made unclear and without explaining the roots of the problem either in terms of specifics or generalities. This is seen through the “methods of association” adopted towards the adivasis of India. Some anthropologists maintain that the present condition of the adivasis is an offshoot of their oppression by unscrupulous and ruthless exploitative systems (Janardhan Rao, B. and Haragopal, G., 1990, Abid.).
Elwin’s policy of ‘development in isolation’ (1939) was still in discussion on the eve of Independence. It was, however, criticized by other sociologists, especially by social workers that his proposition was intended to treat tribals as museum specimens by shutting them off from all outside contact. The other extreme approach was to forcibly absorb them into the mainstream of national life, completely ignoring the fact that the tribal societies have distinct cultural patterns and customs requiring special treatment and the consequent need for a special approach for development (Lal Mani Prasad, 1988).

The other school of assimilationists who pleaded for “detribalisation” and for a merger with the larger Hindu society questioned this approach equally. The third viewpoint is that of the integrationists who dismiss the ideas of isolation or assimilation as irrelevant and prefer instead to adopt the process of integration. The concept of integration is explained as the combining of several elements into a complex entity in which the elements can be clearly distinguished. These viewpoints on the adivasi question represent three powerful intellectual trends.

The isolationist viewpoint came out strongly in response to the disquieting consequences of the state’s penetration of adivasi life. This disturbing scenario reinforced Elwin’s demands for the seclusion of adivasi communities from the influence of the outside world. The eventual notion of the interaction of the tribal system with the plains system and its dominant steering interest or surplus appropriation (primarily influenced by private capital) lay behind the idea of assimilation (B.Janardhan Rao, G.Haragopal. 1990).

Lal mani Prasad says that, Rawlsian theory of justice exposes three propositions sequentially for social development, viz., equality in basic liberties, equality of opportunity for advancement and positive discrimination in favour of underprivileged to ensure equity. (Rawls, 1972:302-3030). Accepting these propositions, Albert Weale proceeds to point out the basic strategies

---

for obtaining social justice. He suggests that there may be incessant state provision of free social services to the underprivileged, or transitory state provision of social services that will be later replaced by the market, or the continuous coexistence of state provision of minimum range of social services (which acts as a safety net) along with private endeavours (Wheale, 1978:8). Renciman too concedes compensatory provisions for people with special needs, but he wants to make marginal and incremental adjustments in existing situations rather than going to the first principles on ideological grounds (Rnciman 1972:316). In short, these theories imply a complex situation of ends and means of social advancement of the underprivileged. It has rightly been remarked that the tribal policy of India has accepted the Rawlsian theory in its entirety, believes in the third strategy of Albert Wheale and foundations in the manner suggested by Rnciman (Perumal & Padmanabhan, 1986:457).

Striking a balance between the two approaches, by eliminating isolation and force, from the two opposing theories, a new approach, based on respect and appreciation for tribal culture and tradition on an understanding of the social, psychological and economic problems with which they are faced, was evolved so that tribals are developed along with other societies on the lines of their own genius (Lal mani Prasad, 1988, Abid).

### 4.16. Strategy for tribal development administration

The constituent assembly paid special attention to the tribal situation and appointed two sub-committees, one on the north east frontier (Assam) tribal and excluded areas, and the other on excluded and partially excluded areas (other than Assam) to go into the details of the problems of the tribal people and the tribal areas.

Articles 244, and 244 A under part X of the constitution provides for administration of scheduled areas and tribal areas. The provisions contained in the 5th schedule govern the scheduled areas. As per Para sixth of the part C of the 5th schedule of the constitution, the expression ‘scheduled area’ means such area as the president may, by order, declare on the
scheduled area. The president may make any changes in the scheduled areas after consultation with the Governor of a state. He has been empowered to make any amendment in the schedule.

The scheduled areas have been constituted with the following two clear objects. To assist the tribals in enjoying their existing rights without any hindrances by others through summary process and to develop the scheduled area, protect and promote the interest of the scheduled tribes.

Administration of the Scheduled Areas: Since Independence the president has issued two orders: 1) The scheduled areas (Part-A States) order 1950 and 2) The Scheduled (Part B States) order 1950. The main features of the 5th scheduled are a) Special legislative powers of the Governor b) Governor report to the president c) Tribal advisory council.

Special Legislative Powers of the Governor: Governor of the state, having scheduled area, has been vested with special powers of legislation in two ways: 1) Legislation by notification 2) Legislation by regulation.

4.17. Protective measures during post–independence period in A.P.

Two-dimensional approach has been adopted for tribal development in Andhra Pradesh i.e. promotion of development programmes through participatory management and protection of interests of the Scheduled Tribes through appropriate legal and administrative support. Under the provisions of para 5 (2) of the Fifth schedule of the constitution of India, several Regulations have been made by the Governor in the State of Andhra Pradesh to protect the interests of Scheduled ‘Tribes in land and protect them from other types of exploitation. The important Regulation area 1) The A. P (Scheduled Areas) Land Transfer Regulation Act, 1959 2) A. P Mahals (Abolition and conversion into Roytwari Settlement Regulation Act, 1969 3) A. P Scheduled Areas Roytwari Settlement Regulation Act, 1970 4). A. P. (Scheduled Areas) Money Lenders Regulation Act, 1960 5) A. P. (Scheduled Tribes) Debt Relief Regulation Act, 1960 and 1970 (Scheduled Areas) Land Transfer
Regulation Acts, 1959 and 1970 have amended in 1971 and 1978 to plug the loopholes in the provisions. Further, executive orders and instructions have also been issued for effective implementation of these Regulations from time to time. For effective enforcement of land transfer regulation special implementation machinery has been created in 7 districts viz., Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Khammam, Warangal and Adilabad. The special Deputy Collector (TW) who is stationed at Elwinpeta in Vizianagaram district is looking after the implementation of these Regulations both in Vizianagaram and Srikakulam districts. There is no exclusive special Deputy Collector in Mahabubnagar district to deal with cases relating to protective regulations. The Revenue Divisional Officer, Nagarkurnool is in charge of the subject. Among the above many Regulations Land Transfers Regulation Act, 1959 and Land Transfers Regulation Act, 1970 are predominant regarding land alienation. (P.Ramareddy & P.Srinivasareddy, 1995, Abid).


The Regulation 1 of 1959 repealed the Agency Tracts Interests and Land Transfer Act, 1917 and provided protection to tribal land. This Regulation was originally made applicable to the Scheduled Areas of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari and West Godavari districts. The said Regulation has been extended to the Scheduled Areas of Adilabad, Warangal, Khammam, and Mahabubnagar districts by Regulation-II of 1963 to bring uniformity of the law through out the Scheduled Areas of the State. The Regulation-II of 1963 repealed the A.P. (Telangana Areas) Tribal Areas Regulation Act, 1359 F.

To remove the persisting lacunae in the Land Transfer Regulation Act, 1 of 1959 and to check land alienation in the Scheduled Areas, which continued unabated inspite of restriction on transfer of land to non-tribals, the A.P.Scheduled Areas Land Transfer Regulation was amended by Regulation Act, I of 1970. The Amending Regulation substituted Sub-Sec.(1) of Sec.3 of Regulation Act, I of 1959 by placing absolute prohibition on transfer of immovable properties in the Scheduled Areas by a person whether or not such a person is a member of Scheduled Tribe to any person who is not a
member of Scheduled Tribe. Statutory presumption has been drawn that until the contrary is proved any immovable property situated in the scheduled areas and in possession of a person who is not a member of Scheduled Tribe shall be presumed to have been acquitted by such a person or his predecessor in possession through a transfer made to him by a member of Scheduled tribe. When a tribal is not able to sell his immovable property to another tribal on reasonable terms provision has been made to acquire it on payment of compensation as provided for under Section 10 of A.P. Ceiling on Agricultural Land Holdings Act, 1961 and assign the same to tribals. Regulation 1 of 1978 further amended the Regulation 1 of 1959. The amended Regulation prohibits registration of documents relating to sale transactions in favour of non-tribals and all offences under this Regulation are made cognizable. All the Regulations in the tribal area, how much good in aims more than that much of bad in the implementation. The failures of 1 of 1959 Land Transfers Regulation Act, pushed the tribes to side of more ruthless violent movements like Naxalite movements in the Srikakulam district (Dr. K. Mohanrao, 1999, Abid).


The extremist movement, popularly known as ‘Naxalite’ movement first started in Naxalbarai of Bengal and slowly gained ground in tribal areas of Andhra Pradesh as guerrilla movement especially in the Srikakulam district. The Jatapu and Savara tribal communities predominantly inhabit the district. The Scheduled Tribe population constitutes 8.91% to the total population of Srikakulam district as per 1961 census report and they are mainly found in the former taluks of Salur (25.81%) Parvathipuram (28.44%), Palakonda (8.11%) and Pathapatnam (17.88%). The literacy rate of scheduled tribes as per 1961 census reports was only 5.11%. Late Sri V.Raghavaiah, Veteran freedom fighter and dedicated social worker among Yanadies of Nellore district while analyzing the causes of naxalite movement in Srikakulam district observed that “loss of land voluntarily and involuntarily alienated to plains’ money-lenders, landed proprietors and unscrupulous other middle men, the same sordid story of indebtedness usurious rates of interest, rack-renting law’s, delays in civil and criminal courts, attachments of debtors’ properties and the complicated process involved in securing relief; it is a well known fact that too many
money-lenders have built up big fortunes in money-lending for over half a century in the tribal areas and have purchased thousands of acres of fertile land from the innocent, simple tribal people, even though such money lending and alienation of land of every sort has been unequivocally prohibited by the Governor’s Regulations, applicable to tribal areas. These laws, good as they are, had been followed more in the breaches there of than in compliance (V. Raghavaiah, 1971 P.54). Vempatapu Satyanarayana a school teacher in Badragiri area was one of the important leaders of the movement. He was moved by ruthless exploitation of tribals and low wages paid to tribal labourers. During 1960s daily wage paid to tribal labourers was only half a rupee and a glass of chodi gruel mixed with powder of kernel of mango seeds during lunchtime. He learnt local tribal dialects, songs and ballads of local tribals. He created awareness among tribals about land alienation problems and payment of low wages to agricultural labourers.

It is reported that Satyanarayana along with few others were shot dead on 10th July 1970 in an encounter in the Bon hills and consequently the movement was declined “whatever hardship and bloodshed the Naxalite movement might have brought in its wake, it also focused the attention of the public and the government on the conditions of life among tribes of Srikakulam District. (Subba Reddy. N., 1977).68 The sacrifices of enlighten personalities and tribal people resulted in an important Act in the Andhra Pradesh history known as 1 of 1970.

4.20. The Andhra Pradesh (Scheduled Area) Land Transfers Regulation Act, 1970:

The Andhra Pradesh (Scheduled Areas) Land Transfer Regulation Act of 1970 (1 of 1970) banned all transfers of land including those between tribals in areas identified as being populated predominantly by tribals. Henceforth land transfers could only be made to the state, which would restore to the tribals. 1 of 70 contains a presumptive clause that all land in the scheduled areas originally belonged to the tribal people, i.e. all land in possession of a non-tribal is deemed to be a transfer from a tribal until the contrary is

proved (Janardhan Rao, 1993). This law has been seen as a very powerful and innovative piece of legislation. The legislation itself was enacted in the context of the naxalite revolts in Srikakulam in the late 1960s. While non-tribal people have been enjoying usufruct rights over tribal lands, either by lease-in land from the tribals or by forcibly occupying them, they have been prevented from obtaining ownership rights over them, even though they may have debt claims equal to or more than the value of the land. Thus the impetus for the movement to amend 1 of 70 which has widespread support from among those political parties whose political base is among the non-tribals, and who also aim to get a slice of the pie from the real estate prices which are likely to shoot up once the real estate markets are freed up, especially in the urban areas. From the beginning this act has been contested several times in courts as being unconstitutional, with the result that it has now been included in Schedule IX of the constitution making it difficult to challenge.

A government order in 1979, in contravention of Regulation I of 1970 which prohibits all transfers of land in the scheduled areas except through the state to tribals, allowed non-tribal poor to retain below five acres of wet and ten acres of dry land which had been acquired illegally. While this has also been a source of conflict between tribals and non-tribal poor, communist and naxalite organizations had managed to a great extent to restrict these conflicts, and present a joint front in their struggles against the richer landlords. Most of the landholders who are controlling in excess of 500 acres and sometimes over 1000 acres of land, the major targets of attack. Initially the Koyas had sought legal remedies for land restoration. Unlike in the hills of north coastal Andhra where no proper land records exist, this task was much easier in the plains, especially in those revenue mandals of Khammam and West Godavari which are the focus of the current conflicts. It is therefore extremely important that even within the ambit of the constitution measures be sought out to protect the interests of certain groups through laws and legal systems which increase the capabilities and entitlements of these groups (D. Parthasarathy, 2002).  

4.21. Causes for present disturbances in tribal areas

The tribals living in the scheduled areas are gradually losing their command over their sources of livelihood such as land and forest. Out of the total cultivable land of 18,48,209.30 acres in scheduled areas more than 48% of the land is legally or illegally under the cultivation of non-tribals. Critical review of the progress of implementation of the provision of A.P.Scheduled Areas LTR, 1959 reveals belatedness and cumbersome procedures of restoration of land to tribals in the cases of violation of the Regulation. Moreover most of the cases were decided in favour of non-tribals.

The Agrarian system in tribal areas is very complicated as these areas were partly under the Estatedars, Jamindars and government. Out of 136 villages situated in former Polavaram taluk, 102 villages were declared as scheduled areas by Presidential Order 1950. These villages consist of 73 Government villages and 29 Estate villages in present Polavaram and Buttayagudem mandals. Large chunks of lands in these Agency areas were classified as Assessed Waste Dry (A.W.D) lands and these lands were freely assigned to non-tribals. It is learnt that an extent of 7,961.57 acres was declared as Assessed waste Dry Lands of which 5,523.16 acres (69.37%) was under the occupation of non-tribals in two mandals of Polavaram and Buttayagudem. The joint survey was conducted in the year 1919 and Re-survey in 1933 and all the lands under occupation of non-tribal under the category of AWD lands were regularised and pattas were given to non-tribals. But Agency Tract Interest and Land Transfer Act 1917 was enacted to prevent alienation of tribal lands in scheduled areas with effect from 14-8-1917. Under section 4 (I) of the 1917 the Special Agent to Government or Asst. Agent to Government was competent to accord permission for alienation of land from tribal to non-tribal. Under this relaxation, it is estimated that half of the land situated in West Godavari district was acquired by non-tribals (Dr. Mohanrao, 1999, Abid).

The tribals have been continuing their struggle for getting Government land and Assessed Waste Dry Land (A.W.D) in the scheduled areas of Jeelugumilli, Buttayagudem, and Polavaram mandals. It is reported that the local tribals have been resorting to
harvesting crops from the disputed lands under the cultivation of non-tribals. They have been destroying the tobacco crops of non-tribals in Reddy Ganapavaram, Busarajupalli villages etc. The police have been raiding the villages to recover the harvested crops and to arrest the tribals who resorted to forceful harvesting of the crops on the complaints of non-tribals landlords. “Narrating the incident to Indian Express Koram Gouramma, a tribal woman, said” The police raided our hamlet at around 3 A.M. They knocked my door and asked for our leader Madakam Venkateswara Rao. When I opened the door and said that I did not know the whereabouts of our leader, they gagged and then dragged me by the hair on the road beating me with sticks and using filthy language. Only when my sister raised an alarm did the neighbours come to our rescue. Nevertheless, the police had beaten me up as well as women in the neighbourhood”. A youth K.Venkateswara Rao, said “About 70 policemen bashed up 18 men and women, after which the entire hamlet rushed to the scene with their traditional weapons of bows and arrows.” In violation of the provisions of the law, non tribals who do not belong to our village were given pattas for A.W.D. lands by the government. We will not stop the fight till the revenue officials give the land to us.” But police denied allegations and stated that they have been treating tribals in view of their ignorance (Sakthi, 1996).  

The cheating and exploitation and forceful occupation of tribal lands are frequent occurrences in tribal areas. It is reported that about 300 non-tribals attacked the Mandal Revenue Officer and Special Tahsildar land acquisition, burnt the records, furniture at Jangareddigudem and beaten up the officials on August 6, 1996. The local tribals stated that the government departments were not booked cases against non-tribals, who destroyed government property by the lobby of non-tribal political leaders. The tribes are frustrated with regard to discriminatory attitude of the state government bodies.

---