

**DEVELOPMENT STRATEGIES AND SCHEDULED TRIBES  
IN ANDHRA PRADESH**

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Submitted By

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### **Declaration**

I declare that this dissertation entitled “Development Strategies and Scheduled Tribes in Andhra Pradesh” submitted by me in partial fulfillment for the award of the degree of Master of Philosophy of Jawaharlal Nehru University is my own work. This dissertation has not been submitted for any degree of this university or any other university.

**Mamidipudi Venkamma Sita**

### **Certificate**

We recommend that this dissertation be placed before examiners for evaluation.

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Supervisor

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# Introduction

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## Introduction

Development as a process has had severe implications for tribal communities. Since the colonial period, it has often come in conflict with tribal ways of life in three important ways. In the first place, tribal lives and livelihoods were drastically affected by the changing modes of agricultural production that was brought in by colonial administration. From practicing various kinds of shifting agriculture such as *jhum*, settled agriculture was imposed upon tribal communities. Lifestyles that were symbiotic with water, forest and other natural resources were drastically affected by activities such as damming, reservation of forests, timber production, mining, setting up of industries and so on. Secondly, socio-economic organization and political institutions that were unique to tribal communities were transformed by the imposition of new laws and legal systems, alien governments, taxation and so on. These paternalistic systems were imposed upon polities that were often based on chieftainship, kinship, or sometimes were even acephalous<sup>1</sup>. Several laws, some which were intended to protect tribal land and some which were more exploitative such as the laws related to the reservation of forests and use of timber, are either still in use or their impact is still visible in current legislation. For example, the Land Acquisition Act of 1894 is still relevant, or the Indian Forest Acts of 1865 and 1927 which informed forest legislation and policy upto as late as 1980 had several negative consequences for tribal communities.

Finally, colonial power was also exercised through enumeration, cartography, linguistic surveys, gazetteers and so on. Detailed encyclopedic knowledge was collected in order

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<sup>1</sup> Sundar, Nandini. *Subalterns and Sovereigns: An Anthropological History of Bastar (1854 - 2006)*. Delhi: Oxford University Press, 2007

to efficiently carry out administration and maintain control over the population<sup>2</sup>. What is understood as ‘tribe’ today could be said to have its roots in processes such as detailed census operations which delineated and defined ‘tribes’. Also since the colonial period, there have been pervasive tribal resistances and movements against either British rule and administration or even non-tribal outsiders<sup>3</sup>. Colonial intervention has constantly been met with resistance, often even termed as ‘revolts,’ ‘insurgencies’ and ‘rebellions’. While these movements have often been studied by issue (such as forest, land, ethnicity, culture, identity, political autonomy, social mobility and so on) these movements may also be seen to be about more than one issue, often of overlapping concerns<sup>4</sup>.

The term ‘Scheduled Tribe’ was adopted by the Indian Constitution and is applied to groups that are recognized by the President of India. These are the groups that are identified for all policy, law, administration and any state-related activities<sup>5</sup>. However, for most communities, the preferred term used to refer to themselves, as well as the term used by scholars, activists and social workers is ‘adivasi’. Literally meaning ‘indigenous peoples’, it is a way of asserting identity and social differentiation, and also a tool for the articulation of the demand for empowerment.<sup>6</sup>

## **1. Development Policy since Independence**

Since independence, development has been shaped by a model that tends towards large scale industries and ‘development projects’ such as multi-purpose river projects, power plants and so on; depending upon the diverse natural resource base available in the country. The pattern of development in India has undergone several changes since

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<sup>2</sup> Cohn, Bernard S. *Colonialism and its Forms of Knowledge: The British in India*. Princeton: Princeton University Press, 1996

<sup>3</sup> Xaxa, Virginus. *State, Society and Tribe: Issues in Post-Colonial India*. New Delhi: Pearson Education, 2008

<sup>4</sup> Ibid

<sup>5</sup> This will also be the term used to refer to these groups within this dissertation, because the data available and used for this dissertation only refers to these groups.

<sup>6</sup> Ibid



Independence. These changes are mapped by some in phases, broadly, the first between independence and the late 1960s, the second from the late 1960s to 1991 and the third from 1991 to present. That much of land, forests, mineral-rich areas, command areas of water-based projects and so on that have been exploited for the purpose of India's prosperous national development have historically been within tribal areas, owned and managed by tribal communities is, for most, a coincidental matter. Dispossession of tribal land and forests, involuntary displacement, forced eviction, loss of livelihoods, loss of socio-political institutions and overall impoverishment of tribal people as a result of these developmental activities have hardly been considered by those making or implementing them. Often, since the governmental justification of the project is in the tone of national interest and common good, the national security argument is used against the detractors in seeing them as anti-national, anti-sectarian and 'even akin to terrorists' while those who get displaced are seen as those who have to make sacrifices for this common and public good<sup>7</sup>.

At the time of independence, there was a commitment to economic development that was shaped by a political consensus within the Congress for a vision towards development as synonymous with industrialization. It was characterized by long term commitments to the eradication of poverty and equality, reflected in the plan-based system that was established at the time. Industrial growth and development was given the highest priority, and this is even visible in the Plans of the time. Agriculture received only a small share of public investment, forming only 22% of the plan outlay in the Second Plan, for example. This was done with the presumption that land reforms and improvements in irrigation would improve agriculture<sup>8</sup>. There was also an assumption

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<sup>7</sup> Jayal, Niraja Gopal. *Democracy and the State: Welfare, Secularism and Development*. Delhi: Oxford University Press, 2001.

<sup>8</sup> Kohli, Atul. *Democracy and Development in India*. Delhi: Oxford University Press, 2009

made at the time that the benefits of industrial growth would ‘trickle down’ to the poor and vulnerable through an increase in production, employment and income throughout the economy.

It is argued that there were two distinct shifts away from this model of development that gave primary importance to industry from the 1960s onwards. The first was upto the Emergency or 1980 and the second was post-Emergency or upto 1990<sup>9</sup>. The model of development which prioritised industrial growth over agriculture underwent a change in the mid-1960s towards a strategy for agricultural development or what is termed as ‘green revolution,’ and later, a populist trend towards poverty alleviation programs in the form of employment, food for work and labour development schemes under the populist slogan ‘Garibi Hatao.’ On the one hand, the 1980s saw an extensive and systematic attempt towards inclusive growth and providing entitlements to the poor, on the other, there was also a concerted movement towards liberalizing the economy albeit slowly through changes in policies related to industrial licensing and regulation, tax, trade, fiscal and investment. Atul Kohli argues that “the development model pursued in India since about 1980 is a pro-business model that rests on a fairly narrow ruling alliance of the political and economic elite.”<sup>10</sup>

Towards the end of the decade, there was already considerable discussion around a complete break from the older model of development towards more ‘liberal’ policy which finally happened in 1991 with the debt crisis. These reforms significantly moved economic policy towards industrial reforms, de-licensing and tax concessions. Development policy in the liberalisation era has been contrasted with the earlier models

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<sup>9</sup> Nayar, Deepak. "Economic Development and Political Democracy: Interaction of Economics and Politics in Independent India." In *Democracy in India*, by Niraja Gopal Jayal. New Delhi: Oxford University Press, 2007.; Kohli, Atul. *Democracy and Development in India*. Delhi: Oxford University Press, 2009.

<sup>10</sup> .; Kohli, Atul. *Democracy and Development in India*. Delhi: Oxford University Press, 2009

on its lack of political consensus and its short-term execution. The ‘pro-business’ trend of the economy also continues in this period. The consensus within the government exists between those groups whose interests it wishes to protect or the ‘capitalist merchants and industrialists, the technical and administrative bureaucracy and the rich farmers’<sup>11</sup>. While the fact that the interests of a few might influence government actions might not be surprising, the use of the governmental system to ‘increasingly further, sometimes crudely and openly, the interests of powerful individuals through corruption and nepotism’<sup>12</sup>, has a direct consequence on the experiences of this kind of development by the poor. Post-reforms, the strategy of development has shifted towards including private companies and corporations in the planning, ownership and management of several development initiatives, ranging from welfare-related measures such as the distribution of water and building of schools to the setting up of industries for mining. The state plays a role in procuring land, guaranteeing profits, providing clearances, transferring assets and so on, seeing an alignment of state interest with corporate interests.<sup>13</sup>

## **2. Development Policy and Scheduled Tribes**

It is argued that this kind of development is “economically inequitable, environmentally unsustainable and politically less than democratic in its denial of rights of equal citizenship<sup>14</sup>”. This has severe consequences for the poor, the promises of benefits of development to whom were hardly fulfilled, instead creating a much larger incidence of poverty by the advent of the 1960s. The consensus on the agenda of development meant

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<sup>11</sup> Baviskar, Amita. *In the Belly of the River: Tribal Conflicts over Development in the Narmada Valley*. Delhi: Oxford University Press, 1995.

<sup>12</sup> Nayyar, Deepak. "Economic Development and Political Democracy: Interaction of Economics and Politics in Independent India." In *Democracy in India*, by Niraja Gopal Jayal. New Delhi: Oxford University Press, 2007

<sup>13</sup> Ramanathan, Usha. "Land Acquisition, Eminent Domain and the 2011 Bill." *Economic and Political Weekly*, November 2011

<sup>14</sup> Jayal, Niraja Gopal. *Democracy and the State: Welfare, Secularism and Development*. Delhi: Oxford University Press, 2001

that within the government there was a single voice on its process and outcome, with hardly any argument on whose benefit it might be. In fact, much of the legitimation for this kind of development came through majoritarianism, arguing that the number of people being affected positively outweighs the number being affected negatively, and that if the nation as a whole would gain from it, then one section of the population may indeed be asked to sacrifice its rights<sup>15</sup>. Another characteristic example of this model of development as taken up at independence is that of dam-building. Large-scale displacement of tribal communities and an inadequate rehabilitation and resettlement policy only intensifies the criticism of such development.

It is also argued that there are some basic similarities between the ‘development regime’ in its attitude to tribal communities, and the colonial state; in that they both justify their policies through the idea of public progress and that they both end up extending state power and capitalist market systems<sup>16</sup>. Ashis Nandy claims that development is not merely analogous to colonialism but that it “has inherited the idea of a hierarchical ordering of living and non-living beings and the belief that those who are on the higher rungs of history have their right as well as the responsibility to shape the ways of life and the life chances of those who are on the lower.”<sup>17</sup> Sundar sees something similar happening in Bastar wherein “the individuals who are doing the ‘developing’ continue to see themselves as more ‘advanced’ than the ‘natives’ being ‘developed’ and have retained the language of a civilizing mission”<sup>18</sup>.

Since Independence, the policy towards tribals has been one of integration. In the Indian Constitution, there are two kinds of policies relating to tribes. The first relates to

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<sup>15</sup> Ibid

<sup>16</sup> Sundar, Nandini. *Subalterns and Sovereigns: An Anthropological History of Bastar (1854 - 2006)*. Delhi: Oxford University Press, 2007

<sup>17</sup> Nandy, Ashis. *Romance of the State and the Fate of Dissent in the Tropics*. Delhi: Oxford University Press, 2007

<sup>18</sup> Sundar, Nandini. *Subalterns and Sovereigns: An Anthropological History of Bastar (1854 - 2006)*. Delhi: Oxford University Press, 2007

reservation, political representation and administration of tribal areas while the second aims at protecting and safeguarding tribal language, culture and tradition. The overall thrust is therefore towards integration, or bringing these communities closer to the larger Indian society unlike assimilation which allows no space for diversity<sup>19</sup>. In a similar vein, it may be argued that even the later legislations that have been specific to tribal communities, specifically the Panchayats (Extension to the Scheduled Areas) Act 1996 (PESA) and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (FRA) also are attempts to allow for integration by creating space for tribal customs and traditions while also attempting to bring them closer to larger Indian society.

However, often, there is a large gap between what is stated and what is practiced as well as a gap between social science inquiry and political and administrative practices about tribes<sup>20</sup>. The provisions within the constitution that are meant to allow for the development of tribal languages and culture such as education in tribal languages have not been implemented. Instead, there has been an aggressive move towards the ‘incorporation of tribes into the language and region of the dominant regional community.’<sup>21</sup> Even so, this incorporation has actually been avoided and resisted when it comes to making the ‘fruits of development’ accessible to tribals. Virginius Xaxa argues that “Over and above this, the access they had over land, forest and other resources has been usurped without any tangible benefits in return.” In fact, the NCAER report on tribes in Madhya Pradesh states that the aim of the policy is to “integrate the tribal communities within the body politic of the nation. This is sought to be achieved through raising the standard of living in the tribal areas to that in the rural areas of the country.

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<sup>19</sup> Xaxa, Virginius. "Politics of Religion, Language and Identity: Tribes in India." *Economic and Political Weekly*, 2005

<sup>20</sup> Ibid

<sup>21</sup> Ibid

... top priority has been given to a programme of rapid industrialisation and extension of means of communication to the most interior regions in the State. ... Fortunately, the tribal areas of the State are rich in industrial and power potential. There is no reason why in the wider interest of the nation and in the long term interest of the tribals themselves, industries should not be developed and localised in tribal areas.”<sup>22</sup>

Niraja Gopal Jayal argues “Like national security and national interest, development becomes an article of faith, as its purposes and consequences alike are placed outside the domain of that which can be legitimately questioned or challenged. The ideological neutrality of national security is requisitioned by development projects as both come to be seen as aspects of the paternalist protector state.”<sup>23</sup> Recent reports of the Government of India coming from varied sources ranging from the Administrative Reforms Commission, the Planning Commission, the National Commission for Protection of Child Rights to bodies such as the FICCI and the Home Ministry indicate the direction of some of the development strategies taken up by the government, as well as its focus and priorities, and one may note such an attitude in all of them.

The Administrative Reforms Commission addresses the tribal question by acknowledging that Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) and the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Rights) Act, 2006 both need to be strengthened in their implementation. The tribal is, in this report, an ‘innocent’ by-stander who needs to be ensured rights and development schemes, but even this becomes secondary in its priorities. It mainly focuses on the police, paramilitary and security measures that it deems necessary for conflict resolution

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<sup>22</sup> NCAER 1963 in Baviskar, Amita. *In the Belly of the River: Tribal Conflicts over Development in the Narmada Valley*. Delhi: Oxford University Press, 1995.

<sup>23</sup> Jayal, Niraja Gopal. "The State and Democracy in India or What Happened to Welfare, Secularism and Development." In *Democracy in India*, by Niraja Gopal Jayal. New Delhi: Oxford University Press, 2007

in Maoist-affected regions.<sup>24</sup> Similarly, the concern for the FICCI report on National Security and Terrorism is that the tribal regions in India which are Maoist occupied are crucial for industrial growth, since as much as 40% of India's mineral wealth is situated in these areas<sup>25</sup>. Both these reports mainly focus on police and security measures that the state has to undertake in order to 'secure' these regions, arguing for a robust use of force deployed by both state and central authorities working in cooperation with each other. Many of their recommendations include the upgrading of technology and surveillance systems in the police and the military. Clearly demarcating its priorities FICCI says, "Development, despite being essential to maintain peace in disturbed areas, must be accompanied by vigorous action of the security forces including providing protection to personnel responsible for implementation of development programmes."<sup>26</sup> The Planning Commission identifies some problems with such an approach towards development in some extremist affected tribal areas in the report of an 'Expert Group to the Planning Commission on 'Development Challenges in Extremist Affected Areas.' These causes range from land-related factors, displacement, eviction and forced migration due to mining, irrigation and industrial factors, social oppression and repressive policing<sup>27</sup>. While on the one hand it criticises this response, it also has much to say about the development paradigm and its impact on the poor. It voices its concern on the insensitivity of development policy towards the needs of communities here. "In the case of tribes in particular it has ended up in destroying their social organisation, cultural identity, and resource base and generated multiple conflicts, undermining their

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<sup>24</sup> Government of India. "Seventh Report of the Administrative Reforms Commission: Friction to Fusion - Capacity Building for Conflict Resolution." New Delhi, 2008

<sup>25</sup> Federation of Indian Chambers of Commerce and Industry. "Task Force Report on National Security and Terrorism." New Delhi, 2008

<sup>26</sup> Ibid

<sup>27</sup> Government of India. "Report of the Expert Group to the Planning Commission: Development Challenges in Extremist Affected Areas." New Delhi, 2008

communal solidarity, which cumulatively makes them increasingly vulnerable to exploitation”<sup>28</sup>.

### **3. Research Questions**

1. How have Scheduled Tribes been constituted within development frameworks and strategies in India?
2. How has the category of ‘tribe’ been defined since the colonial period?
3. How has the state articulated the tribal question within constitutional provisions and Plan documents?
4. What have been the consequences of these development strategies for Scheduled Tribes in Andhra Pradesh?
5. How have land and forest legislations in Andhra Pradesh addressed Scheduled Tribes?

### **Methodology**

This dissertation draws from several sources of data in order to look at the continuities and changes in policy over a period of time. Firstly, it relies upon primary documents such as Tribal Sub-Plans in Andhra Pradesh since the Fifth Plan, Annual Reports of the Governor of the Administration of Scheduled Tribes in Andhra Pradesh, Reports of the Commission for Scheduled Castes and Scheduled Tribes, Annual Reports of the Tribal Cultural Research and Training Institute in Andhra Pradesh, Baseline Survey on the Primitive Tribal Groups of Andhra Pradesh, reports of Integrated Tribal Development Authorities in various districts in Andhra Pradesh, Annual Tribal Sub-Plan reports. These have been sourced from the Tribal Cultural Research and Training Institute in

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<sup>28</sup> Ibid



Hyderabad, Andhra Pradesh as well as the Tribal Welfare Department in Andhra Pradesh.

It also draws from reports of several national committees and commissions set up since independence, such as to Committee on Special Multipurpose Tribal Blocks, the Scheduled Areas and Scheduled Tribes Commission, the Expert Committee on Tribal Development, the Study Team on Tribal Development Programmes, Committee on Forests and Tribals in India. These were sourced from the Tribal Library and Museum, Hyderabad.

Reports and Plan documents of the Planning Commission have also been studied. Reports of Expert Groups such as the Expert Group on Prevention of Alienation of Tribal Land and its Restoration, Expert Group on Development Challenges in Extremist Affected Areas have also been considered. Plan documents from the First Plan to the Eleventh Plan, as well as mid-term appraisals and Approach Papers to the Plans have been studied.

Primary data from the Census of India, the National Family Health Surveys, the report on the Basic Statistics on Scheduled Tribes in Andhra Pradesh which relies on census data has been taken.

Data has also been sourced from individual studies carried out by NGOs in Andhra Pradesh that have been working with Scheduled Tribes, such as Samata and Dhaatri. Other reports by organizations such as the Indian Statistical Institute, the National Institute for Rural Development and Tata Institute of Social Sciences have also been studied.

#### **4. Chapter Outline**

The first chapter discusses the definition and enumeration of tribes, along with the demography of scheduled tribes in Andhra Pradesh. The first section covers a discussion on the usage of the term 'tribe' and some of the debates in its definition. It also discusses the constitutional provisions made for Scheduled Tribes in India

The second chapter discusses planned development through Five Year Plans since independence in Andhra Pradesh. It first gives a demographic profile of Scheduled Tribes in Andhra Pradesh and looks over some of the issues that they face. It also covers a discussion on the Tribal Sub Plan strategy implemented from the Fifth Plan onwards in Andhra Pradesh.

The third chapter discusses land and forest legislations relevant to scheduled tribes since the colonial period. It then places this in the context of development induced displacement in Andhra Pradesh, especially focusing on mining and dams in the state. It then discusses the Resettlement and Rehabilitation policy in the state.

The final chapter summarizes and concludes the dissertation.

## I. Scheduled Tribes: An Overview

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### **Introduction**

The first section covers a discussion on the usage of the term 'tribe' and some of the debates in its definition. It looks at the term as one that was created during the colonial period through enumeration and classification processes such as the Census, gazetteers, official ethnographies etc. It then goes on to look at the usage of the term by some anthropologists and sociologists in India and concludes by arguing that tribal communities have to be studied in their own right, and not against the concepts of caste, peasantry or religion. The second section will briefly cover the constitutional provisions made for Scheduled Tribes and the Panchayats (Extension to Scheduled Areas) Act.

#### **1.1.1 The Census and 'Tribe'**

The concept of 'tribe' has been one that has been widely debated. The only place that the term 'tribe' remains uncontroversial and unchanged is in the Constitution of India which lists more than 400 communities across the country as 'Scheduled Tribes'. This is a list which has its origins in the classification and enumeration processes during the colonial period. Colonial rule and administration played a crucial and formative role in the delineation and definition of tribe, along with creating many legal and administrative measures that deeply affected daily lives, socio-economic organization and political institutions of tribal communities<sup>29</sup>. It had a transformative impact on tribal communities: the impositions of alien and paternalistic structures of rule through district officers and collectors, a new legal system which also impacted tribal economy as well as political institutions, unequal integration into larger capitalist processes, which resulted in changes even in modes of agriculture (for example, from shifting to settled

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<sup>29</sup> Das Gupta, Sanjukta. "Introduction." In *Narratives from the Margins: Aspects of Adivasi History in India*, by Sanjukta Das Gupta and Raj Sekhar Basu. New Delhi: Primus Books, 2012; Sundar, Nandini. *Subalterns and Sovereigns: An Anthropological History of Bastar (1854 - 2006)*. Delhi: Oxford University Press, 2007.

agriculture), reserving of forests and use of other natural resources which came into conflict with tribal ownership and relationships with these resources<sup>30</sup>. In the context of tribe, though, it is also pertinent to note that colonial intervention was met by large scale rebellions and resistance in some places and selective collaboration in others<sup>31</sup>. Colonial representation of tribe, therefore, depended upon how the person was seen in which role. For example, a savage or 'criminal' tribe was one was more rebellious to British rule, while a 'simple' and 'noble' tribe was one that was living in an egalitarian society. Based on these classification, the role of the administrators was either to be protective and provide 'security'<sup>32</sup>.

It is argued by many that one of the most fundamental aspects of the exercise of colonial power is in the creation of knowledge by state-organized activities, law, historiography and museology, and this is done through the creation of sociological and epistemological categories (such as that of 'tribe') by the production of census records, gazetteers, official or semi-official ethnographies, grammars, linguistic surveys, and land tenure records<sup>33</sup>. The stated purpose of doing detailed ethnographic surveys of specific castes and tribes by the colonial state was to study the social structure in detail in order to carry out 'proper administration.' It laid emphasis on religious beliefs, customs and traditions as well as traditional occupations, crafts and skills. In addition to administrative efficiency, the need to enumerate and study means of livelihood came from colonial interest in trade and commerce, so that these may be promoted and commercialized in ways that are suitable for the market. Cohn argues that while the census was meant to

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<sup>30</sup> Ibid

<sup>31</sup> Sundar, Nandini. *Subalterns and Sovereigns: An Anthropological History of Bastar (1854 - 2006)*. Delhi: Oxford University Press, 2007

<sup>32</sup> Das Gupta, Sanjukta. "Introduction." In *Narratives from the Margins: Aspects of Adivasi History in India*, by Sanjukta Das Gupta and Raj Sekhar Basu. New Delhi: Primus Books, 2012

<sup>33</sup> Ibid; Cohn, Bernard S. *Colonialism and its Forms of Knowledge: The British in India*. Princeton: Princeton University Press, 1996; Dirks, Nicholas. "Foreword." In *Colonialism and its Forms of Knowledge: The British in India*, by Bernard Cohn. Princeton: Princeton University Press, 1996.

reflect 'basic sociological facts of India', it in fact created the social categories by which India was ordered for administrative purposes. In the first place, usable knowledge such as published reports, statistical returns, official proceedings, administrative histories and legal codes were produced; and by classifying and categorizing the 'vast social world that was India', control was meant to be established. He says "For many British officials, India was a vast collection of numbers. .. A number was, for the British, a particular form of certainty to be held on to in a strange world. ... It is my hypothesis that what was entailed in the construction of the census operations was the creation of social categories by which India was ordered for administrative purposes... the project also objectified social, cultural and linguistic differences among the people of India."<sup>34</sup>

However, while the category of 'tribe' was given shape through 'colonial construction' by the British through the aforementioned activities, it is not to say that these groups did not exist or did not have their own distinct identities; it is taken to mean that a category that somehow enveloped all of these diverse communities under one generic category of 'tribe' was a colonial phenomenon that persists till date<sup>35</sup>. Xaxa argues that the 'consciousness of distinct and separate identity of all the tribes in India taken as a whole is a part of modern consciousness, brought into being by the colonial state and confirmed by its successor after independence.<sup>36</sup> To see 'tribe' as a colonial construction is a lot more obvious than to see the same of caste. While there was already an existing volume of complex and sophisticated literature on caste before the advent of the British, there had been no such writing on 'tribe' as it is perceived today. In some cases, it is also argued that 'tribe' is a brahmanical construct than a colonial one, in the

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<sup>34</sup> Cohn, Bernard S. *Colonialism and its Forms of Knowledge: The British in India*. Princeton: Princeton University Press, 1996

<sup>35</sup> Xaxa, Virginius. *State, Society and Tribe: Issues in Post-Colonial India*. New Delhi: Pearson Education, 2008.

<sup>36</sup> Ibid

sense that it has been informed heavily by the prevailing conceptions of dominant caste groups<sup>37</sup>.

In its initial years, the Census of India used several categories in its classification and enumeration process such as 'race, nationality or country of birth', religion and 'mother tongue'. In 1870, it added to this list 'caste or class' which was later modified to 'caste, if Hindu, sect, if of another religion.' This was further modified in 1890 to read as 'caste of Hindus and Jains, tribe or race of others' significantly mentioning the category of tribe for the first time with the intention of enumeration. The distinction between castes and tribes got made only in the late 19th and early 20th century with the advent of the Census. In early 20th century writing on tribes in India, there is hardly any distinction between the usage of the terms caste and tribe. Xaxa finds this to be the case on observation of the usage of terms such as Rajput, Ahir and Jat tribes or Risley's use of the phrase 'tribes and castes of India'. He attributes this to the lack of empirical evidence on how to differentiate tribe from caste, therefore creating a lack of conceptual clarity on the distinction<sup>38</sup>. This priority given to the identification and enumeration of tribes never allowed for much debate on the definition of the category itself. Even though the early Census reports of 1901 and 1911 mention the category of 'tribe', there is hardly any cogency in how it was defined. The definition was as vague and wide as the practice of 'animism' as distinguished from the practice of 'Hinduism'. It was also vague in its execution and often left to the judgement of the Census official.

In 1941, the definition of tribe in the census was done not in terms of religion, but in terms of the 'tribal origin'. This shift, while causing many inconsistencies in the enumeration and classification from earlier censuses and making this data almost

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<sup>37</sup> B B Chaudhuri in Das Gupta, Sanjukta. "Introduction." In *Narratives from the Margins: Aspects of Adivasi History in India*, by Sanjukta Das Gupta and Raj Sekhar Basu. New Delhi: Primus Books, 2012.

<sup>38</sup> Xaxa, Virginius. *State, Society and Tribe: Issues in Post-Colonial India*. New Delhi: Pearson Education, 2008.

incomparable to the earlier data<sup>39</sup>, also stirred much debate on how tribes should be defined at all. After Independence, the Census and the Constitution together created a homogenous ST administrative category based on an identity that was both official and offered constitutional rights. The power to determine which sections of the population are ST remains with the state, and is used for the purposes of administration, policy making and developmental initiatives<sup>40</sup>. In 1950, with the adoption of the constitution, the President of India was empowered to recognize scheduled tribal communities and a list of Scheduled Tribes and Scheduled Areas were also put forth by the President. In the first census (1951), 212 such scheduled tribal communities were listed. In 1953, a Backward Classes Commission was appointed which recommended many communities across the country be declared as scheduled, according to which the Scheduled Caste and Scheduled Tribe (Modification) Order was passed in 1956. By the census of 1971, 432 communities had been declared as scheduled tribes.

### **1.1.2 Classification of Tribes**

432 communities have been listed as Scheduled Tribes in the Constitution of India. These communities vary in size, character, religion, political organization, modes of livelihood, language and so on. The biggest challenge that the definition of tribe in India throws up is the variety and the diversity in the groups and communities that have been identified as tribes in the Constitution. There have been many efforts made to find some way of classifying these groups into different types in order to define the concept. There are many ways in which this is done, whether by religion, language or race. It is a list covers, at last count, about 8.2% of the Indian population. Different scholars have used

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<sup>39</sup> Maharatna, Arup. *Demographic Perspectives on India's Tribes*. New Delhi: Oxford University Press, 2005.

<sup>40</sup> Nongkynrih, AK. "Scheduled Tribes and the Census: A Sociological Enquiry." *Economic and Political Weekly*, 2010.

different methods to classify these groups into different types. For NK Bose<sup>41</sup>, the variety of ways in which tribes make their living is of primary importance to the tribe, and he uses modes of livelihood to classify them into hunters and gatherers, animal herders, shifting cultivation and settled agriculturists. For Roy Burman<sup>42</sup>, the classification is made with reference to the Hindu society as those incorporated into, positively oriented towards, negatively oriented towards and those indifferent to Hindu society.

Verrier Elwin finds the cultural development of tribes a good way to classify them. He divides them into four classes, the first comprising the “purest of pure tribal groups” or ‘Highlanders’ who have been separated from the ‘plains’ by geographical restrictions, and to whom “the hoot of the motor-horn would sound like the knell of the aboriginal tribe.” The second class is groups that have been in contact with plains and have been undergoing some change. Their life is “less simple and honest”. It is what he identifies as the third class that becomes most important for him. This class forms about four-fifths of the tribal population, and these tribes have been assimilated to a greater degree than the first two, and have to be considered along with the general village population. The fourth class consists of the ‘old tribal aristocracy’ which has adopted Hindu ways of living and in some cases, ‘European lifestyles’ and “only in name retain the title of their clan.” He says, of those belonging to the third class, that they must not be considered in policy matters as different from the mass of rural poor. Having assimilated themselves

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<sup>41</sup> Bose, Nirmal Kumar. "India's Eastern Tribes." In *Tribes, Caste and Religion in India*, by Romesh Thapar (ed.). New Delhi: Seminar Publications, 1977.

<sup>42</sup> Roy Burman, BK. "Tribal Demography: A Preliminary Appraisal." In *Tribal Situation in India: Proceedings of a Seminar*, by Suresh K Singh. Shimla: Indian Institute of Advanced Study, 1972



as far as possible, their poverty takes on a similar character of illiteracy, poor health, exploitation and oppression<sup>43</sup>.

For some Indian anthropologists, this range of what Elwin takes up as levels of cultural development and what Bose studies as variations in modes of livelihood indicates a 'peculiar state of transition'<sup>44</sup>. According to Desai, a peculiar type of stratification has been taking place 'even among the tribal population.' He observes, using Elwin's classification, that those belonging to Class III or the majority of the tribal population have been "appreciably affected by external contacts." He argues that they have been influenced by the socio-economic force of the Hindu society and affected by the economic and political policies of the British, which has led to an interesting outcome. While on the one hand, he notes, "a small privileged, property owning, educated section has been emerging; on the other hand, the vast bulk of the tribals are being hurled into the ranks of the lowest toiling, exploited classes of contemporary Indian society."

Beteille also observes that a conscious middle class has emerged amongst some of the larger and more dominant tribal communities as a result of the continuous economic, social and political changes of the past 60 years<sup>45</sup>. He attributes this in part to reservations in education, but also notes that since the expansion of the Indian middle class is an "All-India" phenomenon, this growth would have taken place regardless. He attributes instead, this concept of 'tribe in transition' to Indian anthropologists' consciousness of the disjuncture between their discipline's conception of tribe and "what they are obliged to describe as 'tribes'". He argues that the way out of this has been to come up with the concept of 'tribe in transition,' but then finds that this does not settle

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<sup>43</sup> Elwin, Verrier. "Issues in Tribal Policy Making." In *Tribe, Caste and Religion in India*, by Romesh Thapar (ed.). New Delhi: Seminar Publications, 1977

<sup>44</sup> Desai, AK. "Tribes in Transition." In *Tribe, Caste and Religion in India*, by Romesh Thapar (ed.). New Delhi: Seminar Publications, 1977

<sup>45</sup> Beteille, Andre. "Tribes and Castes - Politics being driven by Competition for Backwardness." *The Telegraph*. New Delhi, June 28, 2008

the issue at all, since “in India tribes have always been in transition, at least since the beginning of recorded history”<sup>46</sup>. This problem may be traced back to the assumptions of Desai’s and Elwin’s understanding of tribes, as their being a stage in society with a corresponding stage in evolution, thus forming their basis for looking at tribe as moving from primitive to assimilated. This conception may be traced back to Early British anthropologist conceptions of tribes as ‘primitive’, falling well within the evolutionary framework that will be discussed shortly.

### **1.1.3 The Definition of ‘Tribe’**

While within administrative parlance and the constitution, the parameters for defining certain groups and communities might be given, these definitions are quite heavily debated by scholars and activists alike. Beteille brings this up as a concern while commenting that ‘the problem in India was to identify rather than define tribes, and scientific or theoretical considerations were never allowed to displace administrative or political ones’<sup>47</sup>. He finds it troubling that while lists of tribes were drawn up in this fashion, without any consistent definition, they form the basis of the constitutional guarantee of tribal identity. For him, ‘tribe’ is understood using two distinct frameworks, the evolutionary and the historical frameworks wherein the former takes a ‘long-range view of the passage of time and stresses on the succession of social formations’ while the latter ‘limits itself to a particular framework of time and space and stresses the co-existence of different social formations within that framework.’

For early British anthropologists, there were two senses in which they studied tribes. The first was to view tribes as a people claiming descent from a common ancestor while the other used the evolutionary framework to understand them, often referring to them as

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<sup>46</sup> Beteille, Andre. "The Concept of Tribe with Special Reference to India." *European Journal of Sociology* 27 (1986)

<sup>47</sup> Ibid

primitive or barbarous<sup>48</sup>. One of the most influential writings on tribe (not necessarily confined to India) was Godelier's. Godelier who also places the category of tribe within the evolutionary framework finds much criticism in India, and has been rejected by most Indian scholars who write on the subject. Godelier argues that there may be two usages of the term tribe, both as a stage of society as well as a stage of evolution, and this may be possible because 'each stage of evolution is characterized by a specific mode of social organizations.' For Godelier, tribes are characterised by both positive and negative features. The negative traits, for him, are the absence of literacy, civilisation, industrialisation, specialisation, etc. The positive traits are identified as social relations based on kinship bonds, all-pervasive religion, frequency of cooperation for common goals, etc, and these are all factors absent in modern societies.

'Primitive' in the sense that it was used then connotes societies that almost completely depend on activities such as gathering and collecting for their means of livelihood, low levels of technology, lack of surplus productivity and production for profit. Beteille find too less evidence to support the evolutionary view, while Roy Burman dismisses it and says "Godelier's approach does not go much beyond the evolutionary framework, it contains an important clue which one can pick up without being bound by his epistemological circuit."<sup>49</sup> He says that if tribe is equated with primitivity, it refers to a stage of social formation in an "evolutionary schema of development" taking into consideration technology, knowledge of and capacity for control of the forces of nature, method of transmission of the same, perception of man's relation with man and with nature and scale of organisation of social groups<sup>50</sup>. Later, the concept of post-primitive

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<sup>48</sup> Xaxa, Virginius. "Politics of Religion, Language and Identity: Tribes in India." *Economic and Political Weekly*, 2005

<sup>49</sup> Roy Burman, BK. *Tribes in Perspective*. New Delhi: Mittal Publications, 1994

<sup>50</sup> Roy Burman, BK. "Transformation of Tribe and Analogous Social Formation." *Economic and Political Weekly*, 1983

was advocated by some who felt that it was an inadequate term especially if one has to understand tribal transformation. Commenting on this, Roy Burman argues that “a tribe can thus outgrow its “primitiveness” if one can use the term, and retain its social boundary as an essential feature of its historical identity. With this analytical orientation the concept of post-primitive was formulated in the seventies”<sup>51</sup>.

For Beteille, the real concern is not how boundaries between tribe and tribe, or tribe and non-tribe, but the characteristics of tribal societies that constitute the nature of these boundaries. In this context, he discusses the view of tribes as a segmentary system as put forth by Marshall Sahlins who also writes along the evolutionary framework. Sahlins first differentiates bands and tribes from state, as non-state societies and then says “A tribe is a segmental organization. It is composed of a number of equivalent, unspecialized multifamily groups, each the structural duplicate of the other: a tribe of a congeries of equal kin group blocs.” Beteille finds that this concept finds much usage in the context of tribes in the Islamic world where systems of clan and lineage is well defined. He prefers the historical framework instead, to say that tribes are completely organized societies, neither a definite type of society nor a definite stage of evolution. “They are too amorphous and too assorted to qualify for either role” he argues. He says that tribes coexist with ‘civilization,’ and being a tribe “has been more a matter of remaining outside of state and civilization, whether by choice or necessity, than of attaining a definite stage in the evolutionary advance from simple to complex.”

Haimendorf also stresses upon the aspect of coexistence. ‘Aboriginals’ as Haimendorf terms them, or tribal communities have lived in hills and forests for centuries, without having much contact with ‘centres of civilisation’ or the ‘populations of the open

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<sup>51</sup> Roy Burman, BK. *Tribes in Perspective*. New Delhi: Mittal Publications, 1994

plains<sup>52</sup>.' While there had been brief military spells by some rulers before the colonial period, barring very few instances of assimilation of individuals and small groups, there was a relatively unhindered coexistence with the Hindu caste society. He opines that it is the nature of the plural society of the Indian subcontinent, that populations of 'varying level of material and intellectual development' coexist, often in narrow spaces<sup>53</sup>. He notes that there had been little friction between 'tribal folks and Hindu caste society' before the advent of the British, and that this was only possible because there was hardly any pressure of population and that the "advanced civilization" did not impose its values on "people placed patently outside Hindu civilization."

#### **1.1.4 Tribe as Caste, Language or Religion**

Tribes in India have always been studied against the concepts of castes, peasants, religion or language. When tribes aren't studied in their own right, but in terms of these groups, it is inevitable that the transformation of tribes is understood as moving towards one or the other of these. The assumption made is that tribes are primitive, backward peasants or backward Hindus. In any of these cases, when the point of reference is taken to be something other than the tribe itself, a teleological view is taken of the 'locus of tribal transformation'<sup>54</sup>.

When the distinction got made between caste and tribe in the Census of the early 1900's it was made on the basis of religion, between those who were Hindus and those who the British identified as 'animists'. Looking into the practice of religion by tribal communities critically, GS Ghurye goes the length to argue that they are in fact

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<sup>52</sup> Haimendorf, Christoph von Furer. *Tribes in India: Struggle for Survival*. London: University of California Press, 1960

<sup>53</sup> Haimendorf, Christoph von Furer. "Tribal Problems in India." In *Tribe, Caste and Religion in India*, by Romesh Thapar (ed.). New Delhi: Macmillan India Limited, 1977.

<sup>54</sup> Roy Burman, BK. "Transformation of Tribe and Analogous Social Formation." *Economic and Political Weekly*, 1983

backward Hindus. He writes that tribes assert themselves as Hindus in order to establish a claim for a higher status, and those who have been in close contact with Hindus and find that they share common interests in “religion and gainful occupation” tend to see themselves as Hindus. According to him, “Though for the sake of convenience they may be designated the tribal classes of Hindu society, suggesting thereby the social fact that they have retained much more of the tribal creeds and organization than many of the castes of Hindu society yet they are in reality Backward Hindus.”<sup>55</sup>

There are many who make a case for the transformation of tribe into caste. These argue that tribal communities in get integrated or acculturated into the caste system for various reasons. NK Bose argues for a Hindu method of tribal absorption saying that tribes become Hinduised and a part of the caste system in order to “rise higher in the social estimation of their Hindu neighbours.” Individual prosperous members of tribal communities take on the worship Hindu gods and goddesses; give up beef eating and the drinking of wine at social ceremonies and rituals. He argues that being a part of the caste system offers protection against competition from other castes, and this only attracts them to being accepted as a caste<sup>56</sup>. MN Srinivas also argues for ‘sanskritisation’ and many make a similar case of tribal communities trying to emulate the lifestyle of dominant castes of the region. Roy Burman discusses both these models and argues that while in the first case, the bulk of those who get Hinduised are landless labourers or small cultivators, but also that caste hardly provides any protection against competition. In the second case, he argues that Sanskritisation is only a colonial phenomenon, and that for tribals in many parts of India, “today a contra-sanskritic movement has become

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<sup>55</sup> Ghurye, GS. *The Scheduled Tribes*. Popular Prakashan: Bombay, 1983

<sup>56</sup> Bose, Nirmal Kumar. "India's Eastern Tribes." In *Tribe, Caste and Religion in India*, by Romesh Thapar (ed.). New Delhi: Seminar Publications, 1977

an empirical reality”<sup>57</sup>. Xaxa argues that it is inappropriate to extend the concept of Sanskritisation to the study of tribal societies because tribes are neither part of Hindu society nor caste society. It is not tribes, he argues, that integrate themselves, but outsiders who impose such a status on tribes.

Further, Xaxa argues that caste may only be operative as a form of social organization only within a linguistic community. It would only be after a tribe gets assimilated into a regional community that it may become a caste, for which it would have to lose its language. Commenting on loss of language, Beteille finds that there are several large groups that have no separate language of their own but use the language prevalent in the region they inhabit (1986). He says “In India, the test of language has always been an important one in the identification of tribes. There are fifteen officially recognized languages listed in the eighth schedule of the Constitution of which four belong to the Dravidian family and the rest to the Indo-Aryan family. Besides these, there is an assortment of several hundred languages, usually not counted as literary languages, spoken by smaller populations, though in some cases these may comprise as many as a couple million persons each.”

Finally, Virginius Xaxa makes a compelling case with regard to the definition of tribe. He argues that tribes may be seen as societies with their own lineage and kinship systems, and are more or less self-contained units. Xaxa finds that the ideal would be small in scale but would have its own social, political and legal relations according to its own morality, religion and world view, albeit restricted to its spatial and temporal ranges. It is, he argues, “a whole society like any other society, with their own language,

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<sup>57</sup> Roy Burman, BK. *Tribes in Perspective*. New Delhi: Mittal Publications, 1994

territory, customs and so on.”<sup>58</sup> Roy Burman also makes a similar case for delinking the concept of tribe from primitivity or case, saying that it would instead be prudent to look tribes as societies “organized primarily on the basis of moral bindings among kins, real or fictitious, having special prerogatives in respect of definite territories or productive forces, where such prerogatives in their turn are legitimized not on the basis of coercive power but on the basis of bonds between man and nature simulating the bonds between man and man.” Xaxa makes the plea to “study tribes in India in reference to the actual communities to which they belong and which they represent, such as Santhals, Khasis, Gonds, etc.” He says that if tribes are studied in this way, we may overcome any of the problems that come in the usage of the term ‘tribe.’

## **1.2 Constitutional Provisions for Scheduled Tribes**

The Constitution of India guarantees several fundamental rights to all its citizens, irrespective of caste, gender, language or religion; rights that also extend to people belonging to scheduled tribes. After independence, the state took several constitutional measures to protect tribal communities from exploitation and to protect their socio-cultural and economic interests. This has been codified in Article 46 which says “The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation;” and in the Fifth and Sixth Schedules of the Indian Constitution. There are also several provisions made especially for those belonging to scheduled tribes. The Fifth and Sixth schedules of the Constitution determine areas for special administration for tribes under Article 244 and 244 (a). The Sixth Schedule deals specifically with the administration of Tribal Areas in Assam. The Fifth Schedule’s areas have been declared in eight states

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<sup>58</sup> Xaxa, Virginius. "Politics of Religion, Language and Identity: Tribes in India." *Economic and Political Weekly*, 2005



including Andhra Pradesh, Orissa, Punjab, Gujarat, Bihar, Maharashtra, Rajasthan and Madhya Pradesh.

Within these areas, the Governor can a) prohibit the application of any central or state law/ direct a modification in its application and b) frame regulations for these areas so as to – prohibit or restrict the transfer of land by/among members of the Scheduled Tribes; regulate the allotment of land to all members of the Scheduled Tribe and to regulate the transactions between money-lenders and the Scheduled Tribes. This is one of the most important provisions of this article, and also one of the most potentially empowering provisions with respect to STs. The Governors are also to make periodical reports to the President regarding the administration of these areas every financial year. These states are also to form a Tribes Advisory Council which can consist not more than 20 members of whom 3/4ths must be representatives of the Scheduled Castes in the Legislative Assembly of the state. In the case that this provision cannot be fulfilled, the remaining members are to be chosen from the larger Scheduled Tribe community. Such councils have also been set up in states without Scheduled Areas, as in West Bengal. The Union's executive power can be extended to give directions to the state regarding the administration of Tribal Areas.

There are also several other safeguards made for the protection of scheduled tribes from exploitation, which also guaranteeing some rights. Article 330, 332 and 334 of the Constitution reserve seats for the Scheduled Tribes in the Lok Sabha and the Vidhan Sabhas. Articles 81 and 330 have led to a Delimitation Commission that has determined the elective seats of the Lok Sabha (excluding Jammu and Kashmir and Nagaland) according to the 1961 Census. Out of the 490 seats, 33 are reserved for the Scheduled Tribes. In the Vidhan Sabhas, out of 3238 seats, 227 have been reserved for the Scheduled Tribes. According to Article 164, there is a provision for a Minister-in-charge

of Tribal Welfare and these have been appointed for most states with Scheduled Areas. Article 335 provides for the consideration of the claims of the Scheduled Tribes in the making of appointments in the Union and in the State. Article 15 prohibits discrimination of any citizen on the basis of religion, race, caste, sex, place of birth with regard to access to shops, public restaurants, hotels and places of public entertainment or the use of wells, tanks, bathing ghats, roads and paces maintained wholly or partly out of the State funds or dedicated to the use of the general public. Article 29 (2) states that no citizen can be denied to any educational institution maintained by the State or receiving aid out of State funds, on grounds only of religion, race, caste or language.

The Panchayats Extension to Scheduled Areas Act of 1996 (PESA), currently applicable across 9 states of the country to all states with areas that come under the Fifth Schedule, is a constitutional provision that mandates local self governance of Scheduled Tribes in areas that come under the Fifth Schedule as per customary law. It is meant, most importantly, to fulfill the demand for greater empowerment of scheduled tribes, reviving old institutions of power, control and jurisdiction with legal recognition from the parliament<sup>59</sup>. As an Act, if implemented in the right spirit, it would have great implications for tribal rights and control over natural resources and would allow them to protect their culture, rights and identity. Before the PESA was passed in 1996, the Andhra Pradesh government made a move to extend the Constitution (73<sup>rd</sup> Amendment) Act of 1992 to the scheduled areas in the state. However the 73<sup>rd</sup> Amendment, an Act that established local self-governance institutions in rural areas, states that nothing in that act would apply to the scheduled areas that came under either the Fifth or the Sixth schedules. This move of the Andhra Pradesh legislature was challenged in the High

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<sup>59</sup> Xaxa, Virginius. *State, Society and Tribe: Issues in Post-Colonial India*. New Delhi: Pearson Education, 2008.

Court of Andhra Pradesh. Following this, a committee was set up under the leadership of Dileep Singh Bhuria; upon whose recommendations, a bill was tabled in the parliament. Upon the passage of this Bill, the Panchayats Acts in the states of Andhra Pradesh, Himachal Pradesh, Bihar, Maharashtra, Madhya Pradesh, Gujarat, Rajasthan and Orissa were amended to be in consonance with the PESA.

Most importantly this Act provides that any state legislation made with regard to panchayats must conform to the customary law, social and religious practices and traditional management practice of the community resources. This provision allows for the village to manage its own affairs according to their own customs and traditions; manage their resources according to their own practices and so on. The gram sabha is recognized as a competent authority to safeguard and preserve the traditions and customs of people and their cultural identity. The Act also makes provisions for preserving customary modes of dispute resolution and protection of community resources. According to the Act, a 'village' would consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs. The gram sabha would consist of all those people whose names are on the electoral rolls for that village. There are also provisions made for the reservation of seats in all tiers of the Panchayat; wherein there shall not be less than half of the total number of seats occupied by people belonging to STs. This shall be on the basis of proportion to their population. Finally, with regard to the composition of panchayats in scheduled areas, the Act provides that the post of chairperson of all levels of the community shall be reserved for people belonging to STs.

It is mandatory for a gram sabha to approve plans, programs and projects that are meant for social and economic development. The gram sabha is also vested with the responsibility of identifying beneficiaries for poverty alleviation and other programmes

as well as to give certificates of utilization of funds for various plans and programmes. Significantly, the Act provides that gram sabhas and panchayats must be consulted before land is acquired or resettlement and rehabilitation plans are drawn up for development projects undertaken by the state. The Act also gives mandatory recommendatory powers to gram sabhas or panchayats at the appropriate level prior to the grant of prospecting licenses or mining leases for minor mineral and grants for the exploitation of minor minerals by auction. The act endows the gram sabha with the power to enforce prohibition, regulate or restrict the sale and consumption of intoxicants, regulate minor forest produce, prevent land alienation, restore any unlawfully alienated land, management of village markets, control of money lending, supervision of plans and resources including tribal sub-plans. The Act also requires the state government to ensure that the panchayats at the higher level does not assume the power and authority of any panchayats at the lower level or especially of the gram sabha.

The PESA in Andhra Pradesh has passed this Act, but has made a few crucial modifications<sup>60</sup>. In the first place, with respect to customary law and dispute resolution, the Andhra Pradesh Act implies that if there is such resolution, it must not be with detriment to the law in force at the time. It allows for the IPC and the CrPC to be applied instead of tribal customs and traditions. Even with respect to disputes over community resources such as forests, the Act says that the mode followed would be as per the Forest Acts currently in force as against customary law. When it comes to acquisition of land, the AP Act says that instead of the gram sabha, the block level panchayats would be consulted. The AP act similarly gives the function of planning and management of minor water bodies to the block or district panchayats as opposed to the gram sabha.

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<sup>60</sup> Pal, Mahi. "Panchayats in Fifth Scheduled Areas." *Economic and Political Weekly*, May 2000.

With respect to minor minerals, the AP Act gives the decision making powers to the gram panchayats as opposed to the gram sabha.

### **Conclusion**

With regard to the definition of tribe, it is argued that tribes may be seen as societies with their own lineage and kinship systems, and are more or less self-contained units. A case is made for delinking the concept of tribe from primitivity, saying that it would instead be prudent to look tribes as societies “organized primarily on the basis of moral bindings among kins, real or fictitious, having special prerogatives in respect of definite territories or productive forces, where such prerogatives in their turn are legitimized not on the basis of coercive power but on the basis of bonds between man and nature simulating the bonds between man and man.” Finally, it is argued that tribes in India ought to be studied in reference to the actual communities to which they belong and which they represent.

## II. The State and Tribal Development in Andhra Pradesh

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The first section will briefly cover a demographic description of Scheduled Tribes in Andhra Pradesh. The second section looks at development strategies towards Scheduled Tribes as outlined in the Five Year Plans. It will first examine Nehru and Elwin's outlook towards tribal policy through integration and industrialization. It will then study the Tribal Sub Plan strategy implemented from the Fifth Plan onwards, a shift towards regional planning. It will also look at the shifts in the 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plans with the economic reforms in context. The third section will review the implementation of Tribal Sub-Plans in Andhra Pradesh.

### **2.1 Demography of Scheduled Tribes in Andhra Pradesh**

Using data from the Census of India, this section will give a brief description of the demographics of the ST population in India and Andhra Pradesh. The Census, as was discussed earlier, hasn't been consistent with the classification of Scheduled Tribes or with the coverage of the groups it covers. Additionally, data from the Census obviously only covers groups that have been recognized as "Scheduled Tribes," and not other Adivasi communities that don't come within this list. However, Arup Maharatna argues that "...despite stray anomalies in recording of tribes, it would be difficult to argue that such distortions in the census information on ST and SC people are so grave as to prevent the scientific and meaningful use of census data (at least) for the purpose of comparison of demographic patterns and trends."<sup>61</sup> Therefore, even considering these "blemishes" within census data related to Scheduled Tribes, it may be utilized as a systematic data set for discussing the demography of Scheduled Tribes in India at aggregate levels.

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<sup>61</sup> Maharatna, Arup. *Demographic Perspectives on India's Tribes*. New Delhi: Oxford University Press, 2005

Table 2.1: Population and Sex Ratio, 1881 - 2001

Year	Total Population	Tribal Population		Sex Ratio	
		Total	% of Total	Total	ST
1881	250155050	6426511	2.57	954	-
1891	279575324	9112018	3.26	958	992
1901	283867584	8184758	2.88	972	1021
1911	303004354	9593695	3.17	964	1016
1921	305726528	9072024	3	955	996
1931	337675361	7629959	2.45	950	1009
1941	388997955	8791354	2.26	945	985
1951	361088090	19111498	5.29	946	1021
1961	439234771	30130184		941	987
1971	548159652	38015162	6.93	930	982
1981	665287849	51628638	7.76	934	983
1991	838583988	67758380	8.08	927	972
2001	1028610328	84326240	8.2	933	977

(Source: Maharatna, Arup. *Demographic Perspectives on India's Tribes*. New Delhi: Oxford University Press, 2005; Government of Andhra Pradesh. *Basic Statistics in Scheduled Tribes of Andhra Pradesh*. Hyderabad: Tribal Welfare Department, 2008)

Table 2.2: Growth Rate of Scheduled Tribe population in comparison to Total population, India and AP

	Proportion of ST Population to:				Average Annual Growth Rates					
	Total Population		Total Tribal Population		1961 - 1971		1971 – 1981		1981-1991	
	1961	1991	1961	1991	Total	Tribal	Total	Tribal	Total	Tribal
<b>India</b>	6.9	8.08	100	100	2.2	2.2	2.2	2.7	2.1	2.3
<b>Andhra Pradesh</b>	3.68	6.31	4.38	6.2	1.9	2.2	2.1	3.6	2.2	2.8

(Source: Maharatna, Arup. *Demographic Perspectives on India's Tribes*. New Delhi: Oxford University Press, 2005; Census of India 2001 [www.indiastat.com](http://www.indiastat.com))

As per the Census of 2001, Scheduled Tribes form 8.2% of the Indian population. Table 2.1 shows the growth in overall population, population of Scheduled Tribes, and the sex ratio since 1881. There are two preliminary points that need to be made before this table is discussed. Firstly, the differences between data before Independence and after are important, because a revision in the list of Scheduled Tribes was made in 1956, and it was on the basis of this that these figures were arrived at. Secondly, because until 1931 most tribal people were recognized as ‘animists,’ some of this data has been adjusted and amended later to arrive at this estimate<sup>62</sup>. There is a visible decline in tribal population only in 3 periods, 1881 – 1901; 1911 – 21; and 1921 – 1931. This is attributed largely to famines and other natural phenomenon. Some of it, however, may also be because of the changes in criteria for establishing tribal identity in the census (Ibid). Similarly, the sudden increase in population after independence is attributed to

<sup>62</sup> Davis in Maharatna, Arup. *Demographic Perspectives on India's Tribes*. New Delhi: Oxford University Press, 2005



the change in method of enumeration. Table 2.2 shows the growth rate of the Scheduled Tribe population in Andhra Pradesh, which remains similar to the national growth rate.

The sex ratio of the ST population when seen in relation to the All India population shows a much better sex-ratio in the ST population than all India. It is also seen that this sex ratio has been diminishing after independence, tending towards the All India sex ratio. The most favored explanation for this is that there is not much discrimination that takes place on the basis of gender within tribal communities. For example, Arup Maharatna argues, using this sex ratio data that the high male-female ratio in tribal communities may be taken as a reflection of a much lesser anti-female discrimination and gender bias among tribal communities. However, gender is not very widely discussed in the context of tribal communities in India<sup>63</sup>. Virginius Xaxa argues, “...studies focus on the rights and privileges enjoyed by women, one the one hand, and the roles and responsibilities assigned to them because of their sex, on the other. These aspects of tribal society are still highlighted and further corroborated by such demographic evidence as sex ratio and female workforce participation. ... Topics such as the economic burden and workload borne by tribal women as well as their access to education, food and nutrition, modern occupations, and political participation, especially in the modern context have not received the kind of attention they deserve.”<sup>64</sup>

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<sup>63</sup> Xaxa, Virginius; *State, Society and Tribe: Issues in Post-Colonial India*. New Delhi: Pearson Education, 2008

<sup>64</sup> Ibid

Table 2.3: Literacy Rate by Sex in India (in percentages)

Years	All India			Scheduled Tribes		
	Male	Female	Total	Male	Female	Total
1961	28.3	40.4	<b>15.35</b>	13.83	3.16	<b>8.53</b>
1971	34.45	45.96	<b>21.97</b>	17.63	4.85	<b>11.3</b>
1981	43.57	56.38	<b>29.76</b>	24.52	8.04	<b>16.35</b>
1991	52.21	64.13	<b>39.29</b>	40.65	18.19	<b>29.6</b>
2001	64.84	75.26	<b>53.67</b>	59.17	34.76	<b>47.1</b>

(Source: Government of Andhra Pradesh. *Basic Statistics in Scheduled Tribes of Andhra Pradesh*. Hyderabad: Tribal Welfare Department, 2008; Census of India 2001 [www.indiastat.com](http://www.indiastat.com))

This may be seen in Table 2.3 which shows the literacy rate by sex; both for the total population in India and for Scheduled Tribes. According to the Census, only 37% of the Scheduled Tribe population of India is literate. In itself, the census data tells us nothing that we cannot already guess: that there is a huge gap between literacy rates of the general population and the scheduled tribes, that rates of female literacy are always less than male literacy by a wide margin, that these gaps have existed since the early 60s and likely existed well before that time. There are several reasons that may be cited for this low literacy rate; ranging from lack of schools, inappropriate pedagogical methods for tribal children, language problems, lack of teachers etc. Secondly, there is quite a large gap between female literacy rates for the total population and the ST population; there is also a large gap between male and female literacy rates *within* STs. This only goes to illustrate the point made earlier about tribal women's access to education, as opposed to that of men's. However, it is important not to discount the large amounts of progress made since the 1981 census. All the rates of literacy show a significant improvement,

and though the increase in general literacy rates are quantitatively higher than those of scheduled tribes, the significance of those gains is in no way diminished.

Table 2.4 Female Age at Marriage in India and Andhra Pradesh by Scheduled Tribes

		1971	1981	1991	1998-99
<b>India</b>	ST	16.4	17.1	17.1	16.15
	Total	15.4	16.5	17.4	17.35
<b>Andhra Pradesh</b>	ST	16.4	16.7	-	14.76
	Total	14.5	15.8	16.6	16.55

(Source: Maharatna, Arup. *Demographic Perspectives on India's Tribes*. New Delhi: Oxford University Press, 2005; NFHS II)

Table 2.4 shows the age at marriage for women in India and Andhra Pradesh. It is noted that in no case is the age at marriage above the legal 18 years. This is especially so for Scheduled Tribes in Andhra Pradesh where it is seen that the mean age at marriage as of 1999 is 14.76. This would go largely against the grain of the argument that many make about tribal women's freedom to choose their partners, their status etc. Such a low age at marriage for women definitely indicates that there is much control exercised over their sexuality and reproduction. It brings into question the claim often made about tribal communities having more equitable standards.

Table 2.5 : Literacy Rate by year and sex in Andhra Pradesh

Year	General Population			Scheduled Tribes		
	Male	Female	Total	Male	Female	Total
1961	30.19	12.03	21.19	7.26	1.48	4.41
1971	33.18	15.75	24.57	8.47	2.12	5.34
1981	24.59	20.39	29.94	12.02	3.46	7.82
1991	55.13	32.72	44.09	25.25	8.68	17.16
2001	70.32	50.43	60.47	47.66	26.11	37.04

- (Source: Census of India, 2001; [www.indiastat.com](http://www.indiastat.com))

Table 2.6 Gross Enrolment Ratio into School by Age and Sex

	I-V (6-10 years)	VI-VII (11-12 years)	VIII-X (13-15 years)
Boys	176.91	112.61	62.4
Girls	172.23	86.73	43.34
Total	174.63	99.8	52.99

(Source: Census of India, 2001; Government of Andhra Pradesh. *Basic Statistics in Scheduled Tribes of Andhra Pradesh*. Hyderabad: Tribal Welfare Department, 2008)

Education in Andhra Pradesh has been given a high priority. Even though the literacy rate, as Table 2.5 shows, is similar when compared to the national average; the Gross Enrolment Ratio (Table 2.6) tells a different story. The Gross Enrolment Ratio indicates the percentage of children at a particular age enrolled into the corresponding class in school. Especially in primary and secondary school, it is seen that most children are

enrolled into and stick to school. When they reach high school, adolescent children tend to drop out of schools for many reasons.

Table 2.7: Drop-out rates by class and sex.

	Boys	Girls	Total
<b>Class I – V</b>	47.46	52.13	49.73
<b>Class I – VII</b>	72.16	77.5	74.71

(Source: Census of India, 2001; Government of Andhra Pradesh. *Basic Statistics in Scheduled Tribes of Andhra Pradesh*. Hyderabad: Tribal Welfare Department, 2008)

Table 2.7 shows the drop out rate in the state by gender and class. Adolescent girls drop out in order to get married (as the mean age at marriage might show) or to work either at home or as wage labour. Adolescent boys face a similar pressure to work at this age, but the drop out rate is higher by a small margin for girls than boys. This may be attributed to the large coverage of the tribal education program in the state. One widely lauded initiative by the AP government on this front has been the Ma Badi (Our School) alternative schools programme that is managed by the community. This has been started especially with tribal needs in mind, for habitations with less than 20 school age children so that they may be given special attention. There are also several Ashram and residential schools all over the state that cover even groups of small and scattered habitations. In pockets with low female literacy, there are Mini Gurukulams and Kasturba Gandhi Balika Vidyalayas (KGBV) for girls who have dropped out of school.

Table 2.8 shows the distribution of operational holdings in Andhra Pradesh between 1976-77 and 2000-01.

Table 2.8 Operational Holdings by Size-Class in Andhra Pradesh

Size Class	1976-77	1980-81	1986-87	1990-1991	1995-96	2000-01
<b>Marginal</b>	38.20%	43.80%	45.80%	47.90%	51.59%	53.71%
<b>Small</b>	21.00%	23.00%	23.10%	24.70%	25.33%	25.06%
<b>Semi</b>	24.20%	21.60%	20.50%	18.90%	16.98%	15.66%
<b>Medium</b>						
<b>Medium</b>	14.30%	10.30%	9.40%	7.70%	5.70%	5.11%
<b>Large</b>	2.30%	1.30%	1.20%	0.80%	0.40%	0.46%
<b>Total</b>	100%	100%	100%	100%	100%	100%

(Source: Government of Andhra Pradesh. *Basic Statistics in Scheduled Tribes of Andhra Pradesh*. Hyderabad: Tribal Welfare Department, 2008)

Some tribal groups have been identified as Particularly Vulnerable Tribal Groups or Primitive Tribal Groups. The guidelines for identifying PTGs were laid down by the Ministry of Home Affairs during the formulation of the Fifth Five Year Plan. As an effort to bridge the gap between some groups that had better access to the programmes of the Centre and state governments, and some groups that were much more impoverished and living in worse off conditions than the rest of the scheduled tribes, some groups were identified as ‘primitive tribal groups’ by the Ministry of Home Affairs. The first attempt to list ‘primitive tribes’ in the country was actually made during the Census of 1931 by JH Hutton, who was the Census Commissioner at the time, but there was no comprehensive list of criteria as to why a group was being designated so. Commenting on British intervention in the lives of primitive tribes he says, “Far from being immediate benefit to the primitive tribes, the establishment of British Rule in India did most of them much more harm than good. It may be said that the early days of British administration did very great detriment to the economic

position of tribes through ignorance and neglect of their rights and customs – many changes have been caused incidentally by the penetration of the tribal country, the opening up of communications and protection of forests and the establishment of schools, to say nothing of the openings given in this way to Christian Missions. Many of the results of these changes have caused acute discomforts of the tribes”<sup>65</sup>.

Table 2.9 Primitive Tribes in Andhra Pradesh: Population, Predominant places of habitation.

<b>Name of PTG</b>	<b>Population</b>	<b>Predominant Places of Habitation</b>
<b>Chenchu</b>		Mahaboobnagar, Prakasam, Kurnool, Guntoor, Nalgonda, Rangareddy
<b>Kolam</b>	49232	Adilabad
<b>Thoti</b>	45671	Adilabad
<b>Konda Reddi</b>	2074	East Godavari, West Godavari, Khammam
<b>Khond</b>	83096	Visakhapatnam
<b>Porja</b>	32669	Visakhapatnam
<b>Savara</b>	122979	Srikakulam and Vizianagaram
<b>Gadaba</b>	36078	Srikakulam, Visakhapatnam and Vizianagaram

(GoAP. *Baseline Survey Report on the Primitive Tribal Groups of Andhra Pradesh*. Hyderabad: Tribal Cultural Research and Training Institute , 2009)

The Ministry of Home Affairs, therefore, culled out several criteria for the identification of Primitive Tribal Groups (PTG). These were groups that were said to be in a ‘pre-

<sup>65</sup> Hutton in GoI. *Report of the Scheduled Areas and Scheduled Tribes Commission Volume I*. New Delhi: Ministry of Home Affairs, 1961

agricultural stage, practicing shifting cultivation and are at subsistence level of economy either dependent on forests or on unfertile lands'. The criteria laid down for the identification of these groups were: low literacy, pre-agricultural level of technology, hunting and gathering economy, isolated habitat and so on (GoAP, Baseline Survey Report on the Primitive Tribal Groups of Andhra Pradesh 2009). There was no restriction to the size of groups designated as PTGs. 75 groups have been identified as PTGs in the country, out of which 12 such groups are in Andhra Pradesh. According to the Census of 2001, this group is estimated to make up 1.95% of the total ST population, comprising around 1.32 million people.

The groups identified as PTGs in Andhra Pradesh are: Chenchu, Kolam, Kondareddi, Konda Savara, Thoti, 2 subgroups of Gadaba (Bodo Gadaba and Gutob Gadaba), 2 subgroups of Khond (Dongria Khond and Kuttia Khond) and 3 subgroups of Porja (Bondo Porja, Khond Porja and Parengi Porja). These groups are distributed across 2672 habitations over 13 districts of the state. Occupationally, the Census records that a large section of the Chenchus are engaged in hunting and food gathering; the Khond, Konda Reddy and Porja are mainly engaged in shifting agriculture (podu); the Savaras practice both terrace and shifting agriculture; and most of these groups also engage in cattle rearing.

## **2.2 Planning for Development**

The development strategy of the Indian government may be mapped through the Five Year Plan system that has been followed since 1951. Plans, as long term statements of intent and measure of outcomes, have always been an important instrument through which development in this country has been carried out. While the first four Plan periods embraced the Nehruvian ideas of industrial development, especially through big dams, mining, steel plants and power stations; from the Fifth Plan onwards, the focus was



shifted towards alleviating poverty and correcting regional imbalances. The sixth and seventh Plans also followed in this vein, while the Eighth, Ninth, Tenth and Eleventh Plans adopted different strategies towards development. This section will examine the consequences of the strategies employed in these plans on the Scheduled Tribe population in India, especially displacement, forced migration and loss of livelihoods.

### **2.2.1 Nehru, Elwin and the Initial Plans**

The first few Plan periods marked a definite direction to development in India. The National Planning Commission, set up in 1938 under the leadership of Jawaharlal Nehru, came up with a plan with the aim of economic development in the country. While there were large debates around the exact method to be followed for development at the time of independence, the development strategy that came about was based on a consensus around a few basic principles such as the need for stability, growth and self-reliance; through a focus on rapid industrialization, agricultural growth and building infrastructure<sup>66</sup>. This was reflected in strategies such as public ownership of power and oil companies, mineral resources, means of transport such as the railways and waterways etc. These strategies are all also heavily dependent on the extensive use of natural resources such as rivers, mines and forests. To quote from the First Plan, “The central objective of planning in India at the present stage is to initiate a process of development which will raise living standards and open out to the people new opportunities for a richer and more varied life. The problem of development of an under developed economy is one of utilising more effectively the potential resources available to the community, and it is this which involves economic planning.”<sup>67</sup>

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<sup>66</sup> Chandra, Bipan, Mridula Mukherjee, and Aditya Mukherjee. *India Since Independence*. New Delhi: Penguin, 2008.

<sup>67</sup> GoI. *First Five Year Plan*. New Delhi: Planning Commission, 1947.

The first three Plans were put together mostly by Jawaharlal Nehru and PC Mahalanobis. They were based on the need for a strong agricultural base as well as the production of capital goods and import substitution. The First Plan (1951 – 56) basically tried to salvage what followed the Partition and complete the projects that had been already underway. It also started the work on many ‘Multi-Purpose River Valley Schemes’ by outlining the plans for big dams such as the Damodar Valley, Bhakra-Nangal, Hirakud, Tungabhadra and Kakrapara projects on the rivers of Ganga, Indus, Mahanadi, Tungabhadra and Tapti respectively. These were meant to produce power while also providing irrigation to the command areas of the dam.

The Second Plan and the Third Plan both had focused their development strategies on industrialization and infrastructure. The Second Plan’s focus was on developing industries and transport in the country. To quote, “The second five year plan accords high priority to industrialisation, and especially to the development of basic and heavy industries. A large expansion of public enterprise in-the sphere of industrial and mineral development is envisaged. It is, in fact, intended to strengthen further the programmes of development in respect of heavy industries, oil exploration and coal and to make a beginning with the development of atomic energy.” With this in mind, a capital base was established during this plan through the increase in production of iron, steel and aluminum via the establishment of public sector steel mills in Durgapur, Rourkela and Bhilai etc., while also strengthening private sector iron and steel companies such as the Tata Iron and Steel Company and the Mysore Iron and Steel Works. The Third Plan aimed for similar growth, but also emphasized the need for food self-sufficiency and an increase in agricultural production meant for industry and exports. It also aimed to expand basic industries that would meet India’s need and bridge its import substitution.

These three Plans also laid down some strategies that were meant to be pro-Scheduled Tribes. Nehru laid down ‘five fundamental principles’ by which tribal development was to be followed. These were:

- “1. People should develop along the lines of their own genius and we should avoid imposing anything on them. We should try to encourage in every way their own traditional arts and culture.
2. Tribal rights in land and forests should be respected.
3. We should try to train and build up a team of their own people to do the work of administration and development. Some technical personnel from outside will no doubt be necessary especially in the beginning. But we should avoid introducing too many outsiders into tribal territory.
4. We should not over administer these areas or overwhelm them with a multiplicity of schemes. We should rather work through, not in rivalry to, their own social and cultural institutions.
5. We should judge results, not by statistics of the amount of money spent, but by the quality of human character.”<sup>68 69</sup>

Accordingly, the Second Plan addressed development in the rural areas through the ‘Community Development Programme’ which was implemented at the block level. The aim was to create self-sustaining villages by addressing agriculture, animal husbandry, education, health, rural industry and so on. Also known as CDBs, their aim was to bring about all-round rural development. Along with setting up CDBs, in order to address tribal areas specifically, Special Multi Purpose Tribal Blocks were also set up. Forty three Special Multi-Purpose Tribal Blocks (SMPTBs) were created for about 25,000 people as against 65,000 in a normal Block. Several Commissions were set up by the end of the 1950’s in order to evaluate the strategies laid down by the first three plans. Two such Commissions were set up in 1959 and 1961, the Verrier Elwin Commission

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<sup>68</sup> Elwin, Verrier. "Issues in Tribal Policy Making." In *Tribes, Caste and Religion in India*, by Romesh Thapar (ed.). New Delhi: Seminar Publications, 1977.

<sup>69</sup> Commenting on the Panchshila itself, Virginius Xaxa says “Unfortunately, such a philosophy of development for the tribal people was never translated into reality except in a limited way in the north-eastern region. In the region, Panchshila found concrete expression in the institution of the district council to begin with and with the state structure at large. (Xaxa, *State, Society and Tribe: Issues in Post-Colonial India 2008*)”

and the UN Dhebar Commission in order to assess and make recommendations regarding tribal development.

The Elwin Commission, in its 'Report of the Committee on Special Multipurpose Tribal Blocks, 1961' had reservations about what these plans had achieved until then. It studied 20 such blocks all over the country in order to draw up its conclusions and recommendations. Writing on behalf of this commission and the government, on the Community Development Blocks policy, Elwin comments, "Many of the matters which we once used to debate so eagerly have been put completely out of date as a result of one major circumstance – that the whole of India, including tribal India will be covered by the Community Development Blocks by 1962. This is a decision, this is going to happen, and it is therefore meaningless to discuss whether it is desirable to bring the tribes into the stream of modern civilization or whether it is good or bad to open up their country. Whether we like it or not whether they like it or not, they are going to be civilised; their country will be opened up."<sup>70</sup> This is an interesting comment for two reasons. In the first place, he closes off any discussion on the strategy itself, except for the details of the strategy.

While it makes positive statements about what the three Plans had achieved so far by saying that roads, education and industrial development will most definitely revolutionize the tribal way of life, the report also notes that there are several shortcomings. It notes that the "short-term and long-term consequences of the industrial invasion of the tribal areas, at any rate in the central belt, have, of course, an enormous significance. They raise the issues of rehabilitation, land possession, education, training and equipment..."

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<sup>70</sup> Elwin, Verrier. "Issues in Tribal Policy Making." In *Tribe, Caste and Religion in India*, by Romesh Thapar (ed.). New Delhi: Seminar Publications, 1977.

The Commission also talks about the changes that will take place within tribal communities, in saying that these changes will “affect the code of tribal life, and especially social discipline, the integrity of the family, the integrity of the village community (may be in some places cause the disappearance of the village community), the general culture and spiritual and aesthetic values. The new way of life may lead also to the spread of certain social vices which generally accompany urbanization.” The Commission was concerned that much of the benefits that were meant for whole communities were often enjoyed mostly by the more prosperous and progressive sections of the people<sup>71</sup>. It also made a comment about how the administrative attitude towards the communities they were working with, and found that they were “lacking in any intimate knowledge of their people [and] had very little idea of general policies for tribal development.” In fact, they were quite disdainful of the way in which the officials treated tribal people, saying that they “regard themselves as superior, as heaven-born missionaries of a higher culture. They boss the people about; their chaprasis abuse them; in order to ‘get things done’ they do not hesitate to threaten and bully. Any failure is invariably placed at the tribal door;... the Block officials blaming everything on the laziness, the improvidence, the suspiciousness, the superstitions of the people”<sup>72</sup>. The Commission in fact blames who it calls ‘civilised people’ and in turn, state policy for tribal poverty. It says “We have driven the tribals into the hills because we wanted their land and now we blame them for cultivating it in the only way we left to them. We have robbed them of their arts by sending them the cheap and tawdry products of a commercial economy. We have even taken away their food by stopping their hunting or

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<sup>71</sup> Das Gupta, Sanjukta. "The Tribal Issue: 1964 - 1984." In *A Centenary History of the Indian National Congress Volume V*, by Aditya Mukherjee and Pranab Mukherjee. New Delhi: Academic Foundation, 2011.

<sup>72</sup> The Elwin Commission in Guha, Ramachandra. "Adivasis, Naxalites and Indian Democracy." *Economic and Political Weekly*, August 2007.

by introducing new taboos which deprive them of the valuable protein elements in meat and fish. We sell them spirits which are far more injurious than the home-made beers and wines which are nourishing and familiar to them, and use the proceeds to uplift them with ideals. We look down on them and rob them of their self-confidence, and take away their freedom by laws which they do not understand.”

This is an important critique of the tribal situation, more so because it was given as an official report to the government as early as 1960. According to Guha, “Already, by the 1960s, reports commissioned by the government of India were demonstrating the utter failure of the state in providing a life of dignity and honour to its tribal citizens. Nor was this a generalised critique; rather, the specific problems faced by the adivasis were identified – namely, callous and corrupt officials, the loss of land, indebtedness, restrictions on the use of the forest, and large-scale displacement. The evidence offered in these (and other reports) should have called for a course correction, for the formation and implementation of policies that ensured that India’s industrial and economic development was not to be at the cost of its adivasi citizens.”<sup>73</sup>

These opinions were reiterated and further clarified by the Scheduled Areas and Scheduled Tribes Commission headed by UN Dhebar in 1960 – 61. Again, as early as 1961, the commission noted that development strategies undertaken by the government through the first three Plans were greatly impoverishing to the tribal people.

Like Elwin, the Commission doesn’t question the strategies adopted for development, but it does harshly criticize the approach of the state and the administration towards tribal communities. Mirroring the Elwin Commission, the Dhebar Commission also talks about tribal development in terms of integration. For the Commission, there are two

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<sup>73</sup> Guha, Ramachandra. "Adivasis, Naxalites and Indian Democracy." *Economic and Political Weekly*, August 2007.

aspects to the ‘problem of integration’, those of protection and development. “The protection aspect relates to the protection of the rights of tribals in the forests and the right to be safeguarded from usurious and exploitative elements. The development aspect relates to positive welfare schemes”<sup>74</sup>. In order to create a ‘social order based upon the equality of status and opportunity and a fraternity’, tribals had to be ‘fully integrated with the mainstream Indian society and economy’<sup>75</sup>.

The Dhebar Commission also identifies displacement, land alienation and issues related to forest policy as a result of big dams and large development projects as undertaken by the first two Plans and (then) proposed by the Third Plan. It also proposes more powers for the governor, more influential people in Tribal Advisory Councils, but its landmark recommendation was regarding the delineation of Scheduled Areas, for which it set down four criteria. It however also recommended that tribal development must also be carried out in areas that haven’t been deemed Scheduled Areas but still have a substantial tribal population. The Commission, while calling the state down on its inefficient and unsatisfactory implementation of policy, never questioned the ‘Nehruvian tenets of industrialization and national integration’<sup>76</sup>.

### **2.2 2 Area Planning and Tribal Sub-Plans**

The Fourth Plan (1969 – 74) came after three Annual Plans, or what is termed as a ‘Plan holiday.’ The Plan tried to address many of the shortcomings of the first three Plans, and

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<sup>74</sup> GoI. *Report of the Scheduled Areas and Scheduled Tribes Commission Volume I*. New Delhi: Ministry of Home Affairs, 1961.

<sup>75</sup> Das Gupta, Sanjukta. "The Tribal Issue: 1964 - 1984." In *A Centenary History of the Indian National Congress Volume V*, by Aditya Mukherjee and Pranab Mukherjee. New Delhi: Academic Foundation, 2011.

<sup>76</sup> Das Gupta, Sanjukta. "The Tribal Issue: 1964 - 1984." In *A Centenary History of the Indian National Congress Volume V*, by Aditya Mukherjee and Pranab Mukherjee. New Delhi: Academic Foundation, 2011.

stated that its main objectives would be to bring about growth, stability and self-reliance. The three Annual Plan periods were marked by high inflation, high food shortages and imports, and low foreign exchange balances<sup>77</sup>. The Fourth Plan period, then, coincided with the Green Revolution, with a stress on increasing agricultural production and addressing poverty. For Scheduled Tribes, the Fourth Plan period took into consideration most of the recommendations of the Elwin and Dhebar Commissions, as well as the Shilo Ao Commission. The Plan assessed that Scheduled Tribes live in a compact area, and the problem is “essentially that of economic development of their areas and of integrating their economy with that of the rest of the country. ... Development plans must be formulated to suit the specific potentialities and levels of development of separate regions or areas.”<sup>78</sup> With this in mind, this plan tried to bring about a change in the strategy towards tribal development by emphasizing an area development programme.

The Study Team on the Tribal Development Programme or the Shilo Ao Commission submitted its report to the Prime Minister, Indira Gandhi in 1969. This report identified that one of the main issues with relation to tribal development programmes is that of the lack of a precise definition of those who may be classified as ‘scheduled tribe.’ Most of its key recommendations were regarding constitutional provisions and of descheduling tribes. The commission disagreed with the previous commissions on the point that Blocks are the ideal unit for planning. It recommended that a uniform programme be adopted across scheduled areas in the country, recognizing that the “main problems of tribal communities ... were related to indebtedness, debt bondage, land alienation, educational backwardness and poor communications, which were not provided within

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<sup>77</sup> Mukherjee, Aditya. "Economic Challenges 1964 - 84: From Increased Dirigisme to Beginnings of Liberalisation." In *A Centenary History of the Indian National Congress*, by Aditya Mukherjee and Pranab Mukherjee. New Delhi: Academic Foundation, 2011

<sup>78</sup> The Fourth Five Year Plan, Planning Commission of India; [www.planningcommission.nic.in](http://www.planningcommission.nic.in)



the framework of the Tribal Development Blocks.”<sup>79</sup> The recommendations of this commission were initially taken into consideration for the Fourth Plan, but the Fifth Plan (1974 – 79) completely changed the way planning was undertaken, especially for Scheduled Tribes.

The Fifth Plan tried to evaluate the shortcomings of the previous plans, and decided to focus on regional problems along with economic and social backwardness. The Plan tried to accommodate the varied issues that the country was facing, ranging from refugees from the war, famine and drought and food shortages. It also shifted priorities completely, from rapid industrialization to increase in agricultural production. Even with regard to tribal development, the Task Force on ‘Development of Tribal Areas’ (1972) headed by SC Dube recommended that the main thrust of tribal development be agriculture and forestry, not industry. It suggested that the schemes and programmes be directed at specific tribal communities. It said that “the problem of tribal development has reached a critical stage and has assumed an added significance in the context of the high priority accorded to social justice in the new planning efforts. Some of the tribal groups have remained completely untouched by the process of development and some have been adversely affected by it. ... It is proposed, therefore, to take a fresh look at the tribal situation in the country, review the strategy of development and define the total needed national efforts with a view to making tribal communities equal partners in all spheres of national life as early as possible”.<sup>80</sup> Like many Committees before it, it said that some of the main issues that these communities were facing were related to land alienation and debt, and made recommendations in these directions. In order to correct

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<sup>79</sup> Das Gupta, Sanjukta. "The Tribal Issue: 1964 - 1984." In *A Centenary History of the Indian National Congress Volume V*, by Aditya Mukherjee and Pranab Mukherjee. New Delhi: Academic Foundation, 2011.

<sup>80</sup> Srivatsava, VK. "Commissions and Committees on Development of Indian Tribes." In *Development of Indian Tribes*, by Prakash Chandra Mehta. New Delhi: Discovery Publishing House, 2006.

these regional and group imbalances, and to address issues of different communities differently, the Fifth Plan implemented the Tribal Sub Plan (TSP), Integrated Tribal Development Programme (ITDP) and Modified Area Development Approach (MADA).

The Planning Wing of Andhra Pradesh in 1975 said that “The spatial dimension of the problem of development has been a comparatively neglected aspect of Planning. However, in the recent past, attention is being paid to this aspect in greater measure particularly because of the issue of regional imbalances having come to the fore. Regional Development Policy is essentially a part of the general policies of development. In India, States are cognizable entities with substantial freedom of operation and decision making within their own territories”.<sup>81</sup> In its assessment, while the first three Plans managed to “tone up” tribal economy and improve social services “to a limited extent”, it was seen that “certain regions and groups in tribal areas” remained backward, while some others “recorded some progress.” The government attributed this “imbalance in regional and group development” to “uneven distribution of social services and economic facilities besides differences in distribution of natural resources and group receptivity to development programmes”.<sup>82</sup>

In this vein, the Sub-Plan area is understood to be a macro-level unit of planning, meant for the state as a whole. As a strategy, it identifies the areas of tribal concentration, in order to supplement the general sector funding with special central assistance to make up for any missing inputs<sup>83</sup>. A Tribal Sub Plan area would, in most states, involve all scheduled areas as well as any villages with a tribal concentration of around 50% or

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<sup>81</sup> GoAP. *Fifth Five Year Plan Andhra Pradesh - Technical Papers III*. Hyderabad: Finance and Planning (Planning Wing) Department, 1975.

<sup>82</sup> GoAP. *Sub Plan and Integrated Tribal Development in Andhra Pradesh*. Hyderabad: Social Welfare Department, 1977.

<sup>83</sup> GoAP. *Sub Plan and Integrated Tribal Development in Andhra Pradesh*. Hyderabad: Social Welfare Department, 1977.

more. Funds for the Tribal Sub Plan would be decided on the basis of the proportion of ST population in every state. Within the Tribal Sub Plan area, Integrated Tribal Development Projects were set up at the district and block levels. Also, the Modified Area Development Approach was implemented in order to address areas with a smaller tribal concentration and / or communities identified by the state as 'primitive tribal groups.' Special schemes and programs were undertaken in these areas.

The approach of the Fifth plan towards tribal development, by looking at regional imbalances, planning at the micro level and specific needs of the community was the attempt of the government to address the shortcomings of the earlier plans. It was meant to promote planning at the grass root level, and do away with a singular programme across the country for all scheduled areas. It was also meant to address areas with a large scheduled tribe population, but not falling under scheduled areas. Sanjukta Dasgupta says, "With this ear-to-the-ground approach, the Fifth plan marked a fundamental departure from the past, and influenced the following plans as well. It was recognized that the previous schematic, undifferentiated policy had proved ineffective because it had not only duly taken into account the variety of tribal situations in India and the need to devise specific measures in order to help them solve their problems."

By the Sixth Plan (1980 – 85), the Minimum Needs Programme that was set up during the first year of the Fifth Plan gained more momentum along with the rest of the poverty alleviation schemes in this plan. The Plan recognized poverty to be one of the most important issues that has to be faced, and says that "The major objective of the Sixth Plan (1980—85) is to wage an all-out war on poverty and mobilise all our latent energies for the creation of a more dynamic and more equitable society." It realized that the "trickle-down effect" that was expected from an accelerated growth rate had "limited effectiveness." To this end, it made efforts towards redistribution of national income and

consumption, as well as utilization of public services. It also set up specific programmes such as the Integrated Rural Development Programme and the National Rural Employment Programme, which were ‘anti-poverty schemes meant for selected target groups of population are essential components of a strategy designed to assist in the removal of unemployment and poverty’.

In light of these efforts being made to create more equitable conditions, the Plan also states with regard to Scheduled Tribes that “This [poverty alleviation] will be achieved only if the scheduled castes/scheduled tribes who constitute the bulk of the poorer sections of the population receive their due share from the Plan programmes.” Along with the education, subsidies for housing and drinking water, etc., the Plan proposed to formulate ‘comprehensive development plans’ keeping in view the ‘special problems and needs of each of these communities.’ The Plan proposed a few specific objectives for tribal development which included (a) targeting families as beneficiaries of developmental programmes and raising their productivity levels through agriculture, animal husbandry, fisheries, sericulture etc.; (b) Promote education, skill development and local production activities in order to develop human resources; (c) Eliminate exploitation and enforce protection measures against ‘liquor vending, land alienation, money lending and collection of forest produce’; and (d) Develop adequate infrastructure in order to support these programmes and provide credit, inputs and marketing facilities<sup>84</sup>. The Seventh Five Year Plan (1985-90) substantially increased funding for tribal development programmes. The Plan set up two national institutions, Tribal Cooperative Marketing Development Federation (TRIFED) and National

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<sup>84</sup> Gol. "The Sixth Five Year Plan." 1980.  
<http://planningcommission.nic.in/plans/planrel/fiveyr/index9.html> (accessed May 17, 2012).

Scheduled Castes and Scheduled Tribes Finance and Development Corporation (NSFDC), but made no other major changes to the Sixth and Fifth Plan strategies.

### **2.2.3 Eighth to Eleventh Plans**

Tribal Sub Plans continued to be planners' strategy towards tribal development through the Eighth, Ninth, Tenth and Eleventh Plans. By the end of the Seventh Plan, the Tribal Sub-Plan strategy was being implemented through 191 Integrated Tribal Development Projects, 268 pockets of tribal concentration (MADA clusters), 74 clusters and 74 primitive tribal group projects. From the Eighth Plan onwards, economic reforms formed the backdrop to the formation and implementation of these Plans. Essentially starting from the mid-80s onwards, the reform period marked a change in many economic policies in India that were deregulatory of the private sector, and also changes in taxation, investment, trade and fiscal policies<sup>85</sup> <sup>86</sup> The 'opening up' of the economy has had its adverse impacts on tribal people, especially in increased displacement of people from tribal lands and livelihoods.

The 'neo-liberal agenda' as some term it also allows for a partnership to be made between the state and privately owned companies. The reforms period marks a shift towards public-private partnerships in many different kinds of projects, ranging from the building of highways and roads to mining, water management and distribution and so on. Usha Ramanathan finds that the "state casts itself in the role of a facilitator; as the "public" in public-private partnerships (PPP); as party to contracts with corporations where it guarantees certain conditions and terms that would make projects friction free

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<sup>85</sup> Kohli, Atul. *Democracy and Development in India*. Delhi: Oxford University Press, 2009.

<sup>86</sup> Bardhan, Pranab. "Political Economy of Reform in India." In *Democracy in India*, by Niraja Gopal Jayal. New Delhi: Oxford India Paperbacks, 2007.

while guaranteeing profits; as agents in procuring land and providing clearances; as disinvestors, through which process the transfer of assets would occur. The alignment of state interest with corporate interest, which has the state acquiring and transferring land to corporations, has had dispossessed and displaced persons and communities seeing the state as adversarial to their interest.”<sup>87</sup> The consequences of this, especially in the context of Andhra Pradesh are discussed in the next chapter. The Plan documents, however, reflect an attitude towards poverty alleviation and increasing infrastructure for tribes.

The shortcomings of the Seventh Plan were understood to be problems related to the flow of funds, so it was recommended that for the Eighth Plan, detailed guidelines were given for how funds should be earmarked under the TSP. With this as the thrust of the Tribal Sub Plan documents in most states, it is seen that all the documents with relation to the Tribal Sub Plan (especially with relation to Andhra Pradesh) notably focus on the funding and the plan outlays. This is a trend that may be noticed in documents such as the review of the Eighth Plan Tribal Sub Plan, the report of the Working Group on the Development and Welfare of Scheduled Tribes during the Ninth Five Year Plan, annual reports of the Tribal Cultural Research and Training Institute, Andhra Pradesh, the TSP document for the years 2011 – 2012 and so on. The Eighth Plan, in its objectives, states that “In the nineties there has to be an intensification of efforts to bridge the gap in the levels of development of the Scheduled Castes, Scheduled Tribes, Backward Classes and other sections of the population so that by the turn of the century these disadvantaged sections of the population are brought on par with the rest of the society in all spheres of national endeavour. Problems of access for Scheduled Castes and

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<sup>87</sup> Ramanathan, Usha. "Land Acquisition, Eminent Domain and the 2011 Bill." *Economic and Political Weekly*, November 2011

Scheduled Tribes to programmes and services have to be identified and removed. Elimination of exploitation of Scheduled Castes and Scheduled Tribes and removal of all forms of oppression of Scheduled Castes and Scheduled Tribes must receive high priority. Untouchability, suppression of rights, usurious money lending, land alienation, non-payment of minimum wages, and restrictions on right to collect minor forest produce have to be removed to enable these people to avail of the benefits of development efforts.” To this end, the Plan focused especially on agriculture as the primary livelihood source, and fisheries, sericulture, horticulture, plantation on waste land and growing vegetables as sources of supplemental income and new avenues of employment.

It was during the Ninth Five Year Plan (1997-2002) that the Ministry of Tribal Affairs was set up in order to ensure a more focused approach towards tribal welfare and development in the country. The Plan document emphasizes a focus on social empowerment, economic empowerment and social justice through this Plan. This Plan’s objectives focused squarely on the acceleration of the growth rate in the economy; along with a focus in eradication of poverty and the provision of basic facilities such as safe drinking water, primary health care, universal primary education, an efficient public distribution system for food and nutrition. The Tenth Five Year Plan (2002 – 2007) took forward the approach of the Ninth plan. It promoted new educational development schemes for tribal regions and new employment generation activities. There was also an emphasis during this plan for minor irrigation and development of forests.

The Eleventh Plan (2007 – 2012) also put forth its objectives under the same heads of economic and social empowerment and social justice; with the same focus on education and livelihood-related activities. As seen in the previous chapter, the strategies towards

improving the enrolment ratio and increasing the number of schools in scheduled areas catering particularly to children belonging to Scheduled Tribes has been largely successful. The Mid-Term Appraisal of the Eleventh Plan also emphasizes this success of the Plan. The report also however highlights that there is very little implementation of the Forest Rights Act; and that tribal people are facing serious issues regarding the use and their rights to forests. It also says that while several policies have been implemented for the rehabilitation and resettlement of people who have been displaced by the various development programs in tribal areas, none of them have been affective enough (these issues are also discussed in the next chapter).

### **2.3 Tribal Sub-Plans in Andhra Pradesh**

Andhra Pradesh has a Scheduled Tribe population of 50.24 lakh people, constituting around 7% of the total population. 60% of this population is concentrated around the hills and forests of the Eastern Ghats, Nallamalai forest tracts and the Godavari valley. The rest of the tribal population is concentrated in small pockets across the state either close to the forest tracts or in cases like the Lambadas, in small distances from the villages. There are 9 Integrated Tribal Development Agencies in Andhra Pradesh across 9 districts including Srikakulam, Vizianagaram, Vishakhapatnam, East Godavari, West Godavari, Khammam, Waramgal, Adilabad and Mahaboobnagar. Apart from these, there are 41 Modified Area Development Approach (MADA) clusters identified of contiguous tribal villages having a minimum population of 10,000 people. These clusters are meant for pockets with relatively less tribal concentration, and are present across 11 districts. Also, 17 small clusters of tribal villages with a population of either 5,000 and above or 50% or more tribal concentration have also been identified. These small clusters are present across 8 districts. Apart from these, PTGs have been identified



across 13 districts for special attention; and Dispersed Tribal Groups which aren't covered in any of the other groups are also identified separately.

Table 2.10 Tribal Sub Plan: ITDA Districts and Number of Villages

<b>District</b>	<b>No. of Scheduled Villages</b>	<b>No. of Non-Scheduled Villages</b>	<b>Total</b>
Srikakulam	108	240	348
Vizianagaram	302	181	483
Visakhapatnam	3373	91	3464
East Godavari	559	40	599
West Godavari	102	1	103
Khammam	891	3	894
Warangal	178	76	254
Adilabad	412	164	576
Mahaboobnagar	23	4	27
<b>Total</b>	<b>5948</b>	<b>800</b>	<b>6748</b>

(Source: Tribal Sub Plan in Andhra Pradesh, 2012)

Table 2.11 District-wise MADA pockets and Population

<b>District</b>	<b>No. of Pockets</b>	<b>No. of Villages</b>	<b>Scheduled Tribe Population (2001)</b>
Srikakulam	2	31	20793
Warangal	7	61	104664
Khammam	2	14	21365
Krishna	1	14	13621
Guntur	1	9	7076
Nizamabad	2	36	32713
Medak	1	73	21571
Mahaboobnagar	5	55	50895
Karimnagar	1	27	7727
Nalgonda	18	146	169151
Ranga Reddy	1	6	7519
<b>Total</b>	<b>41</b>	<b>472</b>	<b>457095</b>

(Source: Census of India 2001; GoAP 2008)

Table 2.12 District-wise Small Clusters and Population

<b>District</b>	<b>No. of Clusters</b>	<b>Villages Included</b>	<b>Scheduled Tribe Population</b>
<b>Vizianagaram</b>	2	37	11491
<b>Visakhapatnam</b>	2	42	11092
<b>West Godavari</b>	2	18	6443
<b>Khammam</b>	1	5	4674
<b>Warangal</b>	2	7	12169
<b>Karimnagar</b>	1	7	3633
<b>Nizamabad</b>	1	6	5756
<b>Adilabad</b>	1	12	6243
<b>Ranga Reddy</b>	3	31	20782
<b>Mahaboobnagar</b>	2	15	12102
<b>Total</b>	<b>17</b>	<b>180</b>	<b>94385</b>

(Source: Census of India 2001; GoAP 2008)

Table 2.1 looks at the total number of villages currently covered by the Integrated Tribal Development Authority within the Tribal Sub Plan. Table 2.2 looks at the number of MADA clusters per district along with the population that it covers. Table 2.3 looks at the number of small clusters per district along with the population that it covers.

The Fifth Plan started out by of 7078 villages of which 6172 villages were scheduled villages and 906 were non-scheduled villages. It encompassed an area of 30293.44 sq kms with a population of 17.87 lakhs of whom 9.11 were STs constituting 50.96% of the total population of the Sub Plan area. The TSP area, therefore, covered close to 11% of the total geographical area and half the ST population of the state. According to some

Sub Plan documents in Andhra Pradesh, the basic components of the Tribal Sub Plan strategy accorded the highest priority to agriculture and allied programmes, with a concurrent emphasis on minor irrigation. One of the most important strategies that was outlined in these documents is the incentivisation of rapid industrialization within tribal areas in order to “afford opportunities for gainful employment.” It was expected that this would widen the occupational base, while providing broad based development in allied sectors and promoting tribal entrepreneurship. (This was obviously flawed reasoning, and the impact of this rapid industrialization was devastating in terms of loss of land and development induced displacement as will be discussed in the next chapter). The Tribal Sub Plan during the Fifth Plan was approved with a total outlay of Rs. 45.35 crores; of which 3 crores was granted for centrally sponsored schemes and 7 crores as special central assistance<sup>88</sup>.

The Sixth Plan adopted the Modified Area Development Approach, in which 35 MADA clusters were identified in Andhra Pradesh. The Seventh Five Year Plan extended the Tribal Sub Plans to Dispersed Tribal Groups; while creating a special family oriented poverty alleviation programme for the STs in the state in sync with the rest of the Plan. This Plan also added 3 MADA clusters and 17 small clusters to what was already covered by the Fifth and Sixth Plans. In Andhra Pradesh, in order to plug some of the loopholes in administration in tribal areas, a ‘single line administration’ system was introduced whereby separate demands for TSPs may be made. The Seventh Plan period saw the release of around Rs. 348 crores as funds for TSP activities in AP. The TSP in the Eighth Plan identified several schemes that do not ordinarily fall within the purview of other development activities, but address tribal needs such as ashram schools,

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<sup>88</sup> Go AP. *Sub Plan and Integrated Tribal Development in Andhra Pradesh*. Hyderabad: Social Welfare Department, 1977.

scholarships, special economic support for irrigation, coffee development etc. This Plan allocated Rs. 59921.28 lakhs to the Tribal Sub Plan, which constituted 4.7% of the state plan.

An important concern for Tribal Sub Plans in Andhra Pradesh is the large amounts of money that has been allocated as per the Plan but has gone unspent. Between 1992-92 and 2011-12, a total outlay of Rs. 16198 crores has been allocated under the Tribal Sub Plan in Andhra Pradesh. The total outlay for the period was Rs. 255288.40 Crores, of which Rs. 16849 Crores has been allocated for TSP. The amount actually spent under TSP is Rs. 12555.12 Crores, leaving a total unspent amount of Rs. 3643.48 Crores over twenty years. It is noticed that much of the money that has been allocated is spent on salaries of those working in their department. The Tribal Welfare department also submits that certain departments that do not have special schemes or programmes meant for STs are actually receiving funds that are meant for tribal development. More importantly, however, it is observed that the planning and implementation of Tribal Sub Plans has been relegated to a budgeting exercise, in which every department merely delegates a portion of its budget under the Tribal Sub Plan, without planning for any special schemes or programmes for tribal welfare.

### III: Land, Forests and Development-Induced Displacement in Andhra Pradesh

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This chapter discusses the consequences of development strategies on tribal communities, especially the dispossession of land, forests and livelihoods and development-induced displacement. In the first section, a discussion on the ownership of land and forests, the shifts in policy and legislation since colonial rule and the present situation is discussed in the context of Andhra Pradesh. In the second section, development-induced displacement in Andhra Pradesh, especially through mining and dams is discussed. In the third section, the resettlement and rehabilitation policy in Andhra Pradesh is discussed.

#### **3.1 Land, Forests and Livelihoods**

This section will discuss the contradiction between land and forest policy, and the reality of displacement and ‘Project Affected Persons’.

Some of the most mineral and forest rich areas of the country happen to coincide with tribal regions of the country. Around 80% of the country’s coal, forest, water and other minerals come from tribal regions<sup>89</sup>. Also, twenty three percent of India’s total area is forested area under the control of the Forest Department. Sixty percent of these forests fall within 187 tribal districts of the country.

Historically, communally owned tribal land has been settled upon or acquired by non-tribals either by encroachment or through land-transfer. This is a result of many simultaneous factors, ranging from changing forest policies, unfair survey processes or as a means to resolve high interest debt, to displacement caused by development projects undertaken by the state. Even during the colonial period, these lands, forests and

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<sup>89</sup>Fernandes, Walter. 2007.  
<http://onlineministries.creighton.edu/CollaborativeMinistry/NESRC/Walter.html>.

resources were exploited in order to provide raw material and capital for European companies. Post-independence, with economic growth and national development as the priority, tribal lands and forests have been acquired by the government for the purposes of mining, setting up privately and publicly owned industries, building dams, constructing highways, environmental conservation, housing, urban development and other large and small scale development projects.

While the Plans over the past sixty five years have provided for special educational and economic programmes and legislation has provided for protection of their rights, it is seen that tribals remain poor and robbed of their rights to their livelihoods whether through their land or forests. As Walter Fernandes puts it, “A large number of them have been impoverished during the last six decades because most planners view development only as economic growth and neglect the social components of education, health, nutrition and hygiene. ... The main reason of their impoverishment is not development itself but the priority given to economic growth. Development was needed because the colonial regime had robbed the country of its resources and had left it undeveloped and impoverished. However, when India launched its five-year plans it forgot that the development of the West would not have been possible without the exploitation of the colonies whom the colonial regime turned into suppliers of raw materials and capital for the industrial revolution in Europe and captive markets for its finished products. The colonies were thus impoverished”<sup>90</sup>.

### **3.1.1 Land and Forest Ownership**

Traditionally, tribal land and forests have been owned communally, and treated as much more than a means of livelihood. In fact, these are quite central to tribal identity and culture. Commenting on the nature of their relationship with land and forests, a report by

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<sup>90</sup>Fernandes, Walter. 2007.  
<http://onlineministries.creighton.edu/CollaborativeMinistry/NESRC/Walter.html>.

the World Bank says, “Most indigenous people do not view land as a ‘commodity’ which can be bought or sold in impersonal markets, nor do they view the trees, plants, animals, and fish which cohabit the land as ‘natural resources’ which produce profits or rents. On the contrary, the indigenous view is that land is a substance endowed with sacred meanings, embedded in social relations and fundamental to the definition of a people’s existence and identity. Similarly, the trees, plants, animals, and fish, which inhabit the land are highly personal beings (often a kinship idiom is used to describe these beings) which form part of their social and spiritual universes. This close attachment to the land and the environment is the defining characteristic of indigenous peoples.”<sup>91</sup> Walter Fernandes reiterates this view, and adds that their economic, political and social systems also are built around them. He says that equitable management of resources is basic to tribal culture. These resources are treated as renewable, and used only according to the need of the family. Fernandes also stresses upon the role of the woman in the management of resources, by saying that “as long as land and forests are community owned, the woman has some say in their management.”<sup>92</sup> Therefore, when communal ownership is not recognized or challenged, it is not only tribal livelihoods that get affected; it is also their political, economic and social systems.

The roots of forest and land exploitation may be traced to the colonial control over resources. Indeed, as Gadgil and Guha point out, “Colonialism’s most tangible outcome (one whose effects persist to this day) related to its global control of resources”<sup>93</sup>. The very objects that were used for sustenance by communities, such as wood for shelter and fuel and land for shifting cultivation were now treated by the colonial government as

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<sup>91</sup> Mathur, Hari Mohan. "Tribal Land Issues in India: Communal Management, Rights and Displacement." In *Land and Cultural Survival*, by Jayantha Perera. Asian Development Bank, 2009

<sup>92</sup> Fernandes, Walter. "Development-induced Displacement in the Era of Privatization." In *Resettling Displaced People: Policy and Practice in India*, by Hari Mohan Mathur. New Delhi: Routledge, 2011

<sup>93</sup>Gadgil, Madhav, and Ramachandra Guha. *This Fissured Land: An Ecological History of India*. New Delhi: Oxford India Paperbacks, 2011.



commercial. Forest policy of the time was based on Britain's growing need for timber, especially for railways and ship-building. The traditional system of communal ownership of resources was challenged by the British, by bringing in the concept of state ownership of forests and other resources. The lands that came within the provisions of the various Forest Acts were declared a 'government forest' and essentially became the 'de facto private property of the colonial state'<sup>94</sup>.

The first colonial forest legislation, the Government Forest Act was passed in 1865, which restricted cultivation and grazing in forests, and also prevented fires and contained provisions for protection of trees. The Indian Forest Act of 1878 was a more comprehensive act, and worked two ways – to restrict the use of forest land as private property and to promote commercial use of forests, while empowering forest officials to check the use of forests. All land that was designated as 'forest land' according to this act came under the exclusive control of the state. The Forest Policy of 1894 stated more clearly the objectives of the state with respect to forests. While further curtailing the rights of those living in forests, it went to on create three categories of forests, those of 'reserved forests', 'protected forests' and 'revenue land'. Slowly, this forest policy allowed the British to increase their forest revenues, while checking the protests and rights of people residing in those forests<sup>95</sup>.

These Acts along with their subsequent acts had results that were important, according to Gopalkrishnan, in two important ways. Firstly, he argues, "the effort was not just the alienation of forest dwellers from land, it was to undertake a political-legal conversion of what was, in fact, a complex multi-faceted resource system (involving water, minor

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<sup>94</sup>Gopalkrishnan, Shankar. "The Forest Rights Act, the Adivasis and the State." In *India Social Development Report 2010: The Land Question and the Marginalized*, by Council for Social Development. New Delhi: Oxford, 2011.

<sup>95</sup>Pratap, Dinesh. "Community Participation and Forest Policies in India: An Overview." *Social Change*, November 2010.

forest produce, wildlife, hunting, domestic animals, etc., with vital links to rivers and agriculture elsewhere) into a single resource – timber.” This is still reflected in the work of the forest department, whose major role in forests is concerned with the management of trees. The second important result of viewing forests mostly as trees in these Acts, is that they failed – especially because of widespread protests and uprisings against the takeover of forests. Also, traditional systems of forest management and conservation took a hit, and this forms another important consequence of colonial forestry that was focused around commercialization of timber and generation of revenue<sup>96</sup>.

According to KB Saxena, “the problem of alienation of tribal land is rooted in changes introduced by the colonial government in agrarian structure and governance institutions”<sup>97</sup>. For example, shifting or ‘jhum’ cultivation had been the agricultural practice in most parts of India. This is especially so in areas which aren’t ploughable, such as hilly and forest areas. The colonial government made an effort to move people away from this form of agriculture, and instead practice more settled agriculture in order to protect their interests in forest resources. Madhav Gadgil and Ramachandra Guha relate how these changes took place through Elwin’s work ‘Baiga’:

“The first serious attempt to stop shifting cultivation in the 1860’s had as its impetus the civilizational zeal of the chief commissioner of the province, Richard Temple. In the later years though, it was the fact that the marketable value of forest produce ‘rose in something like geometrical proportion’ which Temple’s policy of benevolent improvement for their own sake to a frank and simple desire to better the Provincial budget.’ A vigorous campaign to induce the Baiga to take to the plough culminated in the destruction of standing jhum crops by an over-enthusiastic deputy commissioner.

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<sup>96</sup>Gopalkrishnan, Shankar. "The Forest Rights Act, the Adivasis and the State." In *India Social Development Report 2010: The Land Question and the Marginalized*, by Council for Social Development. New Delhi: Oxford, 2011.

<sup>97</sup>Saxena, KB. "Land Reforms: Unfinished Agenda or Reversal of Policy." In *India Social Development Report 2010: The Land Question and the Marginalized*, by Council of Social Development. New Delhi: Oxford, 2010.

When many tribals fled to neighbouring princely states, the government advised a policy of slow weaning from axe cultivation.”<sup>98</sup>

The dispossession of land takes place because of both non-tribal individuals as well as the government. The provisions made for the protection of tribal land have not been adequate. It is also the case that much tribal land was lost due early on due to survey processes, and later to fraudulent practices, insensitive enforcement machinery and a judicial system that heavily depends on paper-based evidence. Saxena notes that “In terms of performance on this count, the available information indicates that 5.06 lakh cases of alienation of tribal land have been registered so far, covering 9.02 lakh acres of land, of which 2.25 lakh cases have been disposed in favour of the tribals covering an area of 5.00 lakh acres and 1.99 lakh cases covering an area of 4.11 lakh acres have been rejected by the courts. But the figures of registration of cases underestimates the extent of alienation because a very large number of cases are not registered due to the lack of faith in the system, threat/intimidation from the adversaries, dilatory and expensive judicial process and the insensitivity of the handling bureaucracy. ... The expert group on the Prevention of Alienation of Tribal land and its Restoration has also noted serious procedure and practice-related anomalies in disposal of cases.”<sup>99</sup>

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<sup>98</sup>Gadgil, Madhav, and Ramachandra Guha. *This Fissured Land: An Ecological History of India*. New Delhi: Oxford India Paperbacks, 2011.

<sup>99</sup>Saxena, KB. "Land Reforms: Unfinished Agenda or Reversal of Policy." In *India Social Development Report 2010: The Land Question and the Marginalized*, by Council of Social Development. New Delhi: Oxford, 2010.

## **3.2 Land Legislation in Andhra Pradesh**

### **3.2.1 Land Acquisition Act, 1894**

One of the most important legislations with regard to land acquisition in India is the 118 year old Land Acquisition Act of 1894 (LAA). This Act essentially allows for the State to take over private land for the sake of public purpose. This colonial law has been used widely even after independence to acquire land by the government not only for a range of large and small development projects, power plants, industries and so on; but also over the past two or three decades by the central and state governments to acquire land in order to lease them out on long-term basis to private companies; causing large scale displacement. Since the purpose of the Act is to expropriate private lands, the State may first issue a notification in the gazette and put up a public notice in the locality. After this, a survey of land is carried out, compensation is decided upon and then either the state or the central government acquires the titles to the land<sup>100</sup>. Over the past few decades, the Act has been extensively used to acquire land for private companies that operate for profit. Chapter VII of the Act which allows for this to happen says that no land may be acquired for a company unless the work that is carried out is meant for public utility or for constructing housing for employees of the company. It also falls upon the company to bear the acquisition costs, unless the government is also a partner.

This Act is premised on its expression of the ‘eminent domain’ doctrine, which allows the state to prioritize its own requirements over the requirements of the land owners<sup>101</sup>. The oldest and most oft quoted understanding of ‘eminent domain’ is Hugo Grotius’ in 1625 who says, “The property of subject is under the eminent domain of the state, so that the state or he who acts for it may use and even alienate and destroy such property,

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<sup>100</sup>Desai, Mihir. "Land Acquisition Law and the Proposed Changes." *Economic and Political Weekly*, June 2011.

<sup>101</sup>Ramanathan, Usha. "Land Acquisition, Eminent Domain and the 2011 Bill." *Economic and Political Weekly*, November 2011.

not only in cases of extreme necessity... but for ends of public utility, to which ends those who found civil society must be supposed to have intended that private ends should give way. But it is to be added that when this is done the state is bound to make good the loss to those who lose their property (Ibid)". 'Eminent Domain,' therefore, most basically may be understood as the power the state may exercise over all its territory. In this Act, 'eminent domain' consists of three basic elements. Firstly, the state has the power to expropriate private land, not necessarily with the owner's consent. Secondly, this power may be used only for 'public purpose'. Thirdly, the state has to adequately compensate the owners of the land. Usha Ramanathan pertinently asks what the role of the state exactly might be with relation to this Act, while commenting on the current use of this law. She says, "An unresolved question has hung in the air since the early years after Independence when laws were passed to dispossess zamindars: What is the relationship of the state with land? Is it a landlord? A super landlord? An owner? A trustee? A holder of land? A manager? Even as this remains in the realm of debate, the state has, among other roles, emerged as an agency that facilitates the transfer of land to companies in their pursuit of projects and profits."<sup>102</sup>

The power of the state, as granted to it by this Act, extends to taking land from people for an undefined and vague 'public purpose.' There are several contestations as to what exactly might legally constitute 'public purpose', and it has also been widely litigated. In 1995, the Supreme Court observed "It is primarily for the state government to decide whether there exists public purpose or not, and it is not for the Supreme Court or the high courts to evaluate the evidence and come to its own conclusion whether or not there is public purpose."<sup>103</sup> This ruling, essentially left it to the discretion of the state or central government to decide what they would like to call public purpose. Another ruling

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<sup>102</sup>Ibid.

<sup>103</sup> BajiraoKote v. State of Maharashtra in Desai, Mihir. "Land Acquisition Law and the Proposed Changes." *Economic and Political Weekly*, June 2011.

of the Supreme Court in 2011, however, said “This court is of the opinion that the concept of public purpose in land acquisition has to be viewed from an angle which is consistent with the concept of welfare state...It must be accepted that in construing ‘public purpose’, a broad and overall view has to be taken and the focus must be on ensuring maximum benefit to the largest number of people. Any attempt by the State to acquire land by promoting a public purpose to benefit a particular group of people or to serve any particular interest at the cost of the interest of a large section of the people, especially of the common people, defeats the very concept of public purpose.”<sup>104</sup>

The Act provides that land owners are to be compensated for by the government for the land that is taken away. This clause is also widely problematic in its implementation in two essential ways. Firstly, the question of what exactly constitutes the compensation that has to be given to the people whose land is taken away is pertinent. The norm is to compensate the tenants and the owners with cash based on the monetary market value of the land. Apart from the fact that the procedure for setting the market value may be flawed, it is also important to note that the cash itself may not be adequate for the survival of those who have lost their land<sup>105</sup>. If this cash has to be used optimally, there has to be infrastructure and facilities to ensure that it is properly invested and used. Secondly and more significantly, the inclusion only of land owners may be contested, particularly with relevance to communal ownership of land. Several others apart from the land owner, such as landless labourers and artisans whose livelihoods are linked with land but not as owners fail to be recognized for compensation under this Act. Also,

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<sup>104</sup> Ibid

<sup>105</sup> Ibid.

families of land owners and women who work on the land are not given much consideration<sup>106</sup>.

### **3.2.2 Colonial and Nizam Legislation in Andhra Pradesh**

In Andhra Pradesh, tribal land during the colonial period was subject to two kinds of policy owing to the difference between the Nizam rule in the region that is currently Telangana and the British rule over the rest of the state. In a situation peculiar to tribal communities in Andhra Pradesh, those communities in scheduled areas belonging to Hyderabad State came under Nizam rule, while those in the Madras Presidency were declared as 'Agency Tracts' and brought under the direct administration of a British governor appointed especially for these areas. This rule was established through either feudal intermediaries (jagirdars, zamindars, muttadars, kokhasis) or through a land tenure system. This system of land tenure was in place in Vishakhapatnam, West Godavari and Khammam. As a response to the first tribal uprising in the 1800s, the British government enacted the 'Ganjam' and Vishakhapatnam Districts Act in 1839 which set these areas apart from the rest of the Madras Province for revenue and administrative purposes. The Act brought all the areas declared as 'agency tracts' out of the purview of the general laws, instead bringing them under the extraordinary powers of the Collector who was designated 'Agent' to the state government.

Following this, there was another major protective legislation called the Agency Land Transfer Act of 1917. The Act aimed to check land transfers from tribal to non-tribal owners. It was brought about to prevent the exploitation of "illiterate and backward hill tribes" by preventing 'plainsmen' from charging "usurious rates of interest on loans and

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<sup>106</sup>Ramanathan, Usha. "A Word on Eminent Domain." In *Displaced by Development – Confronting Marginalisation and Gender Injustice*, by Lyla Mehta. New Delhi: Sage, 2009; Mudunuri, Bharati. "Tribal Women's Perspective on the Land Acquisition Bill." *Economic and Political Weekly*, May 2012.

ultimately grabbing their lands.<sup>107</sup>” This Act forms the base for much future protective legislation for tribal land. As Section 4 of the Act states, "Notwithstanding any rule of law or enactment to the contrary, any transfer of immovable property situated in the agency tracts 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 any other prescribed officer." It is argued, however, that this Act was used more to acquire tribal land by non-tribals by permission of the Agent, rather than to protect tribal land<sup>108</sup>

The other significant legislations during the colonial period were the Government of India Acts of 1919 and 1935 which granted more powers to the Governor in the Agency Tracts. The 1919 Act allowed the Governor General to declare any territory a 'Backward Tract' in which only those laws as approved by him would apply. The 1935 Act brought with it the 'Government of India (Excluded and Partially Excluded Areas) Order 1936. By this Order, some areas were 'excluded', again, from all the laws of the legislature unless explicitly allowed by the Governor. The provisions of both these Acts were justified as being protective of 'primitive tribes' in the area, in order to not impose 'legislation designed for advanced areas' on to that of 'backward areas.'<sup>109</sup>

All of these legislations and interventions into tribal life were marred by much protest and many uprisings. They adversely affected the way in which everyday life was conducted. Even in Andhra Pradesh, like with the Baiga discussed earlier, the practice of shifting cultivation was one of the first casualties. It also marked the change in the land

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<sup>107</sup>Subba Reddy, N. "Depriving Tribals of Land: Andhra Move to Amend Land Transfer Laws." *Economic and Political Weekly*, July 1988.

<sup>108</sup>Subbareddy, N. "Development through Dismemberment of the Weak: Threat of Polavaram AP." *Economic and Political Weekly*, February 2006.

<sup>109</sup>Haimendorf, Christoph von Furer. "Tribal Problems in India." In *Tribe, Caste and Religion in India*, by Romesh Thapar (ed.). New Delhi: Macmillan India Limited, 1977.



ownership structure for tribal communities. Haimendorf documents these changes for the Gonds in Adilabad during the early colonial period:

“The Gonds' practice of frequently shifting their fields and sometimes also their settlements was appropriate to a situation in which they were virtually the only inhabitants of large expanses of cultivable land and forest, and there were no other claimants to land temporarily abandoned by Gond cultivators. But as soon as agricultural populations from neighbouring areas moved into Adilabad District, the Gonds' habit of cultivating their land in rotation became a source of weakness, for fields left fallow with the intention of resuming cultivation after a number of years could easily be occupied by new settlers, who then managed to obtain title deeds for the occupied land. At the turn of the century, it was government policy to open up the district and to encourage the influx of new settlers, and to grant them patta free of charge for as much land as they could make arable. At first, no doubt, the Gonds too had the possibility of obtaining individual patta, and some Gonds were actually given patta documents, but the whole concept of having permanent rights to individual plots was foreign to the tribesmen, and they were slow to realize the necessity of obtaining title deeds to land which they had always considered communal property. Later, when pressure on land became acute and they did realize the value of patta, they were not sufficiently well versed in dealing with revenue officials to compete successfully with newcomers from more progressive areas. Consequently, they frequently failed to obtain recognition of their claims to the land which they and their forefathers had cultivated.”<sup>110</sup>

Hyderabad State, however, which had a majority of the tribal population of current Andhra Pradesh, didn't have any special provisions for tribal communities. They lost their land and economic freedom to non-tribal cultivators, money lenders, contractors, traders and so on. In the absence of any protective laws or policy, tribal communities in Hyderabad State were “turned into a landless drudge and serf.”<sup>111</sup> While the Agency Act of 1917 had its own exploitative clauses, the situation in Hyderabad where there was absolutely no intervention in the exploitation of tribal land was considerably worse.

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<sup>110</sup> Ibid.

<sup>111</sup> Wilfrid Grigson, Ibid

Wilfred Grigson says that there was “no determined effort made by district officials to keep their subordinates in check and prevent the extortion by them from the aboriginals of mamul, begar, rasad and bribes or to fight the exploitation (with their connivance) of the aboriginals by cleverer immigrants, such as the Banjara, the Maratha, the Brahman, the Muslim, the Sahukar and the Vakil, the less scrupulous among whom have long found in the tribal areas a happy hunting ground.”Grigson’s interventions coupled with many violent protests by 1943, allowed for tribal communities in Adilabad to get land titles for their lands. A protective statute or a Fasli ‘Tribal Areas Regulation’ was also enacted in 1946, which trusted all tribal land disputes to tribal panchayats and prohibited the sale of tribal land to non-tribals.<sup>112</sup>

### **3.2.3 Post-Independence Legislation**

The first tribal land legislation in Andhra Pradesh post-independence was the Andhra Pradesh Scheduled Areas Land Transfer Regulation of 1959. Under Schedule 5 of the Constitution, the Regulation was meant to cover any land transfers in the Scheduled Areas in the districts of East Godavari, West Godavari, Visakhapatnam, Srikakulam, Adilabad, Warangal, Khammam and Mahboobnagar. It was extended to the Telangana region in 1963. Specifically, it makes two important provisions that are also important for later legislations. Firstly, it prohibited the transfer of immovable property by a member of a scheduled tribe to a non-tribal without permission from the competent authority. Any such transfer would be declared null and void, by this Regulation. Secondly, if such a transfer does take place, the property may be restored to the original owner by the designated official either on representation or even suo moto. The

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<sup>112</sup>Haimendorf, Christoph von Furer. "Tribal Problems in India." In *Tribe, Caste and Religion in India*, by RomeshThapar (ed.). New Delhi: Macmillan India Limited, 1977; Rao, Laxman S, PriyaDeshingkar, and John Farrington. "Tribal Land Alienation in Andhra Pradesh." *Economic and Political Weekly*, 2006; Subbareddy, N. "Development through Dismemberment of the Weak: Threat of Polavaram AP." *Economic and Political Weekly*, February 2006.

Regulation, however, remained largely ineffective in protecting land, especially because the Rules weren't even framed for the first ten years of its passing.

The Naxal moment in the sixties formed the backdrop to the next significant legislation that took place in 1970. As a measure against Naxal activity, three officers were put on the task of evicting non-tribals from tribal land using the 1959 Regulation. The evicted persons filed cases in the AP High Court calling their eviction illegal despite the passing of the Act, since the Rules for the Act hadn't yet been formed. The Rules of the Act were then hastily formed by order of the High Court. However, by this time, since the Naxal moment had also reached a peak, the government therefore decided to form more stringent laws against land transfer, if only as a deterrent. Regulation 1 of 1970 was passed, amending the Andhra Pradesh Scheduled Areas Land Transfer Regulation of 1959. The most important provision of Regulation 1 was a presumption clause that allows for any immovable property that is in the possession of a person who does not belong to a Scheduled Tribe shall be presumed to have acquired from a predecessor who belonged to a Scheduled Tribe. This Regulation also places the burden of proof on the non-tribal possessor of the land. It also prohibits any transfer of immovable property by any person to a person not belonging to a Scheduled Tribe. This Regulation was initially passed with a retrospective clause, which was shot down by the Andhra Pradesh High Court.

There were further amendments to Regulation 1 of 70 in 1971 and 1978, and it was contested by political parties in power in 1979 and in the early 2000s. It was first amended in 1971 to allow for the Cooperative Land Mortgage Bank to function smoothly. The second amendment was made in 1978 to prohibit registrations of sale

transactions in favour of non-tribals<sup>113</sup>. The NT Rama Rao government in 1979 passed a Government Order not directing officials against evicting non-tribals from land within Scheduled Areas for up to 5 acres of wetland or 10 acres of dry, hilly or forest land. This was eventually struck down by the High Court which refused to allow an executive decision that was contradictory to legislation. The Telugu Desam party under the leadership of Chandra Babu Naidu also unsuccessfully made an effort to change Regulation 1 of 70 in order to allow private companies to acquire land in Scheduled Areas. The Congress government which next came to power also saw intensive industrial development which was land intensive, needing land in Scheduled Areas for mining and setting up private industries. Both of these governments were hampered to some extent by the Samata Judgement of the Supreme Court which prevented the government from acquiring land in Scheduled Areas, especially for mining purposes.

### **3.2.4 Samata Judgement**

Andhra Pradesh, which has perhaps some of the strongest land transfer regulations in the country, has also seen much land-intensive industrial expansion since the mid-90s. Samata, an organization that works on Adivasi rights in the state, took on much of the multi-national mining industry in the state in a legal battle against mining leases that were given to them in tribal areas. The Supreme Court gave a landmark judgement in 1997 in the Samata vs. State of Andhra Pradesh case, where it said that land in the Scheduled Areas, whether belonging to the government, tribals or forests, may not be leased to any non-tribal 'person'. The judgement is unprecedented in many ways, especially in the ways in which it seeks to protect tribal interests and rights. It manages to check the illegal practices of the government, especially with relation to commercialization of land, forests and water. There have been many attempts

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<sup>113</sup>Subba Reddy, N. "Depriving Tribals of Land: Andhra Move to Amend Land Transfer Laws." *Economic and Political Weekly*, July 1988.

subsequently by the Union and the state governments to amend the Land Acquisition Act, the Fifth Schedule and even bring out a new Land Acquisition, Resettlement and Rehabilitation Bill.

There are several important discussions in the judgement itself, not least of all the discussion on the use of the term 'persons' in the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959. There were two views expressed by the three member bench of the Supreme Court on this matter. One view argued that the State, as the paramount owner of lands must be allowed to exploit mineral resources within its lands for public utility. This view, therefore, argues that the State must not be considered to be a 'person' within this Regulation and that the prohibitions and restrictions within the regulation would not apply to the lands belonging to the state. However, the majority view argues that keeping tribal interests and justice in mind, the word 'person' would not only mean a natural person, but to "all juristic person in the generic sense, including the Corporation, partnership firm, a company, any person with corporate veil or persons of all hues, either as transferor or transferee so that the word 'regulate' ... would be applicable to them either as transferor or transferee of land in a scheduled area." Essentially, therefore, the judgement says that land in Scheduled Areas cannot be transferred to non-tribals or private industries as a body corporate like a private mining company, and that all of these must be legally construed as a non-tribal 'person'. Further qualifying its stance on this issue, the judgement clearly mentions that while the Government is indeed allowed to take over land within Scheduled Areas for 'public purposes' such as constructing schools, hospitals or roads; it is prohibited to transfer the right, title and interests of land in scheduled areas in favour of non-tribals.

The judgement allows that it is indeed necessary for the State to exploit its mineral resources in Scheduled areas, but explicitly states that it must not do so through a private

company or corporation which would have its own profits in mind. It states, “It manifests the constitutional and legislative intention that tribals and a Co-operative Society consisting solely of tribal members alone should be in possession and enjoyment of the land in the scheduled area as dealt with in various enactments starting from Gunjam and Vizianagaram Act, 1839 to the present regulation.” It also says that this must happen only if these bodies are in compliance with the Forest (Conservation) Act 1980 and the Environment (Protection) Act 1986. The judgement also reiterates the importance of self-governance within tribal areas. It takes into account the Panchayats Extension to Scheduled Areas Act 1996, and says that the Gram Sabha is indeed a competent authority to safeguard and preserve community resources, including planning and management of minor water bodies, management of village markets and prevention of land alienation. It reiterated that this Act’s emphasis on tribal autonomy in management of their own resources through the Gram Panchayats must also be taken into consideration when land for mining and other resources is considered. The court also directed that any industrial activity would have to set aside 20% of its net profits for activities such as the establishment and maintenance of water resources, schools, hospitals, sanitation, laying roads and so on; not inclusive of any expenditure on reforestation or environment conservation.

As mentioned earlier, this judgement was not accepted very easily by either the state and Union governments or by the mining lobby in the state. The governments tried to work around this decision in many ways. For example, the Ministry of Mines tabled a draft amendment to Schedule in the parliament in 2000, trying to override all the restrictions with respect to land transfer in scheduled areas in order to allow mining in these areas by private agencies. This amendment even tried to remove the public purpose clause,

therefore trying to allow industrial profit-based activities to be conducted by non-tribal 'persons' within Scheduled Areas.

### **3.3 The Forest Rights Act**

Post-independence, much of the forest policy upto 1988 was based similarly on the commercial use of forests. While community use of forest produce was recognized, like the use of all other resources in the country, for the first two decades after Independence, the use of forest resources for 'national interest' and 'national development' was given the highest priority. The uninterrupted supply of forest supply was absolutely necessary, especially for the kind of industrial development that was being carried out. The National Forest Policy of 1952 especially emphasized this view of forests as resource, not particularly favoring tribal use of forests.

In 1988, the new National Forest Policy was faced with severe deforestation and depletion of forests, as a consequence of around a hundred years of commercial use of forests. The objectives of the policy were, among others, "Maintenance of environmental stability through preservation and, where necessary, restoration of the ecological balance that has been adversely disturbed by serious depletion of the forests of the country" and "Checking soil erosion and denudation in the catchment areas of rivers, lakes, reservoirs in the interest of soil and water conservation, for mitigating floods and droughts and for the retardation of siltation of reservoirs."<sup>114</sup> It shifted focus from the use of forest produce, to preservation and afforestation, as also soil and water conservation. This policy also paved way for the Joint Forest Management (JFM) in the 1990's, which was an effort to involve communities in conserving and replenishing forests. While this policy recognized that support of the communities was necessary for forest management, the role of local governments was not favorably seen.

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<sup>114</sup>Gol. *National Forest Policy*. New Delhi: Ministry of Environment and Forests, 1988.

There has, thus, been a 'historical injustice' to adivasis and other forest dwelling tribal people through the consolidation of forests during the colonial period and even after independence. Not only have they been denied of their rights to their land and forests, they have sometimes been blamed for environmental degradation, or even forced to sacrifice their own interests to that of a 'national interest.' While some of the forest policy since the '90s aimed at involving communities in the management of forests, it was only until the Forest Rights Act was passed in 2006 that recognized as a matter of right, tribal ownership and management of forests.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act, 2006 also known as the Forest Rights Act is a result of around a hundred years of protest and struggle for rights. As stated in the Act, it aims to recognize the rights of forest dwelling Scheduled Tribes and other traditional forest dwellers against what the Act terms as a 'historical injustice.' The Act also traces this 'injustice' back to the "consolidation of State forests during the colonial period as well as in Independent India." The Act recognizes that the tribal people and other forest dwellers are "integral to the very survival and sustainability of the forest ecosystem" and that "it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions." The Act itself is composed of three important elements - The first element defines a comprehensive list of forest rights, the second defines who is entitled to these rights and



the third creates a democratic framework for both recognizing rights as well as for conservation and wildlife protection<sup>115</sup>.

There are thirteen forest rights listed under this Act. These include, firstly, rights to land that are individually or communally occupied for both habitation and self cultivation for livelihoods as well as customary community rights for using the land. It grants title to people who have been cultivating this land prior to December 2005, while also making provisions for preventing illegal eviction and displacement from their land. It also allows for those people whose lands are under dispute or have been encroached upon by the Forest department to claim this land. The Act specifies that one may not transfer or sell this land, except by inheritance. Secondly, the Act enumerates the ways in which this land may be used. It allows individuals and communities rights over minor forest produce not including timber, grazing and access to water bodies within these areas. It also recognizes the 'habitat and habitation' rights of primitive tribes and 'pre-agricultural' communities. Thirdly, it recognizes the right to 'protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.' This is an important provision that, as a matter of right, allows people to participate in the management and protection of forests, and prevent commercial use of their lands.

There are several problems with the implementation of this Act. The Act has been notified in most states, but the extent to which it is implemented depends on many factors, ranging from whether there is mobilization on the field by NGOs, activists to what the attitude of the state government towards the Act is. Gopalkrishnan finds that states like Gujarat, Orissa, Madhya Pradesh and Rajasthan where there was much

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<sup>115</sup>Gopalkrishnan, Shankar. "The Forest Rights Act, the Adivasis and the State." In *India Social Development Report 2010: The Land Question and the Marginalized*, by Council for Social Development. New Delhi: Oxford, 2011.

enthusiasm for this Act, it was implemented speedily and all the provisions were adhered to. For states like Chattisgarh and Andhra Pradesh, the Act was treated simply as a land title distribution scheme, ignoring the provisions made for the participation of the Gram Sabha. Often, in these states, it is also seen that the titles distributed only cover a portion of the actual area claimed. Also, in states like Kerala and Maharashtra, the Act is being implemented at a 'slow pace' while there is hardly any action taken in states such as Tamil Nadu and Jharkhand<sup>116</sup>. It is also seen that many community rights are ignored by the forest department officials, and that gram sabhas are hardly taken into consultation in any decisions made.

Tables 3.1 shows the number of claims made under the Forest Rights Act in Andhra Pradesh up to 2010. A total of 17,72,481 acres of forest land have been claimed under this Act. Of these, 262127 claims are individual claims made for 8,23,291 acres while 6486 community claims have been made for 949290 acres. Table 3.2 shows the number of claims surveyed by the government based on the claims made. Except for Mahaboobnagar district, where community claims have hardly been surveyed at all, this table shows that most claims have been investigated in the state.

Of these, 150825 Individual claims with an extent of 445001 acres and 2629 community claims with an extent of 911454 acres were approved by District Level Committees set up for this purpose. 146072 individual certificates of titles for 427350 Acres and 1905 community certificates of titles up to 902770 acres were issued in the Scheduled Areas of Srikakulam, Vizianagaram, Vishakhapatnam, Warangal, East Godavari, West Godavari, Khammam, Adilabad and Mahaboobnagar districts.

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<sup>116</sup>Gopalkrishnan, Shankar. "The Forest Rights Act, the Adivasis and the State." In *India Social Development Report 2010: The Land Question and the Marginalized*, by Council for Social Development. New Delhi: Oxford, 2011.

Table 3.1 Number of Claims and Extent of Acreage made under the Forest Rights Act by District

<b>Name of District</b>	<b>No. of Gram Panchayats having forest interface</b>	<b>No. of Gram Sabhas Convened</b>	<b>No. of FRCs Constituted</b>	<b>No. of Individual Claims Received</b>	<b>Extent in Acres</b>	<b>No. of Community Claims Received</b>	<b>Extent in Acres</b>	<b>Total no. of Claims</b>	<b>Total Extent in Acres</b>
<b>Srikakulam</b>	131	131	131	18105	32308	405	17349	18510	49657
<b>Vizianagaram</b>	150	150	150	15062	43008	477	53112	15539	96120
<b>Visakapatnam</b>	367	367	367	51919	99534	1145	119631	53064	219165
<b>East Godavari</b>	132	132	132	14059	35489	820	210257	14879	245746
<b>West Godavari</b>	116	116	116	5474	12001	305	51689	5779	63690
<b>Khammam</b>	368	368	350	67790	289914	680	102581	68470	3924965
<b>Warangal</b>	155	155	155	32775	84617	1222	119874	33997	204491
<b>Adilabad</b>	499	499	499	55663	221624	1431	221624	57094	496419
<b>Mahbubnagar</b>	37	37	37	1280	4796	1	2	1281	4798
<b>TOTAL</b>	1955	1955	1937	262127	823291	6486	949290	268613	1772481

(Source: Tribal Welfare Department, Government of Andhra Pradesh: Annual Report of the Governor on the Administration of Scheduled Areas in Andhra Pradesh for the year 2010 – 2011)

Table 3.2 Number of Claims Surveyed by Individual and Community Claims and Extent of Acreage by District

Name of District	No. of Claims Surveyed						Total No. of Claims	Total Extent in Acres
	No. of Survey teams constituted	No. of Individual Claims	Extent in Acres	No. of Community Claims	Extent in Acres			
<b>Srikakulam</b>	28	18105	32308	405	17349	18510	49657	
<b>Vizianagaram</b>	44	15062	43008	477	53112	15539	96120	
<b>Visakapatnam</b>	38	51919	99534	1145	119631	53064	219165	
<b>East Godavari</b>	57	14059	35489	820	210257	14879	245746	
<b>West Godavari</b>	20	5474	12001	305	51689	5762	63624	
<b>Khammam</b>	159	67790	289914	680	102581	68470	392495	
<b>Warangal</b>	59	32775	84617	1222	119874	33997	204491	
<b>Adilabad</b>	100	55663	221624	1431	221624	57094	496419	
<b>Mahbubnagar</b>	2	1280	4796	1	2	1281	4798	
<b>TOTAL</b>	<b>507</b>	<b>262110</b>	<b>823225</b>	<b>6486</b>	<b>949290</b>	<b>268596</b>	<b>1772515</b>	

(Source: Tribal Welfare Department, Government of Andhra Pradesh: Annual Report of the Governor on the Administration of Scheduled Areas in Andhra Pradesh for the year 2010 – 2011)

### 3.4. Development-Induced Displacement

Over the past sixty five years, development related projects and programmes, dams, power plants, industries, mines and so on, have caused the displacement of a vast, untold number of people from their lands and livelihoods. From the First Plan onwards, it was seen that development has been understood in terms of these large projects. Justified by the government as the sacrifice of some for the good of the nation, displacement is seen to be but a by-product and a small cost of this growth. Says S. Parasuraman, "Development induced displacement is inherent in the ideology and policy of development itself, and should be an important consideration in any discussion on development, firstly because of the sheer numbers of people evicted for the sake of 'national well-being', and secondly because displacement resulting from development questions whether informed participation and active cooperation should be the basis of democracy."<sup>117</sup> There are no official statistics on the exact number of people displaced. Only by planned development related projects, the number of displaced persons varies by study, between anything from 110 to 185 lakh people between 1951 and 1990, and the most conservative estimate in 2011 places this figure at 60 million people. This is especially relevant because of the fact that these studies estimate that anything between one-third and one-half of the number of people displaced is actually people belonging to Scheduled Tribes, while they make up only 8 percent of the population<sup>118</sup>

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<sup>117</sup>Parasuraman, S. *The Development Dilemma: Displacement in India*. London: Macmillan Press, 1999.

<sup>118</sup>Govt. *National Forest Policy*. New Delhi: Ministry of Environment and Forests, 1988; Kothari, Smitu. "Whose Nation? The Displaced as Victims of Development." *Economic and Political Weekly*, June 1996; Parasuraman, S. *The Development Dilemma: Displacement in India*. London: Macmillan Press, 1999; Fernandes, Walter. "Liberalization and Development Induced Displacement." *Social Change* (Sage Publications) 36 (2006); Mathur, Hari Mohan. "Making Resettlement Work." In *Resettling Displaced People: Policy and Practice in India*, by Hari Mohan Mathur. New Delhi: Routledge, 2011.

Even though the scale of displacement post-independence and post-liberalization is exponentially higher than ever before<sup>119</sup>, displacement from land however is not something that is new to Indian history.<sup>120</sup> Parasuraman looks at displacement in medieval and pre-colonial India. He finds that tribal communities were displaced from their land by highly skilled agricultural groups. This was a response to increasing population density and the resultant land scarcity, especially in Central India. The other major cause for loss of land in pre-colonial times was indebtedness and the inability to pay rent for the land that was cultivated. He also gives an example of displacement in Eastern India where “state formation and the desire for wealth led chieftains to encourage the immigration of non-tribal peasants who engaged in surplus generating agriculture. In clear violation of their rights, large numbers of indigenous people were displaced when the rulers invited intermediaries (jagirdars) and settled cultivators from other regions on their land.”

Displacement during the colonial period was largely due to the forest policies of the colonial government from the mid-nineteenth century onwards, as discussed earlier. The Bombay Forests Commission of 1887 reports, “Slowly and surely, man after man and village after village was made to give up his or its rights in regular succession in favour of the contemplated forest, and thereby brought on himself or itself manifold inconvenience and hardships. In this subserving to the wants of the Forest officer, the rayat brought upon himself a manifold curtailment of his own rights and was left to the

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<sup>119</sup> Fernandes, Walter. "Liberalization and Development Induced Displacement." *Social Change* (Sage Publications) 36 (2006)

<sup>120</sup> Parasuraman, S. *The Development Dilemma: Displacement in India*. London: Macmillan Press, 1999; Cernea, Micheal. "Development's Painful Social Costs." In *The Development Dilemma: Displacement in India*, by S Parasuraman. London: Macmillan Press, 1999

mercy of heaven alone for the fulfilment of his own requirements and thereby an unwilling instrument of his country's ruin." The state, as the 'de facto owner' of land, forests and other natural resources created a situation in which those who were placed within comfortable subsistence economies were deprived of their land, occupations and livelihoods, and thus pushed into abject poverty<sup>121</sup>.

### **3.4.1 Dams and Displacement**

The previous chapter discussed planned development and the strategies it employed over eleven Plans. It was seen that there is a consistent emphasis on the use of resources for industrial development, without much regard for the consequences of this use or the equitable distribution of any benefits. The most obvious displacement as a result of planned development projects is that caused by dam and other water-related projects. Dubbed as 'temples of development,' large multipurpose dams oriented towards generating power, irrigation, flood control etc., were treated as the symbol of a growing, developing India.

Since there are no accurate official statistics on the subject, there is a debate on the exact number of people displaced by dams since independence. Arundhati Roy tries to arrive at a number using 'simple mathematics'. She says, "According to a detailed study of 54 Large Dams done by the Indian Institute of Public Administration, the average number of people displaced by a Large Dam is 44,182. Admittedly 54 Dams out of 3,300 is not a big enough sample. But since it's all we have, let's try and do some rough arithmetic. A first draft. To err on the side of caution, let's halve the number of people. Or, let's err on the side of abundant caution and take an average of just 10,000 people per Large

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<sup>121</sup> Parasuraman, S. *The Development Dilemma: Displacement in India*. London: Macmillan Press, 1999.

Dam. It's an improbably low figure, I know, but... never mind. Whip out your calculators.  $3,300 \times 10,000 = 33$  million. That's what it works out to. 33 million people. Displaced by big dams alone in the last 50 years. ...I feel like someone who's just stumbled on a mass grave."<sup>122</sup> Her numbers are countered by Surjit Bhalla who argues that these numbers are, at best, fictitious, and the more likely figure would be close to 1360 people per large dam<sup>123</sup>.

Walter Fernandes, after conducting extensive studies covering eight states comments that both of these positions are extreme, Roy's figure being very high and Bhalla's figure being ridiculously low. He argues that both their reasoning is inaccurate, and that "more than 4,200 large dams in India differ in submergence area, height and capacity. The Irrigation Department defines dams irrigating up to 2,000 hectares as minor, those irrigating up to 10,000 hectares as medium and those above it as major. ... A major dam displaces 25,000 to 350,000 people. At least 15 have displaced over 100,000 each. The Upper Krishna Dam in Karnataka has displaced over 350,000. .. Thus, Bhalla's average of 1360 is too low even for medium dams, while Roy's is an overestimate even for major dams."<sup>124</sup> Fernandes and others' studies also show, however, that while dams are the single biggest causes for displacement at 38.7%, others such as mines, industries, powerplants, weapon testing grounds, defence and security units also displace large numbers of people. This figure, in fact, increased exponentially after the reforms in the 1990s.

Currently, the Government of Andhra Pradesh intends to set up the Polavaram river-linking mega dam project aiming to irrigate close to 7.27 lakh acres by channeling the

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<sup>122</sup> Roy, Arundhati. "The Greater Common Good ." Outlook India, May 24, 1999

<sup>123</sup> Bhalla, Surjit. "Indian Poverty: Ideology and Evidence." *Seminar*, 2001

<sup>124</sup> Fernandes, Walter. "Development-induced Displacement in the Era of Privatization." In *Resettling Displaced People: Policy and Practice in India*, by Hari Mohan Mathur. New Delhi: Routledge, 2011



surplus Godavari river water into the Krishna Basin. Initially called the Rama Pada Sagar Project, it has been in the offing since 1941. It was abandoned then because the costs of laying the foundation across shallow hard rocks were too high. It was considered again in 1977, and a lot of inter-state agreements were also signed then. It was abandoned again because the Congress Working Committee at the time and various ministries of the government didn't approve it.<sup>125</sup> Recently, there has been a renewed vigour in pursuing it since 2005 by the newly elected Congress government in the state.

There are several points of contestation around this project, not least of all the extreme magnitude of displacement that it proposes. The project, as it currently stands, will displace over 1,20,000 people while submerging more than 270 villages across 9 Mandals. It is a matter of no surprise that more than half of the number of people to be displaced belong to Scheduled Tribes. It also submerges 37,743 hectares of farmland, forests and wasteland.<sup>126</sup> Submergence of all these villages on such a large scale also becomes a matter of concern while trying to get clearance from the Ministry of Environment and Forests, Ministry of Tribal Welfare and the Planning Commission. Andhra Pradesh is infamous for poor implementation of rehabilitation, the evidence of which is present for projects like Yeluru, Kovvada, Surapalem, Nagarjuna Sagar etc<sup>127</sup>. Another major concern is related even to water pollution, because some of the areas that are proposed to come under submergence coincide with graphite mines.

### **3.3.3 Mining in Andhra Pradesh**

Liberalization in the 1990s resulted in the setting up of massive industries across the country. The Union government played a major role in the acquisition of land for the

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<sup>125</sup> Subbareddy, N. "Development through Dismemberment of the Weak: Threat of Polavaram AP." *Economic and Political Weekly*, February 2006.

<sup>126</sup> Rama Mohan, R V. "Major Loss, Minor Gain: Polavaram Project in AP." *Economic and Political Weekly*, February 2006

<sup>127</sup> Ibid

private sector. There is expected to be large scale production aimed at exports along with a vibrant service sector in the country. Much of this large scale production, however, is land-intensive, obviously leading to displacement of a large number of people from their land, forests and livelihoods. Most of this land is the mineral rich land in Central India, coinciding with tribal regions in the area. The Ministry of Rural Development, in a 1994 draft of the rehabilitation policy states “It is expected that there will be large scale investments, both on account of internal generation of capital and increased inflow of foreign investments, thereby creating an enhanced demand for land to be provided within a shorter time-span in an increasingly competitive market ruled economic structure. Majority of our mineral resources are located in the remote and backward areas mostly inhabited by tribals”<sup>128</sup>

If the numbers of displaced are seen from 1990 onwards, it becomes obvious that the communally owned resources of the poor are being privatised by the government in order to promote privately owned industrial development. Guha argues that “Adivasis were displaced from their lands and villages when the state occupied the commanding heights of the economy. And they continue to be displaced under the auspices of liberalisation and globalisation. The opening of the Indian economy has had benign outcomes in parts of the country where the availability of an educated workforce allows for the export of high-end products such as software. On the other hand, where it has led to an increasing exploitation of unprocessed raw materials, globalisation has presented a more brutal face.”<sup>129</sup> This will discuss, in the context of Andhra Pradesh, displacement caused especially by mining industries, wherein land owned and cultivated by Scheduled Tribes is acquired by mining companies for its rich coal and bauxite wealth.

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<sup>128</sup> Ministry of Rural Development in Fernandes, Walter. "Liberalization and Development Induced Displacement." *Social Change* (Sage Publications) 36 (2006)

<sup>129</sup> Guha, Ramachandra. "Adivasis, Naxalites and Indian Democracy." *Economic and Political Weekly*, August 2007

**Table3.1: Number of Displaced Persons in Some States as a Result of Water, Industry, Mines and Power Plants**

State/Year	1951-1995			1947-2000			1947-04	65-95	Total
Type	Andhra	Jharkhand	Kerala	Orissa	Assam	Bengal	Gujarat	Goa	
<b>Water</b>	1865471	232968	133846	800000	448812	1723990	2378553	18680	<b>7602320</b>
<b>Industry</b>	539877	87896	222814	158069	57732	403980	140924	3110	<b>1614402</b>
<b>Mines</b>	100541	402882	78	300000	41200	418061	4128	4740	<b>1271630</b>
<b>Power</b>	87387	NA	2556	NA	7400	146300	11344	0	<b>254987</b>
Total	<b>2593276</b>	<b>723746</b>	<b>359294</b>	<b>1258069</b>	<b>555144</b>	<b>2692331</b>	<b>2534949</b>	<b>26530</b>	<b>10743339</b>

(Source: Fernandes, Walter. "Development-induced Displacement in the Era of Privatization." In *Resettling Displaced People: Policy and Practice in India*, by Hari Mohan Mathur. New Delhi: Routledge, 2011)

Mineral production in Andhra Pradesh makes up for around 8% of the total bulk value of mineral production in the country, placing it within the top three states with the highest mineral production in the country. According to the AP Ministry of Mines website, the state is the second largest storehouse of Mineral Resources in India, it has 48 minerals and produces minerals worth 4,857 crores which form a bulk of Indian's total production. Envisioning itself to be a 'growth engine for the overall development of industry and infrastructure,' the Ministry lists the minerals in the state that are yet to be explored, such as bauxite, diamonds, gold, beach sand, clay, petroleum and natural gas. The ministry also says that there has been a recent discovery of natural gas in the Krishna-Godavari Basin which may lead to long-term contracts. Much of the mineral production already going on in the state, however, is undertaken by private mining companies to whom land leases were granted in the 1980s and 1990s. According to one

study, by 1998, 1,22,301 acres of land was on lease. Of this, 69% was private land, 29% common revenue and a negligible percentage was of forest land.<sup>130</sup>

The largest mining operations in Andhra Pradesh, also the ones that cause the most displacement, are coal and bauxite mining. According to Downing, the most conservative estimates of people displaced by mining amounts to around 2.55 million people in India between 1950 and 1990. He argues that mining induced displacement increased substantially since the 1970s, when coal production moved from underground to open cast coal mining. Mining has stopped being merely an issue of ‘economics and environment’, indeed, it is ‘creating a pattern of “gross violation of human rights,” and “enormous trauma in the country”<sup>131</sup>. Mining-induced displacement causes much more risk than simply that of loss of land. The other risks that threaten sustainable development are: joblessness, homelessness, marginalization, food security, loss of common lands and resources, increased health risks, social destruction, loss of civil and human rights.<sup>132</sup>

In Andhra Pradesh, there had been attempts starting from the mid-1970s onwards to initiate bauxite mining. Initially, these plans were heavily protested and stopped by Adivasis in the region whose land and livelihoods would have been threatened by it. The upsurge in mining activities in Andhra Pradesh took place from the early 1990s onwards, when the Indian economy opened up in the ‘90s. This period coincided with an international hike in mineral prices, which meant a profitable mineral export business in the country. The reforms, therefore, created a situation in which Andhra Pradesh’s large

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<sup>130</sup> Ibid

<sup>131</sup> Downing, Theodore. *Avoiding New Poverty: Mining Induced Displacement and Resettlement*. Arizona: International Institute for Environment and Development, 2002

<sup>132</sup> Cernea, Micheal. "Development's Painful Social Costs." In *The Development Dilemma: Displacement in India*, by S Parasuraman. London: Macmillan Press, 1999

bauxite reserves in tribal areas were exploited by private mining companies for profit<sup>133</sup>. The National Mineral Policy 1993 was formed in this period to open up the mineral sector to private investment. In 2008, a New Mineral Policy was also formulated amidst much protest in order to expand these industries. This policy creates space for more private equity by making the regulations friendly towards private investment and foreign direct investment; while also not substantially taking into consideration concerns of communities or even environmental concerns.

Nearly 750 million tones of bauxite reserves in the state are primarily concentrated in the Eastern Ghats region, across districts of East Godavari and Vishakhapatnam, in Araku, Chintapalli and Gurtedu regions.<sup>134</sup> First examined by the Directorate of Geology and Mining, Government of Andhra Pradesh in 1971, bauxite reserves were expected to be found in small quantities in these areas. In 1975, the AP Industrial Development Corporation and the Metallurgical Engineering Consultants formed a pre-investment plan for the exploitation of bauxite in the state. According to Oskarsson, there are a few obstacles preventing the systematic exploitation of bauxite in the state, which are: control of technology by a few multinational companies, the Maoist movement that is strongly prevalent in these regions; and Adivasi pressures against mining in their regions. Seema Mundoli's study on Bauxite mining in the Eastern Ghats shows that it cause near-permanent damage to both the ecology of the region as well as the lives of tribal people. Nearly twenty seven hills had been identified for bauxite extraction as early as 2004, and this alone would cause the displacement of around 270 villages in Scheduled Areas, along with thousands of acres of agricultural land<sup>135</sup>. Prajna Mishra

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<sup>133</sup> Oskarsson, Partick. "The law of the land contested: Bauxite mining in tribal, Central India in an Age of Economic Reform." PhD Thesis, University of East Anglia, Norwich, 2008

<sup>134</sup> Mundoli, Seema. *Impacts of Government Policies on the Sustenance of Tribal People in the Eastern Ghats*. Hyderabad: Dhaatri, 2011

<sup>135</sup> Ibid

and Gopinath Reddy also study two refineries in Andhra Pradesh, Jindal and GoRAK, which signed Memoranda of Understanding with the Government of Andhra Pradesh in 2005 and 2007. Both of these agencies planned to mine bauxite in the Scheduled Area in Visakhapatnam through the Andhra Pradesh Mineral Development Corporation.<sup>136</sup>

Similarly, open cast coal mining which is also undertaken on a large scale in Andhra Pradesh has more than just ecological and economic risks. Open coal mining also takes place in large forest rich, tribal areas. In fact, the scale of coal mining in Andhra Pradesh causes the most displacement, more than any other form of mining in the state. In a report prepared by ActionAid it is stated, “The sheer scale of coal mining additionally means that displacement and environmental degradation will be of a size second to no other form of mining thereby greatly increasing the risk of very severe consequences, including absolute impoverishment, for the people who happen to live in areas planned for mining.”<sup>137</sup> What would happen when a mined out section is closed, is also a matter of much concern. The current practice leaves large, permanent craters in the ground which may not be used for any other purpose. It is especially unsuitable for agriculture and other livelihood related activities.

Mining activities in the country are governed by the Mines and Minerals (Regulation and Development) Act 1957 (MMRDA), which was amended four times after. The Act, along with the Mineral Concession Rules 1960 and the Mineral Conservation and Development Rules 1988 regulate mining by outlining the rules and procedures for grant of lease, royalty, conservation, obtaining a prospecting license and mining lease and ensuring that mining takes place in a scientifically sound and environmentally safe

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<sup>136</sup> Mishra, Prajna Paramita, and Gopinath M Reddy. "Mining-Induced Displacement: Case of Aluminium Refinery in Andhra Pradesh." In *Development Induced Displacement, Rehabilitation and Resettlement in India*, by Sakarama Somayaji and Smrithi Talwar. New York: Routledge, 2011

<sup>137</sup> Oskarsson, Patrik. *Jobless Openings: The Expansion of Open Cast Coal Mining at the Expense of Rural Livelihoods in the Godavari Valley of Andhra Pradesh*. Hyderabad: ActionAid India, 2011

manner. Mining activities also have to comply with several other legislations, including the Water (Prevention and Control of Pollution) Act 1974, Air (Prevention and Control of Pollution) Act 1981, Environment (Protection) Act 1986, Environment Impact Assessment Notification 2006, the Forest (Conservation) Act 1980 and the Wildlife (Protection) Act 1972<sup>138</sup>.

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<sup>138</sup> Mundoli, Seema. *Free Prior and Informed Consent: A tool for Conflict Resolution for Adivasi Women Impacted by Mining Projects*. Hyderabad: Dhaatri Resource Centre for Women and Children, 2010.

### 3.5. Resettlement and Rehabilitation Policy

The consequences of development related projects on those living in areas where these projects are undertaken are devastating, leaving them impoverished often with no land or livelihoods, in new, unfamiliar and often hostile terrain. These consequences often achieve the exact opposite of what development aims to do; instead of improving the living situations of millions of people, it unintentionally only adds to the number of impoverished<sup>139</sup>. People are forced to relocate, by moving entire villages and communities to new places. In the post-reforms period, even more land-intensive projects are being undertaken, forcing NGOs, activists, scholars, policy makers and politicians to rethink a policy for the acquisition of land, resettlement and rehabilitation. In this context, Mathur in fact argues that “the lack of attention to resettlement issues not only harms the project area people, but has other serious implications as well. Project costs go up when discontented people mount protests that can completely upset implementation schedules, resulting in huge time and cost overruns. Providing adequate resettlement assistance to those displaced by development projects is, therefore, not only ethically correct, but also makes good economic sense, The cost of not doing adequate resettlement can often be much more than doing resettlement well.”<sup>140</sup>

The large numbers of displaced, as discussed earlier, necessitates sound policy for the resettlement and rehabilitation of project affected persons (PAP). There was no policy covering resettlement and rehabilitation before the 1980s. In 1988-89, a National Policy on Developmental Resettlement was drafted by a group of scholars, activists and lawyers. The first policy of this kind, it stated that development projects that invest large amounts of public money for public needs, not only needs to consider the harnessing of

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<sup>139</sup> Mathur, Hari Mohan. "Making Resettlement Work." In *Resettling Displaced People: Policy and Practice in India*, by Hari Mohan Mathur. New Delhi: Routledge, 2011

<sup>140</sup> Ibid



natural resources such as land, water, minerals, forests, etc., but also needs to consider issues of equity and justice in the allocation and utilization of these resources. It is necessary for these projects to make a class-benefit analysis, not only ecological and environmental analyses. The report questions the viability, justifiability and desirability of development related projects that don't address the scale of displacement they cause.<sup>141</sup> In the absence of a coherent national policy, resettlement was conducted in an ad-hoc manner, often resulting in varying policies by the sector within the country. The Coal India Limited, for example, which operates 500 mines across the country has its own resettlement policy as directed by the World Bank

Despite much debate and discussion since the 80s, the first comprehensive National Policy on Resettlement and Rehabilitation of Project Affected Persons came out only in 2003 in the final months of the NDA government. This draft was quite controversial, and it failed to meet the standards of those critical of the lack of policy in the first place. The second policy document came out in 2007, but this also failed to fully address the needs of project affected people<sup>142</sup>. This draft has also been widely criticized, especially because it only addresses large-scale displacement of over two hundred families or more in hilly or areas that come under Schedule 5 or 6 and four hundred families in the plains. The policy also does not adequately address the interests of tribal communities within the affected areas. 2006 also saw the first state Rehabilitation and Resettlement Policy from the state of Orissa.<sup>143</sup>

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<sup>141</sup> Kothari, Smitu. "Whose Nation? The Displaced as Victims of Development." *Economic and Political Weekly*, June 1996

<sup>142</sup> Iyer, Ramaswamy "A Slow but Sure Step Forward." *The Hindu*, August 7, 2007

<sup>143</sup> Mathur, Hari Mohan. "Making Resettlement Work." In *Resettling Displaced People: Policy and Practice in India*, by Hari Mohan Mathur. New Delhi: Routledge, 2011

There are several issues in the rehabilitation and resettlement policies that have been put forth thus far<sup>144</sup>. In the first place, there has to be an acknowledgement of the actual scale of displacement and the adverse impact that it might have socially, economically and ecologically. It also needs to be acknowledged that not everything that is at stake may be quantified. Most projects don't take local governments into consultation while planning either the project or rehabilitation. The approach to resettlement, therefore, has to be more participatory. Iyer goes to say that "Where displacement seems unavoidable, it ought not to be forced displacement, but should be voluntary. The principle of "free, informed prior consent" put forward by the World Commission on Dams should be enshrined in the policy statement or law."<sup>145</sup> Secondly, displacement affects different groups of people differently, based on tribe, gender, caste, class, occupation, age etc. All of these factors are hardly considered during resettlement. Thirdly, compensation is one of the biggest issues that one faces during resettlement. Involuntary displacement uproots entire villages and communities from their land and livelihoods. While policy says that there has to be compensation of "land-for-land," it adds a clause of "whenever possible" therefore creating an escape within it for not adequately compensating the loss of land. The practice is generally to compensate through cash at market value, which comes with many flaws – both of valuation and of the utilization of cash.

In order to address many of these issues, the government came up with a draft Land Acquisition, Rehabilitation and Resettlement Bill in 2011. The first objective of the draft Bill is state to be "balance the need for facilitating land acquisition for industrialisation,

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<sup>144</sup> Ibid; , Ramaswamy "A Slow but Sure Step Forward." *The Hindu*, August 7, 2007; Desai, Mihir. "Land Acquisition Law and the Proposed Changes." *Economic and Political Weekly*, June 2011; Iyer, Ramaswamy. "A Good Bill That Disappoints." *The Hindu*, August 18, 2011; Mudunuri, Bharati. "Tribal Women's Perspective on the Land Acquisition Bill." *Economic and Political Weekly*, May 2012; Ramanathan, Usha. "Land Acquisition, Eminent Domain and the 2011 Bill." *Economic and Political Weekly*, November 2011

<sup>145</sup> Iyer, Ramaswamy. "A Good Bill That Disappoints." *The Hindu*, August 18, 2011

development of essential infrastructure facilities and urbanisation, while at the same time to meaningfully address the concerns of farmers and those whose livelihoods are dependent on the land being acquired.” With this statement, it addresses many of the controversies around the 1894 Act’s ambiguity of ‘public purpose’. It is quite clearly directed towards acquisition of land for private companies, and to promote private investment. The section in which it defines public purpose states, “ the provision of land for any other purpose useful to the general public, for which land has been purchased by a person under lawful contract or is having the land to the extent of 70%, but the remaining 30% of the total area of land required for the project is yet to be acquired.” If read along with the SamataJudgement, the word “person” will mean any company, corporation, body of persons, etc.

The draft Bill also aims to address involuntary displacement and says, to “prevent the human and social suffering caused by involuntary displacement, by minimizing the displacement of affected persons and mitigating the adverse impacts on people and their habitats; And comprehensively defining and identifying project affected persons/families to ensure that they are provided with a just compensation and rehabilitation and resettlement package, sensitive to the aspirations, culture, community, natural resource base and skill base of the affected people...<sup>146</sup>”. It also recognizes the importance of social impact assessments. It says that the social impact assessment would be prepared by the appropriate government in consultation with Gram Sabhas, and then reviewed by an independent multi-disciplinary expert body. This assessment would cover the nature of public interest involved; the estimation of affected families and among them how many are likely to be displaced; extent of lands, public and private, houses, settlements and other common properties likely to be affected by the proposed

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<sup>146</sup> Ministry of Rural Development. *The Draft Land Acquisition, Rehabilitation and Resettlement Bill 2011*. New Delhi: Ministry of Rural Development, 2011

acquisition; and whether less or non-displacing alternatives not technically or geographically are available. The assessment would also take into consideration the social and environmental impacts from the project.<sup>147</sup>

In Andhra Pradesh, there has been inadequate rehabilitation and resettlement effort in the past. With the exception of the Nizam Sagar Project of 1925 and the Tungabhadra project of 1947, both of which saw “good resettlement facilities to the persons displaced”, most of the other large projects in the state have inadequately rehabilitated those who have been displaced. In fact, those who were compensated for the loss of their land by the Tungabhadra were all granted land within the command area of the dam along with a constructed house. From then on, the rehabilitation policies in the state slowly deteriorated, project after project. The Nagarjuna Sagar dam between 1957 and 1969 didn’t see a similar attitude towards resettlement and rehabilitation. Land owners were compensated for their land, but only in “diminishing ratios of the extent of land previously owned by them subject to a maximum of 12.5 acres”. The Sreeramapada Project which was started in 1964 had an even worse policy for rehabilitation. Those who had been deprived of drylands were given four acres, and those who had lost wetlands were given two acres. If the person had left without moving the resettlement centres first, they were compensated by cash of Rs. 500 – Rs. 2000. Compensation for those who were displaced by the Srisailem Project which was started in 1971 was carried out in a haphazard, half-hearted manner; wherein many of those who were entitled for compensation didn’t receive anything, while those who were compensated were often only given a part of what they were entitled to. It was observed that there was a “regressive class differential... While large and medium farmers could get 65 per cent of the compensation due to them, the landless could get only 5.6 per cent of the

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<sup>147</sup> Ibid

compensation they were entitled to.” Similarly in the cases of Manair dam and Singoor projects, there was very little actual rehabilitation or resettlement that was carried out.<sup>148</sup>

The Andhra Pradesh Rehabilitation and Resettlement Policy came out in 2005, and its first objective is to minimize displacement, while identifying either non-displacing or least-displacing alternatives if any. The policy says that special attention would be paid to the needs of tribal communities, especially tribal communities. It outlines the guidelines for compensation to people affected by development induced displacement. It gives the guidelines for land for land compensation. It gives a grant for between Rs. 40,000 - 50,000 for the construction of a house, depending upon the quantity of land and structures that were previously owned. It also lists out the conditions for cash compensation in cases where there is no land for land compensation. For people who are either already landless agricultural labour or will become landless labour because of the proposed projects, the policy directs the government to compensate them with payment of wages for between 675 and 750 days at minimum wage rate. Specifically with relation to affected persons who belong to Scheduled Tribes, the policy says that there will be preference given to them in the allotment of land. It says tribal persons would be entitled to financial assistance of 500 days minimum wage. It also says that they will be entitled to resettlement close to the natural habitat of their choice “so that they can retain their ethnic, linguistic and cultural identity.”

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<sup>148</sup> Subbareddy, N. "Development through Dismemberment of the Weak: Threat of Polavaram AP." *Economic and Political Weekly*, February 2006

## Conclusion

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This dissertation aims to study the way in which the tribal question has been articulated within development strategies in Andhra Pradesh. The consequences of development-related projects and programmes have been severe for tribal communities. Large numbers of people of which scheduled tribes form a major proportion are faced with extreme poverty, involuntary displacement, forced migration, loss of land and livelihoods, access to their resources and so on. That many tribal movements have been organized around issues of land and forests is not a coincidence. This process may be argued to have found its roots in colonial legislation and administrative procedures. Development priorities since independence have tended towards rapid industrialization drawing from a large natural resource base which has traditionally been owned and managed largely by tribal communities. Since the 1990s, the effects of liberalization and economic reforms have exponentially increased the negative consequences of these development related projects.

### **1. Colonialism and Tribal Development**

Colonialism has transformed the tribal way of life in many ways. In the first place, colonial intervention led to several changes in the subcontinent through an informed and manipulative administration. It sought to control and enumerate disparate social communities for two purposes-- one, to improve efficiency and two, to establish a hierarchical system of power informed by contemporary western intellectual currents. In this way, the early colonial census reports led to the creation of a pan-Indian homogeneous tribal community knit together by very little visible homogeneity. Following these reports, there existed a supposed clean classification (albeit with an ambiguous definition) of 'tribal peoples', but this was simply the imposition of a

theoretical structure on an inconsistent reality cemented by legislative, legal and other measures. While several other factors have contributed to the consciousness of the Adivasi today, one may argue that this initial external thrust was essential for such a consciousness to emerge at all, and that this is more so in the case of the tribal than it is for caste and religion.

Secondly, the roots of many tribal issues today may be traced back to what some term as a 'colonial watershed'<sup>149</sup> in tribal history. Changes such as the shift from shifting cultivation to settled cultivation, modes of ownership of land and other communal resources, management of forests and so on may be directly traced back to colonial intervention through policy or legislation. Shifting cultivation as a mode of agriculture was problematic for the British because they saw it as needless destruction of forests and timber. Additionally, it made it more difficult for a fixed revenue system to be put in place, because shifting cultivation made it difficult to identify a land owner, a tenant, the type of land and soil being cultivated and so on. It also made it harder for the British to keep track of whole communities, especially when they were communities that were constantly on the move. There was also a conscious effort made to encourage non-tribals to settle in tribal regions that were timber rich. This would provide more labour for the British in these regions, but this could also be seen as an outcome of the expansion of the population in general. By making these areas more accessible through building roads and railways and by bringing them into the ambit of legislation and policy, settlers could not only find more land and other resources; it was also open to moneylenders and landlords to exploit tribal people.

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<sup>149</sup> Gadgil, Madhav, and Ramachandra Guha. *This Fissured Land: An Ecological History of India*. New Delhi: Oxford India Paperbacks, 2011.; Sundar, Nandini. *Subalterns and Sovereigns: An Anthropological History of Bastar (1854 - 2006)*. Delhi: Oxford University Press, 2007.

Obviously, Britain's industrialization needed a large resource base which it found in its colonies. It especially needed timber for its ship-building, railway networks, iron smelting and farming<sup>150</sup>; but the destruction of forests also sometimes was used as a symbol of political victory. While initially there was unchecked, large-scale destruction of forests, soon enough, there were forest policies and legislations that were put in place to make it more systematic and efficient<sup>151</sup>. Even with forests, categorization of the users and uses of forests was undertaken. Forest use by forest dwellers ranging from grazing, use of firewood, tapping toddy and fishing were all taxed and restrictions were put in place by law. Duties were also levied on minor and non-timber forest produce.<sup>152</sup> Reservation of forests into village forests and reserved forests also severely restricted activities for many people, instantly turning communities who have lived in some forests for centuries into encroachers.

## **2. Continuities in Colonial Law and Policy till Present**

There are several laws and policies relevant to scheduled tribes that came about during colonial rule that are either still applicable or have resonance in present policy.

The Land Acquisition Act of 1894 based on the principle of eminent domain assumes that the state may expropriate private land even without the owner's consent for the sake of 'public purpose'. Again, the original purpose of the Act was for the British government to acquire land in India either by force or by consent in order to take up 'public works' such as creating infrastructure to move goods and people to enable commerce<sup>153</sup>. Initially, while these meant building canals and roads; eventually, this Act

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<sup>150</sup> Gadgil, Madhav, and Ramachandra Guha. *This Fissured Land: An Ecological History of India*. New Delhi: Oxford India Paperbacks, 2011

<sup>151</sup> Ibid

<sup>152</sup> Sundar, Nandini. *Subalterns and Sovereigns: An Anthropological History of Bastar (1854 - 2006)*. Delhi: Oxford University Press, 2007

<sup>153</sup> Chakravorty, Sanjoy. "A Lot of Scepticism, Some Hope." *Economic and Political Weekly*, October 2011



was also used to acquire land for railways, mines, irrigation schemes, factories and other business establishments. All of these were land-intensive, and the basic purpose of the Act was to be able to acquire cheap land for these activities. Even after independence, the same Land Acquisition Act has been used indiscriminately to acquire land all over the country by the government for its own development projects as well as for privately owned companies operating for profit. Inadequate compensation, inefficient rehabilitation and resettlement and large scale displacement has been the story of land acquisition for over six decades now.

In present Andhra Pradesh, several areas were recognized by the British government as tribal land and these were declared to be 'Agency Tracts.' The Ganjam and Vishakhapatnam Districts Act in 1839 set these areas apart from the rest of the Madras Province for revenue and administration. These 'agency tracts' form the basis of many scheduled areas under the Fifth Schedule till date, and prevented the transfer of land from tribals to non-tribals. Also, similar areas that came under the Nizam's Dominion or Hyderabad State were declared under a Fasli that was brought out in 1946 wherein there was restriction of land transfer and the settlement of disputes was entrusted to tribal panchayats. The laws and policies that covered these areas had several exploitative clauses relating to the usage of land, forests and natural resources by tribal people restricting the use of land in these regions only to the colonial state.

Forest legislation and policy similarly tended towards the commercial exploitation of forest resources, restriction of non-timber and minor forest produce, grazing and so on. The basic spirit of these legislations and policies such as the Government Forest Act of 1865 or the Indian Forest Act of 1878 worked towards restricting the use of forest land as private property while using them commercially. They curtailed the rights of forest dwellers by creating categories of forests. These Acts transformed livelihood resources

that were used in many ways by forest dwellers ranging from water, wildlife, hunting, rearing of domestic animals and so on to the use of timber alone by the British. This outlook towards forests – as a resource pool for commercial wood and other resources – also formed the basis of forest policy and legislation post-independence till the late 80s. In the late 80's, there was a sudden realization of the scale of destruction and depletion of forest resources that had been taking place for over a hundred years. Not even then, however, were adivasis and other forest dwellers recognized as rightful owners and managers of forest resources. Joint Forest Management and other participatory policies towards forest management were taken up, but all of them focused on environmental use, conservation and replenishment of forests not on entitlements to forest resources. It wasn't until the Recognition of Forest Rights Act was passed in 2006 were these rights or the historical injustice done to forest dwellers recognized.

### **3. Constitutional Provisions since Independence**

The Constitution of India guarantees certain fundamental rights to all its citizens, and tribes have also been given these very same rights. Additionally, there are several other provisions made specifically for people belonging to scheduled tribes; including their statutory recognition, protection of socio-cultural and economic interests; proportional representation; protection of tribal language and culture and with other special rights. Special administration of tribal areas, another administrative feature handed down from the colonial period, takes place within areas listed under the Fifth and Sixth Schedule of the constitution. There have also been several laws enacted for the prevention of alienation of tribal land in every state, such as the AP Scheduled Areas Land Transfer Act of 1959 which makes any transfer of land in scheduled areas in the state from tribal to non-tribals illegal.

Over the past two decades, two landmark Acts have been passed in favour of scheduled tribes as a result of a sustained demand for the recognition of customary law and the historical injustice done to tribes and other forest dwellers. These are the Panchayats (Extension to Scheduled Areas) Act 1996 (PESA) and the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act (FRA).

The PESA marked the first time such an effort was being made to protect political, social and economic systems of scheduled tribes. The Act allows for villages within scheduled areas to manage their own affairs according to their own customs and traditions and that any legislation passed by the state legislatures to be implemented within these areas must conform with customary law. It empowers the gram sabha in nearly every matter relating to the implementation of policy and administration in these areas. It also makes it mandatory for gram sabhas and panchayats to be consulted in cases of land acquisition, minor forest produce, village markets, money lending and so on. While as a law this law recognizes many rights of tribal communities, it is not implemented in most states in this spirit. In Andhra Pradesh especially, the IPC and CrPC are given predominance over customary law and dispute resolution. The state also largely diminishes the role of the Gram Sabha in the management of water resources, land acquisition as well as minor minerals.

As mentioned earlier, the passage of the Forest Rights Act was a break from the earlier approaches to forests. This Act recognizes the *right* to forests of scheduled tribes and other forest dwellers, and aims to work against what the Act itself terms as 'historic injustice' to them by way of consolidation of state forests during colonial and independent India. It recognizes both individual and customary communal ownership of forest land, while making provisions for the prevention of illegal eviction and displacement. However, even this Act has been implemented half-heartedly in most

states. In much of Andhra Pradesh, community participation in the management of forest resources remains a dream. In its implementation, it is used mostly only as a tool for litigating for land. While this is also necessary, the Act makes so many provisions relating to the use of forest resources which are all ignored by forest officials, the police, the state and central governments.

#### **4. Planned Development and its Consequences**

There has been an extraordinary commitment towards planned development of the nation since independence. Over 65 years, the interventions of the state for developing the economy aimed at transforming what was understood as an agrarian, traditional economy to an industrial, modern economy. With this aim in mind, many large scale projects had been planned right from the beginning, such as the much celebrated dams, steel factories and industries. On the other hand, efforts were also made towards developing schools, hospitals, railways, roads etc., along with industrial and agricultural development. The state has always expressed, both through its constitutional provisions and in its Plan documents, the need to respect the economic, political and social systems of tribal communities while planning to alleviate their poverty and bringing about development. Most Plan documents direct tribal policy towards integration, emphasizing the need for protection and development of tribal communities. While all the Plans have been partially successful in pulling up literacy rates, creating infrastructure such as roads, schools and electricity to some extent, it is also true that right from the early '60's, similar issues are being raised; those of land alienation, indebtedness, displacement and lack of access to forest resources.

During the initial plans, as many government reports themselves point out along with many, many independent critiques, the agenda of national development through rapid

industrialization was not something that was sympathetic towards the tribal people. The priority at the time was obviously to build infrastructure, set up dams and power projects and promote rapid industrialization. As the Dhebar and the Elwin Commission persistently points out, efforts that were being made were to see why this industrial development was not “trickling down” to the tribal population, to rehabilitate those displaced, but not to question the strategies of development themselves. Obviously, the objective of national development and growth, resource utilization and mobilization for the future was much more important than tribal well being and poverty alleviation. Also, there was also little space for protest. Those that did protest were asked to sacrifice their interests for the interests of the nation. Famously (or infamously), Nehru, while addressing mostly adivasi villagers protesting against the Hirakud dam said “If you are to suffer, you should suffer in the interest of the country.” It also shows the atmosphere at the time immediately after independence towards the development of the nation.

Gradually, over two decades it was established that this strategy employed by the planners wasn't one that was very effective. By the time Indira Gandhi launched her 'Garibi Hatao' and Minimum Needs programmes, it was clear that the trickle down approach wasn't actually working. Poverty had become one of the most persistent issues that the planners were being confronted with. They tried to bring about more equitable policies by addressing what they called the 'spatial aspect of the problem of development' and addressing regional imbalances. This is obviously reflected in the Tribal Sub Plan strategy that was initiated by the Fifth Plan. These Sub Plans were also meant to address the specific needs of specific communities across the state, but end up falling back to the older issue of not having a differentiated approach towards different communities. Many government reports show administrative indifference and callousness as reasons for failure of Plans in tribal areas, but it also true that the Plans

themselves often don't understand the needs or the social structure of tribal communities. Over the next six plans, it also becomes obvious that even though Tribal Sub Plans were first envisioned in order to address tribal issues from the grass-roots, it is often reduced to nothing but a budgeting exercise by the states.

In Andhra Pradesh, the implementation of tribal sub plans have shown a successful commitment towards education and health, showing a rise in enrolment data, number of schools in tribal areas and successful programs such as Ma Badi which have been implemented all over the country. However, there is a large gap between the planned outlay and expenditure every year since 1992- 93. This is so also because of the social movements and NGO mobilization around issues of education, health, land and livelihoods that has been largely successful.

## **5. Whither Adivasi?**

Adivasi communities which have been marginalized and impoverished historically have been displaced from their lands during colonial rule, by independent India and then by India that is racing towards high rates of growth through economic reforms. Since 1991, the economic reforms have shifted the development strategies in the country. On the one hand, there is greater emphasis on poverty alleviation through many activities of the government like the National Rural Employment Guarantee Act, the Sarva Shiksha Abhiyan, a greater emphasis on the public distribution system and so on. On the other hand, the reforms have resulted in the setting up of massive new industries owned by both Indian and multinational corporations all over the country. In Andhra Pradesh, there has been a substantial increase in investment by both privately owned corporations and public-private partnerships in large scale industries.

Mining in Andhra Pradesh since the late 80s has taken place in largely tribal areas, and tribal people form close to 50% of the population displaced by these industries. Open coal mining and bauxite mining have had the worst effect on adivasis; affecting not only land, forests and livelihoods, but also the habitats and environments in which adivasis have traditionally lived in for centuries. While on paper, legislations such as PESA and FRA are meant to protect tribal interests by making it mandatory for gram sabhas to be consulted before plans are drawn up in order to ensure least displacing alternatives or non-displacing alternatives; this has hardly been the case. At best, adivasis are treated as obstacles to development whose well-being and lives are only secondary to that of privately owned businesses and state sponsored industrialization. They have to constantly assert their interests to the government through protests and movements in order to be heard.

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