

“PROTECTION OF LAND RIGHTS OF TRIBALS IN TELANGANA STATE - A STUDY”**CHALLA.SRINIVAS**

Abstract: India has the largest concentration of tribal people anywhere in the world except perhaps in Africa. The tribals are children of nature and their lifestyle is conditioned by the eco-system. India, with a variety of ecosystems, presents a varied tribal population throughout its length and breadth. The areas inhabited by the tribals constitute a significant part of the under developed areas of the country. As per rough estimates, the prominent tribal areas constitute about 16 percent of the total geographical area of the country. Scheduled Tribes, Scheduled Castes and de-notified tribes constitute the weakest section of India's population angles. They constitute the matrix of India's poverty. Unlike previous eras in which tribal people were shunted into more remote forests, by the 1960s relatively little unoccupied land was available. Government efforts to evict nontribal members from illegal occupation have proceeded slowly when evictions occur at all; those ejected are usually members of poor, lower castes. The basic objectives of the study protection of land rights of tribals bring the status of tribals in the context of land ownership and their socio-economic conditions. The main research of the Paper will be land rights of tribals.

Keywords: Agency, I.T.D.A., Land Rights, Social Tribes.

Introduction: Traditionally, the term “Tribe” has been used for those groups of human beings, whose place of residence is situated in remote areas like hills, forests, sea coasts and Islands. Their style of life is quite different from the present day civilized men. Local indigenous people residing in these places of the world are termed a ‘tribe’ or ‘tribals’ to distinguish them from other people of the world. Although, the tribal societies are not static, the rate of change in these societies is very slow. That is why; they had been backward and poor in comparison to other people. The tribal populations of India 67.6 million are larger than that of any other country in the world. In fact, it is almost equal to the total population of nineteen countries with substantial tribal population Myanmar, with a tribal population of 14 million, has the second largest tribal population of India is much more the four times that of Myanmar and more than six times of Mexico (10.9 million) which has the third largest tribal population in the world. The tribal population of India is more than total population of France and Britain and four times that of Australia. If all the tribals of India had lived in one state, it could have been the fifth most populous state after Uttar Pradesh, Bihar, West Bengal and Maharashtra. The tribal people anywhere in the world except perhaps in Africa. The tribals are children of nature and their lifestyle is conditioned by the eco-system. India, with a variety of ecosystems, presents a varied tribal population throughout its length and breadth. The areas inhabited by the tribals constitute a significant part of the under developed areas of the country. As per rough estimates, the prominent tribal areas constitute about 16 percent of the total geographical area of the country. Scheduled Tribes, Scheduled Castes and de-notified tribes constitute the weakest section of India's population

angles. They constitute the matrix of India's poverty. Further, some of them are being dispossessed of their traditional lands as their livelihoods are being undermined. Meanwhile, their belief systems, cultures, languages and ways of life continue to be threatened, sometimes even to the point of by extinction. Governments have failed to guarantee tribal people's rights in the implementation level. Members belonging to tribal societies are unable to acquire and use their rights.

A tribal's situation in Telangana before the advent of the British was relatively self-sufficient. Forests and agricultural activities on such lands were their survival sources. The entry of the Colonial State in essence fixed norms of privatization of public properties and created levels of various agrarian classes consisting of non-tribal migrant peasants, contract tenants and other non-tribal migrant agricultural labourer. This resulted in the tribals being suppressed, pushed to impoverishment and decade by decade increase in the number of land less tribals. Within the Scheduled Areas of both Telangana and Andhra regions the land was entirely under the occupation of different Tribal communities. The area was an inaccessible tract of land covered by forests and hills. These tribal communities lived by shifting cultivation and by gathering whatever produce that was available.

Origin of the Research problem: The problem of Tribal Land Alienation has gained origin of the context of tribal economy because the forces of marginalization are very strong. With depletion of forest resources, diversion of water sources to the plains and scarce land resources, the tribals are alienated from their survival sources. Therefore the question of land assumes greater urgency in their

struggle for survival. The high percentage (57.2) of non-tribal population in the scheduled areas demonstrates the inexorable influx of non tribals into scheduled areas. The gravity of tribal land alienation may be gauged from the percentage of land holdings of non tribals. As per reports of Department of Tribal Welfare, Government of Telangana non-tribals are now holding more than 48 per cent of land in scheduled areas. It is increasing at an alarming pace and the rate of migration out of scheduled areas too is rapidly increasing. Also the slackness in the implementation of the restrictive provisions encourages the non-tribals to occupy the tribal lands. Lands alienation which takes place in various ways has assumed alarming proportion threatening the right to life of the tribal population. In this context we study various issues related to protection of land rights of tribals in Telangana State.

Objective of the Study: The main objective of the present study is to find out "projection of land rights of tribals". To understand the economic status of tribals in the context of Land ownership. And the constitutional, legislative and legal measures concerning the protection of the rights of tribal over the tribal land. The functioning and efficacy of the administrative mechanism relation to the protection of land rights of tribals and analysis the performance of the tribal land rights legislation.

Methodology: The study will be based on both primary and secondary data. Secondary data will be collected from the office records and offices of the ITDA, Mandal revenue offices, development offices, Census of India, Registrar, and General in India, Census of Telangana State and Tribal Welfare Department of Telangana State.

Scheduled Areas and Scheduled Tribes in Telangana State: In Telangana state main scheduled areas in five districts in, Adilabad, Mahbubnagar, Warangal and Khammam, Karimnagar. Of the 35 identified groups in the STs in AP, 31 live in the area of the Eastern Ghats (hill ranges along the east coast of India) spread over several districts (beyond the scheduled areas also). **Tribal Scenario in Telangana State:** The tribal population of Telangana according to 2011 census is 32, 88,928 Lakh constituting 9.34% of total population of the state. ST literacy rate is 49.51 as against State literacy rate 66.46. This is significantly higher than the proportionate tribal population in the combined State of Andhra Pradesh at 6.6%. In addition, minorities constitute another 11% as per 2001 Census. Government has accorded high priority for accelerated development of tribals by implementing socio economic development programmes. Total: 35 Scheduled Tribes in Telangana state, 31 of them living mostly in Scheduled Areas .

S.No	Name of the State	Total Population	Tribal Population	% of Tribal Population
1	Telangana	351.9	32.88	9.34

Major Scheduled Tribal Groups, Population and Geographical area in Telangana State

S.No	District/Scheduled Areas in Telangana	Major Tribal Groups	Census Year 2011.	Geographical area in sq.kms.
1	Adilabad	Gond, Kolam, Naikpod, Thoti, Pradhan, Lambada	495794 (18.09%)	16128 (44.84%)
2	Karimnagar	Koya, Lambada,	106745 (2.83%)	11823 (21.52%)
3	Khammam	Koya, Lambada, Konda Reddi	765565 (27.37%)	16029 (52.64%)
4	Mahbubnagar	Chenchu, Lambada	364269 (8.99%)	18432 (16.45%)
5	Warangal	Koya, Lambada, Naikpod	530656 (15.11%)	2466 (25.36%)

Source Census -2011.

Scheduled Areas and Tribal Land Laws: Approximately 63814 sq.km 23.20 percent of Telangana forest area is in 5 districts where most of the ST Population is concentrated. The 'tribal sub-plan' area (created to provide specific administration for tribals) which constitutes the traditional Habitat of about 31 tribal groups.

Tribal Land Laws in the Pre-Independence Period: In the erstwhile Andhra region of AP, the British enacted the first landmark legislation, the Agency Tracts Interest and Land Transfer Act, 1917 to protect the interests of tribals in the agency areas. The Act prohibits the transfer of lands between tribals and non tribals without prior consent from the

Government or any other prescribed officer. In contrast, the government of Hyderabad state (i.e., Non-British areas) had not provided for any special privileges to the adivasi communities. The Tribal Areas Regulation Fasli 1356 was enacted in 1946 which entrusted all tribal land disputes to tribal panchayats. It prohibited sale or attachment of tribal land and empowered the officials to appoint.

Land Alienation to non-tribals: The constitutional safeguards as provided in the 5th Schedule of the Constitution of India and various other State level laws which among others prohibit transfer of the lands of the Tribal communities have failed to prevent widespread land alienation of the Tribal people. The core cause of the land alienation has been the Land Acquisition Act- 1894 under which the government can exercise its sovereign power to take away any land in the name of public purposes. The non-tribals have also illegally occupied hundreds acres of land belonging to Tribal communities by force in telangana, allurements and acquiring Tribal lands by marrying Tribal women. Even Girglani, J.M in his report on Tribal Land issues in Telangana Area submitted to the Government in 2005 says that Telangana have been losing land to non-tribals since long back. The Gonds of Adilabad in the 1930s lost land to Marathis and during 1940s to Hindu and Muslim settlers invited by the Nizam from neighboring districts (The famous Regulation of 1/1970, Scheduled areas in Telangana saw an arrival of non-tribal population, which in due course of time has passed into the hands of Telugu non-tribals mostly from four central coastal Andhra districts. due to ineffective implementation of the Land Transfer Regulation Acts (LTR). AP Land Transfer Regulation-1959 was amended in 1970, in an attempt to accommodate the interest of non-tribals as a result Khammam district has become a victim to most atrocious non-tribals penetration from coastal areas.

Scheduled Tribe Acts combined State of Andhra Pradesh / Telangana.

1. Andhra Pradesh Forest Act, 1967 and A.P. State Forest Policy, 1993
2. Wildlife Protection Act, 1972 (GoI Act)
3. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (GoI Act)
4. Andhra Pradesh Panchayat Raj (Amendment Act), 1998
5. The Andhra Pradesh Scheduled Areas Minor Forest Produce (Regulation of Trade)-GCC (Andhra Pradesh Minor Forest Produce (Regulation of Trade) Act, 1971)

Violation of PESA Act in India: To reinforce the constitutional provisions for protection of the Tribal communities, this important Panchayat (Extension to the Scheduled Areas) PESA Act 1996, has been

enacted in recent years. The act empowers the scheduled Tribes to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary mode of dispute resolution through the Gram Saba. Interestingly, However, there are extensive violations of the PESA Act, 1996, in mining and land acquisition in the Scheduled Areas of Telangana, Andhra Pradesh, Chhattisgarh, Jharkhand and Orissa. Clause 4.e.(1) of the Panchayats (Extension to the Scheduled Areas) Act, 1996, provides that every Gram Sabha shall approve the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation. Again, clause 4. (i) says that —the Gram Sabha or the Panchayat at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects.

Conclusion: Why that the British exploitative policies are still continuing even after they left India in 1947? It is a basic question before Indian democratic parliamentary political leaders. When the British colonials made a policy in relation to Land Acquisition Act 1894, it is truly made and implemented for sake of their own benefits and that Act after independent India be in the enforce as land acquisition Act. Who determined the cost of the tribal land? But, here the government and revenue authorities they themselves determined the cost of tribal land as their wish. The innocent tribal people accepted the decision of the authorities. but, in relation to tribal land, the land is not only mere productive good, it is legacy of tribes, the land is history and culture of their ancestors, tribes have more emotional attachments with their land and land is not only property, it is also their life for future generations. The land cost must be determined by considering the life of future generation. The determination of land cost should consider the cost benefit principle with regard annual production from one acre and it should be multiply with ten generations of tribal families. Protect the tribal's emotional and psychological attachment with their agricultural land: When the tribal people get pain and pleasure that feelings will be shared with the land, because according to their view the land represents the their ancestors, so they feel that they are talking with their parents by that they will get emotional and psychological boost and courage which lead to further activities of their livelihood. The tribal people are very afraid with their life, whether, any piece of forest land remains for their livelihood or not, because, every day the government and other corporate companies coming over to forest in the name of development and encroaching our lands. Some of the land submerged by water and

power projects, some of the land encroaching by Singareni management for open cast coal mines and the forest department finishing boundaries as tiger zones in the forest, where the forest land remains. So,

legislatively or constitutionally the government should make a policy to minimize the land acquisition and prevent the displacement of the tribal life.

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Challa.Srinivas/Research Scholar/Department of Economics/Kakatiya University/Warangal/
Telangana State/srinivas.challa1@gmail.com/Mobile No: 9492111121