

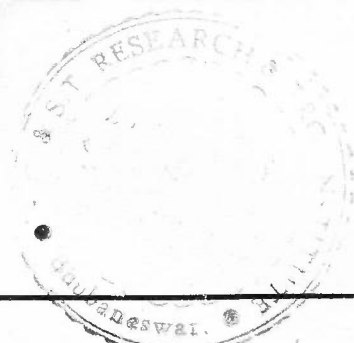


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	Page
Ownership Pattern and land reforms in Tribal Areas of Andhra Pradesh. <i>S. K. Pachauri,</i>	1
Some aspects of Tribal Land systems in Gujarat <i>H. R. Trivedi</i> <i>and</i> <i>S. S. Solanki</i>	8
Epilogue <i>Government of Maharashtra</i>	13
Ownership patterns of land and land reforms measures affecting the tribal people in West Bengal. <i>I. K. Bose</i>	17
Ownership pattern, land survey and settlement and its impact on the Dongria Kondhs of Orissa. <i>P. S. Daspatnaik</i>	23



# *Adibasi*

Vol. XXIII, No. 4

## *Instruction to Authors*

Adibasi is a quarterly periodical published by the Tribal and Harijan Research-cum-Training Institute, Bhubaneswar, Orissa every year in April, July, October and January. It contains papers and findings on Social Sciences emphasising tribal problems of Orissa.

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# OWNERSHIP PATTERN AND LAND REFORMS IN TRIBAL AREAS OF ANDHRA PRADESH

S. K. Pachauri, I.A.S.

The concept of ownership of land goes back to ancient times when civilization emerged from the pastoral or nomadic stage to that of settled agriculture. The earliest political theorists like Kautilya laid down that the Sovereign was entitled to a share of the produce from land for protecting life, property and liberty of the people in his realm or domain. In modern times during the reign of Akbar the Great, Todarmal was appointed as a 'Diwan-I-Ashraf' and he was responsible for introducing important land reforms. Hitherto, assessments were fixed annually on the basis of production statistics and the current prevailing prices. Thus the demands of the State varied from year to year. Todarmal however, established a most scientific method of fixing revenue due to State based on three principles: (a) Survey and measurement of land, (b) Classification of land, and (c) fixation of rates.

The British on their assumption of power in India, proceeded on the ground that proprietorship of the soil belonged to the Crown. Proceeding on this principle, the Government vested the propriety rights in the Zamindars at the time of the permanent settlement (1802). The Zamindar was made to act as an intermediary between Government and the ryots. The ryot is entitled only to occupancy rights over the land in his enjoyment. These rights were however alienable subject to the right of the state or share in the produce in the shape of land revenue. The Zamindar or landlord had a contractual responsibility between him and the state and he was bound to collect revenue and pay the share due to the state.

Later on, the Ryotwari system was introduced. The individual owner was not responsible to the Zamindar, but had the right to relinquish his

holdings or any recognised part of it and held no lease and signed no agreements. He was bound to pay revenue directly to the local administration. In the Andhra area of the then Madras Presidency, Major Munro was responsible for evolving the principles of settlement in Rayalaseema which was also applied to Circar area.

In the Telangana area, most of the land reforms appeared to have been introduced only after Akbar annexed Berar in the year 1596 and when Malik Amber became the Governor of Aurangabad. There is no precise record as to how land revenue was being levied and collected prior to this period. Sir Salarjung who became the Prime Minister of Hyderabad in 1853, introduced many new reforms. One of the changes carried out was the abolition of the system of farming out lands for the purpose of collection of assessments. The annual enhancement of assessment and apportioning the increase amongst cultivators was stopped. Fixed rates on the cultivated fields were introduced and assessment was charged on the basis of fertility of the lands and on different classification of soils.

The ryot had direct contact with the Government which was similar to the Ryotwari system prevailing in Madras Presidency.

During the British time, there were a large number of intermediaries like Rajahs, Jagirdars, Zamindars, Palegars, etc. The permanent settlement introduced by the British Government converted the precarious tenure of those intermediaries into permanent ones and this was detrimental to the interests of the ryots. The ryots were often harassed and heavy taxation was imposed on them by the intermediaries.

The Estate Land Act of 1908 regulated the relationship between the Zamindars and ryots and also provided for a suitable record-of-right for establishing permanent occupancy rights to the ryots. For the first time in the history of land tenure, the Act defined the following very important terms amongst others : (a) Estates, (b) Agriculture, (c) Royalty, (d) Private lands, (e) Land holder and (f) Rent. These definitions provided considerable help in matters of adjudication of claims for land holders and ryots. The ryots acquired permanent rights and also protection against whimsical evictions and harassment by land holders. This was one of the important pieces of legislation of the Madras State which went a long way in alleviating the sufferings of the ryots in Estate areas.

In the Andhra area the following are the agency districts : Srikakulam, Vizianagram, Visakhapatnam, East Godavari and West Godavari. In Telangana area the following are the agency districts : Khammam, Warangal, Mahaboobnagar and Adilabad. There are small pockets of tribal population in the remaining districts.

In the tribal areas two types of cultivation were practised : 1. Podu or shifting cultivation, 2. Permanent or settled cultivation. It was presumed that one of the reasons why tribals live in forests and hilly areas is that the people in the plains were more cunning and took possession of all the fertile lands, hence tribals had to shift into forest areas. Very few taluks in the agency areas have been surveyed and the lands have been brought under the Ryotwari system. A large area of Visakhapatnam and East Godavari agency areas was controlled by Mutadars. One of the earliest of the enactments regarding agency areas is the Ganjam and Vizagapatnam Act, 1839 (Act No. XXIV of 1839). The object of this Act was to provide for the administration of justice, Civil and Criminal in the Agency areas and the collection of revenue in the tracts mentioned under section 2 of the said Act in the districts of Ganjam and Vizagapatnam in the then Madras Province. The administration of Civil and Criminal justice and the collection and superintendence of the Revenue of every description within the tracts of country specified under the Act was conferred on the Agent for the State Government concerned namely, the Collector of the district. The State Government had been conferred the power to

prescribe rules for the guidance of the Agents and the Subordinate Officers. Power had also been conferred on the State Government to alter the limits of the 'tracts' within the districts placed under the jurisdiction of the Agents. Sections 3 to 7 of the said Act have been extended to the Scheduled Areas in the West Godavari District by the West Godavari (Ganjam and Vizagapatnam Act (Extension) Regulation, 1942 (Regulation V of 1942).

As difficulty arose in determining the laws in force by then in the Scheduled Areas, the Scheduled Districts Act XIV of 1874 was passed which enabled Public Notifications to be issued. This Act specified the 'Scheduled Tracts', and the Local Governments were given the power to extend by public notification to any Scheduled District, with or without modification, any enactment in force in 'British India'.

There have been two types of legislations to preserve tribal rights in land. One is protective intended to prevent non-tribals acquiring tribal land, and the other deals with the question of land reforms as the term is generally understood. According to Dhebar Commission Report of 1960-61. The problem of land reforms in the tribal areas stands on a different footing from elsewhere. In large parts of tribal areas there was at one time a sort of communal ownership. But even where there was individual ownership the tribals used to own the land in their own right. Gradually, indebtedness and poverty forced a good proportion amongst the tribals first to hypothecate and then to part with their land. They came to be tenants of their bondees or mortgagees. The problem of land reforms in the tribal areas, therefore, is a mixed one of security of tenures, protection against rackrenting and protection against the usurious methods of the money-lenders. In the plains areas the land-holder was the owner or held directly from the Government and the tenants were those who got their title from him. Unhappily, the State Governments have not fully appreciated the difference between conditions in the tribal areas and in the plains. The schemes of land reforms have been by and large based upon a 'landlord-tenant' relationship which cannot help the tribals who have leased, mortgaged or otherwise hypothecated their land against debts contracted by them or have transferred their land and became tenants of their bondees or mortgagees in respect of their own

land. This is one major deficiency in the approach to the question of land reforms in the tribal areas.

The first Act to protect the interests of the tribals is known as the Agency Tracts Interests and Land Transfer Act, 1917. The object of this Act was to regulate the rate of interest and transfer of land in the tracts of Ganjam, Visakhapatnam and Godavari districts. The transfer of immovable property made without previous consent of Agent or any prescribed Officer has been made absolutely null and void unless it is in favour of another hill tribe. The provisions of Act No. 1 of 1917 were in force till the promulgation of the A. P. Scheduled Areas Land Transfer Regulation, 1959 by which the said Act was repealed. There was no separate legislation on the lines of British India for tribals living in Telangana area which formed part of the erstwhile Hyderabad State. The first step taken in that direction in Telangana Area, was the Tribal Areas Regulation of 1359 Fasli, which came into force with effect from 1st December 1949 in the Agency Areas of Adilabad, Warangal, Khammam and Mahaboobnagar districts.

These Special legislations were implemented by the Executive machinery of the State Government. The Governor directly legislated these Acts and Regulations under the direction of the President for India in consultation with the Tribal Advisory Council of the State. There are special provisions in the 5th Schedule of the Constitution to this effect. The Regulation 1 of 1959 has been extended to the Scheduled areas of Telangana region by repealing the Tribal Areas Regulation of 1359 Fasli. From 1st December 1963 there is uniform protective legislations for tribal areas in force throughout the State.

The important features of the A. P. Land Transfer Act of 1959 are:—

- (i) In the agency tracts any transfer of immovable property by the member of a Scheduled Tribe without prior sanction of competent authority is null and void;
- (ii) Where the transfer of immovable property made by the member other than a Scheduled Tribe, the Agent or the Agency Divisional Officer on application by any interested person can restore the property to the transferor or his heir;

- (iii) No immovable property situated in Agency tracts owned by member of a Scheduled Tribe is liable to be attached and sold in execution of money decree (vide Section 3 of the Regulation 1).

Under the Act I of 1917, the transfer of immovable property between other communities who were not Scheduled tribes but were residents of scheduled areas were not prohibited (vide Section 4 of the Act). But under Regulation I of 1959 even such transactions were prohibited.

It is pertinent to note that definition of word Scheduled Tribe used in the Regulation I of 1959 has been defined as any tribe or tribal community as specified in the notification by the President of India under Clause I of Article 342, whereas under Act I of 1917, the transfer of immovable property by a member of hill tribe is prohibited unless made in favour of hill tribe [Section 4 (1) of the Act]. The word Hill Tribe has been defined under Act I of 1917 as meaning anybody or class of person residents in the agency tracts, but excluding the land holder as defined under the Estate Land Act of 1908 that may be notified from time to time under the Estate Land Act 1908 [Section 2 Clause (c) of the Act]. Therefore it follows under the Act I of 1917 the transfer of immovable property between other communities who are not Scheduled Tribes, but are residents of Scheduled Areas is not prohibited. But under Regulation I of 1959, such transactions are prohibited. Under Regulation I of 1959, where the transfer of immovable properties made in contravention of Sub-section (1) of Section 3 any person in possession of the property claiming under such transfer may be evicted by the prescribed officer after due notice and restore the same to the transferor or his heirs. If the transferor or his heirs were not willing to take back the property, or their whereabouts were not known the prescribed officer may assign or sell the property to any other member of the Scheduled Tribe or a Co-operative Society of the Tribals, or otherwise dispose of the same as if it is a property of the Government [Section 3 Clause (2) of the Act]. The validity of Regulation I of 1959 has been challenged in the High Court and it was upheld in W. P. 4931/68, dated the 17th September 1969.

The Regulation of 1959 was amended in 1970 by Regulation I of 1970. By this amendment any transfer of immovable property either by a tribal or a non-tribal in favour of a non-tribal

shall be absolutely null and void. Clause (b) of Sub-section 1 of Section 3 added by this amendment lays down that the immovable property in possession of a non-tribal shall be presumed to have been acquired by him from a tribal unless the contrary is proved. By virtue of this clause the onus of proof that his possession over immovable property is not contrary to the provisions of the regulation, is placed on the non-tribal.

When a person who intends to sell his land is unable to find a tribal, willing to purchase it, he may apply to the Agent for acquisition of such land by the State Government. The Agent thereupon may take over such land and pay compensation in accordance with the provisions laid down in the Andhra Pradesh (Ceiling on Agricultural Holdings) Act, 1961. Such land thereupon shall vest in the Government free of all encumbrances and the Government may assign or sell it to the tribals.

The Agent or his Subordinates appointed on that behalf can on receipt of information or *suo motu* enquire into the possession of land held by a non-tribal after issue of due notice to him and decree ejection if such position is in contravention of the provisions of this regulation and restore its possession to the tribal transferor. In case such transferor or his legal heirs are not willing to take back the land the agent may assign it to any other tribal. Transfer of land to a non-tribal in execution of a Court Degree is also void. A Benami transfer in the name of a tribal, but actually for the benefit of a non-tribal is also illegal.

The severe provisions of the Regulation made mortgage of the lands to the Banks for obtaining loans for the improvement of land is difficult, therefore the Regulation was further amended in 1971 by adding Section 3 (A) which permits mortgage of land without possession, to any Co-operative Society, land mortgage Bank or Commercial Bank or any other financial institution approved by the State Government. But in case of sale of such land for realisation of loan it has to be necessarily sold to a tribal. By a further amendment in 1978 Section 3 (B) is added which prohibits registration of a sale of immovable property in the Agency Areas unless a declaration is filed by the transferee that he is a tribal. Section 6 (A) is added imposing a penalty of Rs. 2,000 and/or imprisonment of a term of one year for any

acquisitions of immovable property in contravention of the provisions of the regulation or to be in possession of such property. Section 6 (B) makes offences under this regulation cognizable.

The presumptive clause in the regulation was challenged in several writ petitions. The High Court however held the validity of the Clause, but decided that it has no retrospective effect. It was held that the clause amends the regulation of 1959, but does not amend the Law which existed on the subject prior to the Regulation of 1959.

At this point it would be relevant to mention the effect of the Muttadari system on Agency Areas in the State. The Muttadari system came into existence many centuries ago and existed in the tribal areas of Visakhapatnam, Srikakulam, East and West Godavari and parts of Khammam. The Muttadari system functioned under the Estate areas of Golugonda, Madhgal, Vizianagaram and Pachipenta which were all parts of Visakhapatnam Agency during the rule of the British. The Agency portions of these estates were divided into groups of villages called 'muttas' and the management of the muttas appears to have been entrusted in the distant past to influential individuals called 'muttadars'. There is no record of the conditions on which these muttas were originally granted. The conditions can only be inferred from the existing customs and from the few genuine old documents which have survived. The main conditions were payment of Kist, partly in cash and partly in kind, presentation of mamuls in the shape of fruit, vegetables and forest produce and attendance at Durbar during Dasara and Sankaramanam. The muttadars originally held their muttas on the condition (among others) of assisting the Zamindar to keep the peace. They were bound to capture and hand over to the Zamindar offenders or other bad characters and were also bound to give immediate information whenever any offence or fituri (disturbance) occurred or was under contemplation. The muttadars were thus in a sense feudatories, responsible for the good management of their muttas and bound to render military and Police Services to the Zamindar.

The muttadars commanded considerable respect from the hill tribes and wielded very great influence over them. They received tribute in various forms from the villagers, who rendered "vetti" service (unpaid labour) to them. The muttadars collected all moneys and produce due



to the estate through the pettandars (headmen) in charge of villages or groups of villages within their muttas and remitted to the Zamindar his dues, retaining a portion of the collection for themselves as their remuneration for collecting the amounts and for the service, both personal and Police and Military, rendered to the Zamindar whenever they were called upon to do so. The two main duties of a muttadar were therefore (1) keeping the peace in the mutta or rendering military assistance in case of need and (2) collection of revenue.

With the advent of the British Government, the duty of maintaining peace devolved on Government and the muttadar became responsible to the Government for maintaining law and order in his mutta and continued to be responsible to the Zamindar for collection of the revenue due to the estate. The system of dual control over the Muttadar by the Government and the Zamindar thus came into vogue. The Muttadars in Zamindari areas therefore two overlords.

The report of the Madras Estates Land Act Committee (Part-I) 1938, took upon itself the task of interviewing ryots and finding out the conditions under which the ryots lived. The report also spoke about the functioning of the Muttadari system and the condition of tribals living in Agency areas.

The Agency tracts of Ganjam, Vizagapatnam and Godavari had to be dealt with exhaustively as a separate chapter because under the Government of India Act they are called partially excluded areas for administrative purposes.

Although the same district Officers are in charge of these areas, they are doing it in a different capacity as the Agents to the Governor and not as Collectors who is subordinate to the Government that is elected by the people. There was a time when these Agency tracts were considered uninhabitable on account of malaria and no one ever dared to go and settle down there from the plains; but during the last 50 or 60 years or even more, they have been visited by traders and others who had gone over there for purposes of business and some of them finally settled down. By the opening up of communications and the establishment of courts and forest and revenue offices all over they have become easily accessible and much of the trade and prosperity was due to the cheapness of the produce of the forest and jungles of these Agency tracts. Most

of the soil has been virgin soil, the original inhabitants having been used to what has been known as podu cultivation. If the rules observed by the ancestors of the present hill tribes have been strictly followed, there would have been no danger of denudation of forests, which is frequently pointed out by some who are opposed to podu cultivation. Owing to the restrictions imposed on the original inhabitants and the illegal extractions made from them by the officers as well as visitors, they have become so much frightened that they would be tempted whenever they get opportunity to cut off forests on large scale.

The land is theirs just as it belong to the ryots or the original inhabitants in the plains. They are entitled to full freedom to enjoy the lands to their entire satisfaction without prejudice to the land revenue which they have to pay to the Government or their Agents, Zamindars or muttadars.

The revenue collections of the estates in the Agency tracts have been made by Zamindars or land holders. The history of the Rampa Estate given in Part II of the Report shows that the rent collections were made by some Zamindars and their descendants until they became extinct and the estate passed into the hands of the muttadars who were in the position of rent-farmers, land holders or Zamindars in the plains. Today practically all over the partially excluded areas, the rent collection is made by muttadars to whom sanada have been granted by the Government. As they are not permanently settled estates the Sanada granted to the muttadars are somewhat similar to the sanada granted to Zamindars by the East India Company before the Permanent settlement. The muttadars stand in the same position as the land-holders on the plains. In other words, they are also collectors of revenue. Their administration is described by the hill-men who have given evidence before our Committee as very oppressive and their tenures are most uncertain. There was no survey or settlement. Each ryot is supposed to hold as much as he can manage. It does not seem to have been measured even by the ancient rod measurement or rope measurement.

Large tracts are within the zamindari limits of Vizianagram, Madgole, Jeypore, Parlakimedi and some others in Ganjam and Vizagapatnam district and similarly within the limits of several Zamindars including Maharaja of Pithapuram in the East Godavari district. Some of the witnesses examined on behalf of the ryots gave a graphic descriptions of their sufferings at the hands of the

land holders even with reference to the exercise of their primeordial rights. All this was due to the fact that those Zamindars and muttadars have been led to believe that they are the proprietors of the soil and they could deal with their ryots in any way they like. Hill-man have deposed that the officers who had been going there or even other visitors had been compelling them to do service without remuneration and that illegal exactions had been made at every turn, if they make any attempt to take forest produce into the plains for putting them in the market and getting money in return. Many valuable products are produced in the forest. The prices are nominal. Fruit trees grow like forest and yield lakhs and millions of fruits the cost of which is trifling. Batavian, oranges, kamala oranges sell very cheap there. Batavian oranges sold in the Madras market at one anna or one anna six paise or even two annas, can be purchased for quarter of an anna at the foot of the hills, in the interior, they may cost even less. Tamarind grows on a very large scale. For want of communications all the commodities get rotten. Arrangements must be made to open up communications immediately. The agency on the side of Madgole is yet to be connected with the Agency in the upper reaches of the Godavari river. It has a great potential value, along with the Agency in Vizagapatnam and Ganjam, perhaps even better. The land Alienation Act is supposed to be in force in this tract, but the provision had been given freely for mortgaging and selling the land to the people of the plains. The cultivators complain of their indebtedness on account of the exorbitant rate of interest",

This was followed by two important legislations i. e. The Andhra Pradesh Mahals Abolition and Conversion into Ryotwari Act, 1969 and the Andhra Pradesh Muttas (Abolition and Conversion into Ryotwari Regulation II of 1969). The Act abolishing Muttas had the following effect. This Regulation came into force on the 26th December 1970 and this was intended to provide for abolition of Muttas in certain Scheduled areas in the State of Andhra Pradesh. By virtue of this notification all rights and interests of a muttadar vested in the Government free from all encumbrances. The Revenue Recovery Act, 1864, the Irrigation Cess Act, 1865, and all other enactments relating to Ryots over the land and Land Revenue applicable to a ryotwari area are made applicable to the muttas. It was provided that the Government shall not dispose any person or any

agricultural land if he is *prima facie* entitled to ryotwari patta pending final decision of the settlement officer appointed under this Regulation. He had to carryout the Survey and settlement operations to introduce the Ryotwari settlement. The tribal ryots in occupation of ryotwari holdings for a continuous period of not less than one year shall be entitled to a ryotwari patta where as, a non-tribal ryot is not entitled to a ryotwari patta unless he is in lawful possession for a continuous period of 8 years immediately before the notified date and such possession was not hit by the Land Transfer Regulation of 1959 or any other law (Sections 3,4 and 5 of the Regulation).

#### **Impact of Land Reforms on Scheduled Tribes.**

The Tribal population of 16.57 lakhs in Andhra Pradesh forms 3.16 per cent of the total population of 4.35 crores in the State. During the process of implementation of Land Reforms a total extent of 3,01,516 acres was taken over as surplus and assigned to the landless poor so far. Of this extent only an extent of 4,718 acres was assigned to 27,687 Tribals which works out to 1.2 per cent. The Andhra Pradesh Land Reforms Act, 1973 provides that an extent of not less than 50 per cent of the land taken over as surplus be allotted to the members of Scheduled Tribes and Scheduled Castes. The total extent of surplus land assigned to these two categories is 1,73,233 acres of which 1,24,515 acres, works out to 71.88 per cent was allotted to 89,717 members of the Scheduled Caste whose total population is 57.74 lakhs. The composition of Scheduled Castes and Scheduled Tribes is in the ratio of 3:5:1, and distribution pattern of surplus land amongst them is also in accordance with this ratio. It is however seen that the *per capita* extent assigned on an average to the Scheduled Tribes is 0.17 acres while the *per capita* extent in the case of the members of Scheduled Castes is 1.35 acres. This phenomena is due to the fact that major concentration of Scheduled Tribes is confined to a few districts like Srikakulam, Vishakapatnam, Adilabad and Khammam. In other districts like Vizianagaram, East and West Godavari, Mahabubnagar, Kurnool and Warangal the Scheduled Tribes are located in isolated pockets. The population distribution pattern and ownership pattern are the contributing factor for distribution of smaller extents to Tribals as in the predominantly



Tribal Districts the available surplus extent is comparatively less than in the non-tribal areas.

### Conclusion

It can be said that the Government has strived hard to better the lot of the Tribals in Andhra Pradesh, although a lot more remains to be done. Even though the average holdings of the tribal is small, efforts are being made to implement the land reforms laws and the protective regulations rigorously. To bring the tribals on par with those living outside the Scheduled area, sincere and sustained efforts are necessary. The Government will have to stand by the side of the tribals particularly in the matter of ownership rights and land disputes in favour of the tribals. Perhaps more laws like the 1970 amendment to A. P. L. T. R. Act of 1959 should be enacted which will be indicative of a definite bias in favour of the tribals.

Over Centuries long hardship and exploitation suffered by the tribals deserves smooth and careful handling. The tribals have been suffering under feudalistic institutions for too long. Unless the land problems is not tackled on a war-footing they will also suffer

economic hardship. It is a fact that Banks while giving loans for developmental purposes take land as a security and unless there are proper ownership rights; bankers are usually reluctant to advance loans. It is interesting to note that Pattadar Pass Books have been issued in Andhra Pradesh recently and record of rights work has been accelerated. The Government of India have also encouraged construction of revenue administrative buildings in tribal areas so as to bring the revenue officials closer to the tribals. It would be necessary to enhance the powers of the Magistrates functioning in tribal areas so as to prevent matters going in appeal to the courts. Very often non-tribals are dragging land disputes to the courts and obtaining Court's stays and favourable judgements. This aspect requires very urgent attention so that the process of land reforms in tribal areas can be speeded up. Finally, it would be worthwhile perhaps to encourage the work of voluntary agencies in tribal areas who can educate tribals, about their rights and duties and thus increase awareness among them about their ownership rights and laws pertaining to land matters.

# **SOME ASPECTS OF TRIBAL LAND SYSTEMS IN GUJARAT**

*H. R. Trivedi  
and  
S. S. Solanki*

## **Introduction**

The aim of this paper is to throw some light on the tribal land system in Gujarat with reference to tribal development. It is based on some general findings of a special study and actual field observations of one of the co-authors. \* The legal measures taken to prevent alienation of tribal land and tenancy legislation among other things, are the most effective administrative actions which have created considerable impact on tribal development in Gujarat. All other development programme are related to land and forests of the tribals as they are intimately attached to them. Needless to emphasize that development programmes in other fields of tribal life have significant impact on tribal land situation also.

## **Problems of Land Alienation**

In scarcity conditions, the tribals found it extremely difficult to sustain themselves. As they were not able to pay land revenue their lands were sold away at throw away price. To give protection to these people the British Government passed in 1901 an amendment bill in Bombay Land Revenue Code section 73. The amended Section 73-A imposed ban on transfer of land without the permission of District Collector in such backward villages where survey and settlement was not introduced. The new section also provided for a notification to be issued by the Government banning alienation of land even in areas where survey and settlement was introduced.

It may be noted that there already existed Section 68 of L. R. C. under which an occupant of agricultural land was entitled to the use and occupation of his land for the period to which his tenure was limited. If the tenure is unlimited or survey settlement has been extended to the land, he is so entitled in perpetuity conditionally on payment of land revenue and on fulfilment of any other terms or conditions lawfully annexed to his tenure. The land to which survey and settlement was extended were thus considered liable to pay land revenue and as no terms and conditions were annexed to the tenure, they enjoyed status of old tenure and were alienable and partible. There was a provision inserted in the year 1901 in Section 68, that when unoccupied and unalienated (Government Waste) land happened to be granted to any person, the District Collector could impose the conditions restricting the alienation and partition of land subject to Rules made by the Government. Lands granted by the Collector on these conditions were termed as new tenure lands. The new or restricted tenure came into being by insertion of provision to section 68 and enactment of the new Section 73-A.

Section 73-A as it stands at present prohibits alienation of tribal lands in areas (i) where original survey and settlement has not been introduced, and (ii) where the State Government by notification makes the provisions

\* This paper is based on Summary of Findings and Conclusions of the Tribal Land Systems Study Project conducted under the auspices of the Indian Institute of Public Administration (Gujarat Regional Branch), Ahmedabad, 1980.

of this Section applicable. Thus the tribal land in surveyed and settled areas were free and there was no restriction on alienation of tribal lands in these areas, subject to restrictions imposed by notification under Section 73-A. It would be added that the provision of restoring the original land to the tribal unauthorisedly occupied by a non-tribal is contained in Section 79-A of 1901.

There are 32 tribal talukas covered under Tribal Area Sub-Plan in Gujarat. Of these, lands in 16 talukas are treated as surveyed and settled and so tribal lands of about half the tribal area were without any restriction on land alienation. The tribals freely alienated their lands under pressure of circumstances or due to under-hand dealings of the interested parties. There was no legal provision what-so-ever to prohibit alienation of tribal and in these 16 talukas, prior to the Government Notification, extending the provision of section 73-A. The land in the remaining 16 talukas were "unsurveyed" and "un-settled". These areas are those which were governed mostly by the ex-princely States and were merged/integrated in 1948 with other territories of the Indian Union. It was only in 1961 that the Government of Gujarat issued a notification applying the Bombay LRC Section 73-A in these ex-princely State areas covering 16 talukas as well as the other 16 surveyed and settled Talukas in the State. This left a void of about 12 years, i.e., from 1948 to 1961 during which period lots of tribal land were alienated. For want of timely prior Government notification, there is no legal remedy to revert consideration of such alienation that had already taken place in most of the 32 talukas until the year 1961. The situation of unchecked alienation is being studied by the Government from 1977 by appointment of LND-5 units headed by Deputy Collectors. At present the State Government is taking necessary steps to strictly prohibit alienation of all lands of the tribals wherever situated irrespective of historical constraints.

#### **Tenancy Act**

The State Government made two amendments in the Bombay Tenancy and Agricultural Land Act, 1948, which came into force with effect from 9th March 1973. They are summed up as follows (1) In no case shall a tenancy be terminated for personal cultivation and non-agricultural use by the landlord, if the tenant is a member of scheduled castes or scheduled tribe, (Section 31 B-4), (2) Surrender of tenancy rights in favour of landlords have been barred. All surrenders can

be made only in favour of the State Government and such land will vest with the State free from all encumbrances for disposal according to the provision of the Act in accordance with the priority list.

When these prohibitive amendments were contemplated but not in force, tactful and intelligent landlords availed of the legal provisions of the past and got back the land from the tribal tenants on the grounds of personal cultivation or by voluntary surrender through pressure or due to poverty, ignorance and indebtedness. Some of these surrenders might have been fictitious and fake.

#### **Ceiling Law**

The Gujarat Agricultural Land Ceiling Act, 1960 has made provision that a person belonging to a scheduled tribes shall have precedence over other persons for the allotment of land declared surplus. The amount of compensation of cultivated land ranges from 80 to 200 times the assessment of land. It is very difficult for the poor tribals to pay such a heavy price to buy surplus land from application of ceiling Act, and it may be reasonable to change concessional occupancy price of surplus land at the rate of six times the assessment. The remaining amount may be met by subsidy etc. from Tribal Area Sub-Plan. In any case, provisions of the ceiling law are evaded by landlords by partitioning of land among family members and such other tactful means.

#### **Record of rights**

It is needless to say that the tribal people are bound to their land by many intimate ties. The record of rights should therefore be up-to-date and maintained correctly. Preparation of Record of Rights of tribal land requires utmost care and vigilance as the tribals are illiterate and ignorant of implications of legal enactments. The records of tribal land were generally not found to be up-to-date due to various reasons such as feudal oppression varying fertility of soil in tribal tract, land mortgaged to money-lenders, difficulties of survey and settlement etc.

#### **Prevention of Fragmentation and Consolidation of Holdings Act, 1947.**

Different parcels of lands held by a tribal landholder in a village, are generally situated at different places in a village. For instance, some are on rocky and hilly tracts while others may be on plain areas. The fertility of land is naturally different from place to place. And so, each and



every heir of a deceased person prefers to have his share in each parcel of land located at different places. This gives rise to smaller and uneconomic fragments in the hands of each heir. Sometimes these fragments are of the size below the standard area prescribed by the above Act. However, in village records, names of all the heirs of deceased persons are jointly shown against each parcel of land although the position on ground is different. In the record-of-rights therefore, there appears no fragment while in reality many fragments exist on the spot as cultivated by the heirs.

In the "Report on consolidation of Holdings in Gujarat State" by H. K. L. Kapoor Committee, it has been pointed out that the areas having one or more of the following characterisation are obviously unsuited for implementation of the consolidation scheme. (i) Areas having undulating and hilly terrain, (ii) Areas having disproportionately large varieties of soil, (iii) Areas where there is an insignificant problem of scatteredness, and (iv) Areas having a large percentage of Adivasi population or other inhabitants who are socially backward.

#### **Acquisition of tribal land for public purpose**

In all the large-scale irrigation projects, tribals have been the loser of their land as these Projects are generally located in hilly and rocky tribal tracts. The tribal land is compulsorily acquired and they are rendered almost landless and homeless. The fruits of irrigation go to the people living in down-stream areas in the plains and they are usually the non-tribals. However there are many ways in which the situation could be properly handled, such as, (i) tribals be allotted equal land in exchange of their land, (ii) loss of living accommodation be fully compensated for (iii) amount of award price to be paid in cash should be done without loss of time and (iv) the valuation of his land be made by utilizing a suitable norm prevailing in the neighbouring areas.

#### **Forest Land**

A large number of intermediaries, contractors, etc., have been eliminated at present from operating in Forest areas. These old exploiting agents are replaced by Forest Labour Co-operatives in Gujarat. But even these co-operative societies have developed vested interest as they are governed by non-tribals and rich tribals working as office-bearers such as secretaries, etc.

Unless the by-laws of these forest co-operatives are changed or modified suitably in order to eliminate non-tribals and rich tribals from holding positions of power, poor tribal members cannot be protected from indirect exploitations. Village forest scheme or social forestry be introduced to save forest wealth. Introduction of gobar gas plants in tribal areas can go a long way in saving trees from being cut and burnt as fuel for domestic purpose. Illicit cutting and misuse of wealth by unscrupulous tribals themselves should also be prevented by sound forest management and patrolling by honest forest guards.

#### **Indebtedness and Money-lending**

The tribal in general requires credit on the spot to meet immediate and pressing economic demands arising out of marriage, illness and other social obligations. He is normally able to get necessary credits promptly in cash from money-lenders and traders operating in the area. At times, some relatives or well-to-do tribals also come to his help but such helping hands are few and far between. The best way to take care of the situation is to make adequate and as far as possible informal institutional credit facilities by the Government. The present facility of advancing loans to the tribals is made through Government agencies, banks and co-operatives. But this covers assistance for agricultural and other needs such as seeds, fertilizers, agricultural implements, bullocks, poultry etc. and also for special needs of land improvement. These facilities of loans do not cover needs for social purpose because they locked upon as non-productive items of credit. He has to tap other sources of personal credit where he is exploited by usurious creditors. The landless tribals are the worst hit in this regard. There are pedestrian traders who trade in various necessities of daily use of the tribals and they exploit them by getting from them minor forest produce at throw away prices. The Gujarat Rural Debtors Relief Act, 1976 has been in force but very few tribals apply for abolition of old debts out of ignorance or other reasons. The debt Settlement Officers appointed for the disposal of applications arrange hearings at Taluka headquarters which turns out to be inconvenient to the tribal debtors. As far as possible such hearings be kept at villages so that he is able to have a congenial atmosphere and may not act under pressure or false promise by the non-tribals concerned.

## General Observations

1. Section 73-A of the Bombay L. R. C. has no doubt been a boon for the development of relatively simple, innocent and straight forward tribals in preventing alienation of land under their occupation. Various land reform measures such as this have saved many acres of tribal land from being alienated. They have gone a long way in the all round development of the tribals. In certain tribal areas of Gujarat, money-lenders, traders and other advanced non-tribals or powerful tribal leaders have taken advantage of some of these measures and exploited the weaker tribals.

2. Many intelligent people enrolled themselves as tenants of the land cultivated by the tribals and got the original tribal cultivators dispossessed of their tenancy rights. One comes across such cases of disguised misuse of tenancy law in most tribal sub-plan areas of Gujarat. It should be noted that in the record-of-rights on land occupied by a person, there is absence of the caste or community identity of the occupant, as a result, it is not possible to know whether a Khatedar is a tribal or a non-tribal. This lacuna is purposefully misused by knowledgeable persons of influence in order to see that the tribal land is alienated by floating legal protection. Such alienations of the tribal land are sometimes made possible under the cover that the land-holder is not interested in cultivation because of widow hood or infirmity of a tribal. In many cases, the land records show the land in the name of the tribal Khatedar but in reality it is controlled for all purposes by the person to whom it is mortgaged in exchange of money given on loan to tribal.

The situation in scheduled areas and non-scheduled areas remain different. In non-scheduled areas, a tribal landholder does not get the same kind of help and assistance as the one in scheduled areas under Tribal Area sub-plan. Sometimes, the tribals living in non-scheduled areas are more backward and poor than those living in scheduled areas. The land of such tribals are reported to be snatched away by the advanced non-tribal farmers. Although the State legislature has passed a bill to prevent this kind of land alienation, its impact on protection to tribal land in non-scheduled areas is not full proof. Nevertheless, there is considerable change in the attitude of the non-tribals towards occupation of tribal land and this has indirectly helped tribal land and this has indirectly helped tribal development even in non-scheduled areas.

This is specially noticeable in the case of the Dubla tribals who for centuries worked like serfs under the Anavil and patidar landlords as tenants. Under the legislative measure of "land to the tiller" many Dubla tribals working as tenants benefited by becoming landholders under the provision of tenancy Act. The tenancy Act meant for the advantage of tenants of all categories has benefited Dubla tribals to some extent. In many cases, however, before the implementation of tenancy Act, the landlords saw that the names of tenants were removed and instead, the names of real, fictitious or minors were entered as occupants after getting most of the land partitioned in the record of rights. The good variety of land was thus cornered by the landlords and only inferior land was allowed to go to the poor and ignorant tribal events. Thus all kinds of under-hand practices were reported to have been adopted to dispossess the right of tribal tenants.

3. Ceiling on agricultural land holding is one of the land reforms which has benefited tribals and other categories of landless labourers in certain areas. The tribals are listed later among the priority groups of people who are given preference in the occupations of surplus land to be distributed to the landless persons, quite a few tribals have received advantage of the ceiling law and got a source of income to supplement their meagre resources of livelihood. This has no doubt contributed in the over-all programme of tribal development.

4. A provision has been made that the forest land cultivated by the tribals or non-tribals on the basis of one year lease (ekasali) prior to 1967 be entered in the name of the persons concerned as occupants. This provision has brought benefits to the tribals in the whole of Gujarat where such situations prevailed. It has considerably helped in the development of the tribals by making them occupants of forest land whether they already had some land sufficient to support themselves or had no land what-so-ever.

5. Legislative measures concerning protection to tribal land have no doubt helped the tribal development programme in a way. But other development schemes under the E. C., S. M. P., T. D. C. have also gone a long way in helping the tribals to improve their socio-economic conditions. These extension services have become helpful in improving soil conditions, irrigation facilities, implements, seeds, new cropping pattern through takavi loans, subsidy etc. The schemes of animal husbandry, poultry

farming etc. having limited applicability and feasibility in some difficult tribal tracts have also contributed in some measures towards tribal development programme in Gujarat.

6. The programmes of small farmers development agency (S.F.D.A.) have been put in to action to uplift small and marginal farmers in general. However, as there are large number of tribal land-holders falling in the category of marginal and small farmers, these programmes have greatly helped the development of poorer tribals also. S.F.D.A. programme covers both land development and agricultural development and form the bed-rock of tribal development. Many a times such beneficial programme do not reach deserving poor and ignorant tribals because of legal flaws or malpractices employed by the lower level Government functionaries. This is

because there is ample scope for corruption and exploitation in implementation of such schemes. There are also administrative delays, slackness in action etc. which lead to lopsided implementation of these schemes in some areas and specially in remote and backward tracts inhabited by the tribals. In some cases tribal land is recorded in the record-of-rights in the name of the eldest male member in the family but cultivate on the spot separately by many heirs. Such lands remain out of the purview of help to be provided under the S. F. D. A. Scheme. However, each heir in the joint family may be in fact a small or marginal farmer and therefore entitled for full benefits of S. F. D. A. Scheme. Many cases are reported where deserving tribal farmers are debarred from receiving those benefits with the connivance of the officers or at the ignorance of the tribals.



# EPILOGUE

## *Government of Maharashtra*

### **1. Land Ownership of Tribals**

1.1. In Maharashtra Gonds, Katkaris, Pardhis, Bhils, Warlies, etc., are the Scheduled Tribes, who are found generally residing on the slopes of mountain ranges or in the fertile valleys of rivers, etc. According to 1971 census, the Scheduled Tribes population of the State is 2,954,249 which is 5.86 per cent of the total population of the State. They are mainly concentrated in Thane, Kulaba, Nasik, Dhule, Amravati, Chandrapur districts. Ownership and cultivation of land form a major economic activity of the Tribals. According to 1971 census the cultivators (owners and tenants) and agricultural labourers together constitute 93 per cent of the total working population of Tribals in the State. The remaining 7 per cent of the working population was engaged in other occupations such as factory, mining, quarrying, manufacturing industries, household industries, construction, trade and commerce. Thus the economic participation of the tribal population has largely remained confined to agricultural and allied activities.

1.2. All the tribal's land lie either on the slopes of mountain ranges of Sahyadris, Satpura and Mahadeo hills or in the fertile valleys of rivers such as Tapti and Wainganga. All these lands had belonged to them till about a hundred years ago. However, extremely low economic condition of the Tribal gradually led them to alienate the land in one form or other. The Symington Report of 1888 on the Aboriginal and Hill Tribes in Thane, Nasik and Dhule districts showed that alienation of land of a tribal was already in full swing at that time. Large-scale deforestation, construction of roads net works opening of industries, mines, etc., in tribal areas and around increase in population have brought

pressure on the lands of tribals. The cumulative effect of this gradual alienation of Tribal land proved particularly disastrous in terms of the economic participation of Tribal population. The Scheduled Tribe Population in Maharashtra in 1961 was 23 lakhs. Of these 13.66 lakhs were engaged in some economic activities. Out of the working population of 13.66 lakhs more than 50 per cent (7.25 lakhs) were recorded as cultivators, either owners or tenants. The number of such cultivators was reduced during the decade to 5.61 lakhs in 1971. The percentage of Tribal cultivators to the total working population of tribals has also dropped from 53.04 per cent, in 1961 to 41.15 in 1971. Again the number of tribal agricultural labourers between 1961 and 1971 has also increased from 5.30 lakhs (30.82 per cent) to 7.08 lakhs (51.90 per cent) of the total working population of the tribal in 1971. Even in terms of the size of land cultivated the tribals lot is far from satisfactory. According to the 1961 census, there were 50,982 tribal households cultivating land either as owners or as tenants in the State. Out of those as many as 19,446 (or 37 per cent) of the total households cultivated less than 5 acres of land and 32,120 (or 63 per cent of the total) households cultivated less than 10 acres of land.

### **2. Alienation of Tribal's land and steps taken to protect the interest of the Tribals.**

2.1. As earlier stated the alienation of land of a tribal has always been a serious problem. In the British regime an attempt was made to give protection to Scheduled Tribe landholders. A provision for extending such protection was first made by section 73A included in the Bombay Land Revenue Code, 1897, by amending Act No. VI of 1901. Under this provision, Government could by a notification declare that

the provisions of Section 73A shall be applicable to occupancies in a given tract or villages and such occupancies should not after the date of such notification be transferable without prior sanction of the Collector. Such a notification could, however be issued only at the time of original survey and settlement in respect of the tract. Accordingly, notifications were issued covering certain villages from different districts from 1902 onwards.

2.2. After the enactment of Maharashtra Land Revenue Code, 1966 this protection was continued vide sub-section (2) of section 36 of the said Code. These provisions empower Government to notify that such scheduled tribes for whole or any part of the State, whose occupancies would not be transferable except with the prior sanction of the Collector.

A number of Tribal Communities in Thane, Kulaba, Ratnagiri, Nasik, Dhule, Jalgaon, Aurangabad, Nanded, Bhir, Pune, Amravati, Chandrapur, etc. districts were notified accordingly in respect of certain areas from these districts. It was, however, noticed that inspite of these restrictions land of a tribal continued to pass in to the hands of non-tribals for one reason or the other. Liberal permissions were granted under section 36 (2) of the Code by the Collectors to alienate Tribal's land. Where the Tribal was allowed to lease his land to a non-tribal on the pretet of farmer's inability to cultivate the land for the reasons of his old age, Physical disability, the non-tribal could subsequently claim ownership of the leased land under the Tenancy Laws. The tribals were also losing their lands when put to auction for recovery of arrears of land revenue. In 1971, Government set up a committee to go into these problems and suggest remedial measures. As recommended by the Committee certain legislative measures have been taken in 1974 to ensure that land of a Tribal does not here after goes in the hands of a non-tribal and also to restore to a Tribal his land already alienated to non-tribals.

Section 36-A of the Maharashtra Land Revenue code, 1966 (as inserted by Mah. XXXV of 1974 now imposes restriction on the transfer of land of a Tribal to a non-Tribal. According to the aforesaid section land belonging to a Tribal cannot be transferred to a non-tribal after 6th July 1974 by way of sale (including sales in execution of a decree of a Civil Court or an

award, or order of any Tribunal or authority) diff. xchange, mortgage, lease, or otherwise without the previous sanction—

- (a) of the Collector in the case of lease or mortgage for a period not exceeding 5 years; and
- (b) of the Collector with the previous approval of State Government in other cases.

Such a permission is granted only in the prescribed circumstances and after Collector satisfying himself that no other Tribal from the village or nearby villages is prepared to take the land intended to be transferred by the Tribal. Where any land of a Tribal is transferred to a non-Tribal in contravention of the above restrictions, the same is forfeited to Government and granted to the Tribal transferor on payment of nominal price, up to one economic holding (16 acres of dry crop land) including other land if any, held by him. The balance land if any, is to be disposed of to other tribal (s) who is willing to get the land for personal cultivation.

The law also provides that after the expiry of he period of lease or mortgage the Collector has to restore possession of the land to the Tribal. The provisions of the Tenancy Laws about right of purchase of the leased land are also made inapplicable to the land of a Tribal leased to a non-Tribal. Where any land of a Tribal becomes liable for sale for recovery of arrears of land revenue the same is now required to be taken under management by the Collector and to give it on lease.

2.3. About restoration to the Tribal his land already alienated proviso to sub-section (3) of section 36 of the Maharashtra Land Revenue Code, 1966 (as amended by Mah. XXXV of 1974) now provides that land of a Tribal transferred to a non-tribal any time before 6th July 1974, in contravention of section 36 (2) of the Code or any other law for the time being in force should be restored to the Tribal. The Maharashtra Restoration of Land to Scheduled Tribes Act, 1974 (Mah. XIV of 1975) which has been brought into force with effect from the 1st November, 1975 makes a provision to restore to the Tribal his land transferred to a non-Tribal between the period from the 1st April 1957 to the 6th July, 1974 by way of valid or legal transaction including exchanges. For restoration the tribal has to pay to a non-Tribal an amount equal to 48 times the assessment plus the value of *visibal* improvements made, if any, by the non-tribal, as

determined by the Collector. The law provides for payment of such amount by the Tribal in 12 annual instalments.

2.4. The above restoration measures are being implemented vigorously in the State. For identifying Tribal land alienations the Collectors were asked to verify the mutation registers and other village records and to locate the cases for restoration of alienated land to Tribals under the above laws. In addition 'Tribal Cells' were setup in each taluk and subdivisional Office to receive information about transfers of Tribal land and to give necessary guidance on that behalf to social workers and others who come to Taluka and Subdivisional Offices to furnish information in that behalf. Implementation of these measures has been taken up as a time bound programme. For keeping a watch on the disposal of cases and for enabling Government to take periodical review of the progress made in that behalf fortnightly returns are obtained from the Collectors. The cumulative result of these efforts is that as many as 47,280 cases of Tribal land alienation have been registered. Of these 40,019 cases have been decided so far resulting in actual restoration of 20,576 hectares of alienated land to 12,040 Tribals.

### 3. Other measures undertaken to improve social and economic condition of Tribals.

3.1. The land reform measures which have influenced the social economic condition and life style of the Tribals are mainly the Tenancy Laws, the Land Ceiling Law and distribution of Government waste and forest land for cultivation.

The Tenancy law in force in this State confer ownership rights on the tenants in respect of the lands in their cultivating possession. In other words the tenants are deemed to have purchased lands cultivated by them with effect from certain specified dates. The tenants are, however, required to pay to the landlords a certain amount ranging from 20 to 200 times of the assessment by way of purchase price. This price is payable in lumpsum or in annual instalments not exceeding sixteen as may be decided by the Revenue Officer. In backward areas including scheduled areas, the maximum limit was however, lowered from 200 times the assessment to sixty and eighty times of the assessment. Thus price payable by the tribal tenants was substantially reduced. It was noticed that the tenant purchasers, especially those belonging to the Scheduled Tribes, were unable to pay

the purchase price of the land on account of their poor economic conditions. As a result the Purchases were likely to be rendered ineffective. The Agricultural Loan Rules 1969 were therefore, suitably amended and the tenant purchasers were granted Tagai loans. Till March 1977 an amount of Rs. 16.73 lakhs was spent under the scheme.

In 1977, Government has also brought into force under the Tribal Sub-plan, a scheme for granting to the tribal tenant purchasers residing in the specified Tribal areas, subsidy and interest free loans, to enable them to pay the purchase price in respect of their lands. Under the scheme financial assistance is sanctioned as follows:—

- (a) Subsidy equal to purchase price minus 6 times the assessment.
- (b) Interest free loan (recoverable in 12 annual instalments) equal to remaining amount of purchase price i. e. equal to 6 times the assessment.

The above financial assistance is sanctioned in all cases of tribals in specified tribal areas to cover purchase price of land up to 5 acres. So far an amount of Rs. 7.38 lakh has been spent under the scheme.

### Ceiling Law

3.2. The Ceiling of Agricultural Land holding was first imposed in 1962 under the Maharashtra Agricultural Lands (ceiling of Holdings) Act, 1961. The land declared surplus under the Act was allotted to the landless and other persons according to the priorities prescribed under law. No special priority was assigned to persons belonging to Scheduled Castes, Scheduled Tribes, etc. The law was however, amended in 1975 and a provision was made for reserving 50 per cent of the available surplus land for allotting exclusively to landless persons belonging to Scheduled Castes, Scheduled Tribes, Vimukta Jatis, Nomadic Tribes and Nao Buddhas.

So far 1,78,518 hectares of surplus land has been distributed under the Land Ceiling Laws. Of this 48,716 hectares (above 17 per cent) of land has been allotted to 21,499 Tribals.

### Distribution of Government Waste and Forest Land for cultivation.

3.3. Systematic efforts are being made since 1960 to distribute the available Government waste and cultivable forest land for cultivation. In



the land distribution Scheduled Caste and Scheduled Tribes have been assigned a very high priority. In this drive of the 62,747 hectares of land distributed. So far 1,19,024 Hectares (25 per cent) have been allotted to 54,634 Tribals.

#### **Regularisation of encroached land**

3.4. Many Tribals and others have brought some Government waste and Forest land under cultivation without permission from the authorities. As these

encroachments were found to have been made out of genuine need of land for cultivation, Government has decided that the persons who have unauthorisedly occupied Government Waste or forest land for cultivation till 31st March, 1978, should be given pattas of the encroached land up to 2 Hectares, including other land held by them if any, on certain conditions. The work of identifying such persons and allotment of pattas to them is taken up as a time bound programme.

# OWNERSHIP PATTERNS OF LAND AND LAND REFORMS MEASURES AFFECTING THE TRIBAL PEOPLE IN WEST BENGAL

T. K. Bose

Manu said that the land belonged to the person who cleared the jungle and brought it under cultivation. The same authority said that he should sell, give bequeath or otherwise alienate it at his individual discretion. The only way of improving the lots of Indian peasantry lies in giving the tillers of the soil their rightful place in the tenancy system as sanctioned in Manu's writing.

Little is known about the condition of the Bengal farmers during the pre-British period excepting that the farmer-land relationship was more or less recognised. The entire land tenure system in Bengal during British era, however, was poised to satisfy the cajolery of the feudal class. The poor farmers were made tools in the set mechanism engineered to pool land rents and abwabs, land was the other name for instruments of revenue build-up. It is no wonder that the history of land tenancy of this country during this period speaks little of the woes and sufferings of the toiling peasants, the exploited class in the dichotomy.

The annals of the tribal peasantry are no exception to this. Treated as aboriginals they were the worst sufferers in the hierarchical order of Bengal Tenancy. In objection to Holwel's proposition in June, 1759 for putting the lands to public auction by single parganas the Ijaradars or Revenue Farmers of those days made following representation.

"That the principal part of your petitioners are the ancient Farmers of the Company's new acquired lands, and have, with great

care and labour, as well as at great expense, cleared the same from jungles, removing the savage inhabitants of the woods, in order to people the lands with human species, and by an indefatigable, unwearied industry of a period of years, have the happiness to see their labours rewarded and the lands flourish; for the still greater encouraging and promoting which, their ancestors removed themselves and families and planted themselves in the heart of the new framed lands

.....  
(Report of Land Revenue Commission, Bengal, 1940 Vol. II).

This exemplary tale of the confrontation of farmer-plainmen with the savage inhabitants expands the injustice meted out to those earliest inhabitants, the tribal people, who recede to inner jungle and hills taking up cultivation as Professor Nirmal Kumar Bose said "by means of cutting down a patch of forest and then planting seeds in the burnt earth and ashes with the help of digging stick". In West Bengal, however, shifting cultivation has long been given up by the tribal people. A few generations back the Lepchas, the Mechs and the Totes practised shifting cultivation. They have now become settled agriculturists.

Tribal economy in this State is purely subsistence economy based on agriculture—not agriculture with a commercial bias, but subsistence agriculture with its emphasis on the production of food for the tribal agriculturist family.

As usual subsistence production frequently wings comparatively poor prices and is subject to many vagaries. Beset with the problems of uneconomic and insecure land tenure, low production techniques, low market returns and the land-grabbing money-lenders and other exploiters the consequential chain reaction of indebtedness and land alienation perpetuated the fate of the tribal agrarian sector.

## II

Bengal was the pioneer to adopt legislative measure to put a check on alienation of tribal's land. The Bengal Tenancy Act, 1885 provided that no transfer by an aboriginal tenure-holder, raiyat or under-raiyat, of his right in his tenure or holding or in any portion thereof, by private sale, gift, will, mortgage, lease or any contract or agreement shall be valid to any extent unless the transfer of land is done to another tribal. The problems of alienation of tribal's land was considered afresh in the West Bengal Land Reforms Act, 1955, to make the law more satisfactory.

Under Chapter II A of the West Bengal Land Reforms Act, 1955, restrictions have been imposed on alienation of land belonging to tribals. Any transfer to his holding or part thereof shall be void except on grounds of a sale or gift in favour of Government, mortgage in favour of a co-operative society or bank, by usufructuary mortgage, gift or will or by sale or exchange in favour of a non-tribal person is permissible provide the Revenue Officer is satisfied that the proposed sale is intended (a) for the improvement of any other part of the holdi, (b) for investment or (c) for such other purposes as may be prescribed. The Revenue Officer is also authorised to set a side improper transfer of lands belonging to Scheduled Tribe raiyats.

In spite of the above restrictive provisions alienation of the lands of the tribals continues to be a menacing feature though in somewhat decreasing order. Here follows a statement showing year-wise figures of quantum of, land alienated and restored through official sanction:—

Year	Quantum of land alienated (acres)	Quantum of land restored (acres)
(1)	(2)	(3)
1960-61 ..	933.66	Nil
1961-62 ..	1494.60	4.32
1962-63 ..	774.93	Nil
1963-64 ..	961.65	2.91

Year	Quantum of land alienated (acres)	Quantum of land restored (acres)
(1)	(2)	(3)
1964-65 ..	1154.64	20.88
1965-66 ..	1140.88	10.14
1966-67 ..	1138.55	15.15
1967-68 ..	836.74	16.15
1968-69 ..	1115.04	10.55
1969-70 ..	1400.99	21.18
1970-71 ..	1269.29	12.03
1971-72 ..	925.79	11.65
1972-73 ..	900.75	13.17
1973-74 ..	1249.75	6.06
1974-75 ..	1465.74	299.98
1975-76 ..	196.70	25.33
1976-77 ..	49.85	368.08
1977-78 ..	48.43	730.44

Under the Restoration of Alienated Land Act also about 5532 acres of land have been restored till the 31st December 1979, benefitting 14,216 persons. This also helped the tribals in getting back their lands wrongly alienated.

As a ceded area from Bihar, Purulia district of West Bengal has a separate problem in the matter of alienation of tribal's land. A very rough calculation shows that from 1956 to 1971, the average quantum of land alienation in the district is around 4.28 acres per family. The bulk of such alienation took place during the year 1967-68, in the midst of drought situation. Though in view of the West Bengal Land Reforms Act, the Chhotnagpur Tenancy Act, 1908 as adopted for West Bengal and as modified by the Amendment Act of 1961 stands impliedly repealed with effect from the date when the West Bengal Land Reforms Act, 1955 came into force in Purulia district, the force of the C. N. T. Act continues which is applicable to the cases of illegal transfer of lands belonging to the Scheduled Tribes making them liable to forfeiture by the State Government.

Stricter enforcement of law has, however, paved the way for effecting transfer in various clandestine ways either through deceitful registration or by transfer of physical possession of lands in consideration of small benefits obtained from the transferee. In order to review the existing provisions of the Act and their proper application

accordingly, a committee was set-up by the Government of West Bengal which recommended that there should be total ban on transfer and alternative institutional arrangement should be made for purchasing the lands to be transferred. While total ban is not being imposed, Government have adopted programmes for purchasing all lands of tribals by Government which are needed for sale and where tribal purchasers are not available and also for their redistribution among deserving tribals. This will no doubt arrest the ill-designed manoeuvrings for diminishing tribal's holding capacity on land.

### III

The West Bengal Estates Acquisition Act, 1953 was enacted whereby intermediary interests were abolished and ceiling on individual land holding was imposed. The objection of bringing the tillers of the soil directly under the State could not, however, be achieved as the Act was silent on the fate of bargadars, the actual tillers of the soil. There was, however, Bargadars Act, 1950 enacted to safeguard the interests of the share-croppers, most of whom are tribals.

The West Bengal Land Reforms Act, 1955 was a step forward which imposed family ceiling on land and recovery of land held beyond the family ceiling. It further proposed to bring about security of tenure reforms, namely, fixity of tenure a status for share-croppers and fixation of fair rent and fair revenue. To overcome the difficulty in the matter of identification of bargadars the provision of the West Bengal Land Reform Rules, 1965 was amended in 1978 which empowers the Revenue Officers to record the name of the person claiming to lawfully cultivate the land of another as bargadar after hearing both parties and the onus of proving that such person is not a bargadar rests on the land-owner. This is a unique bit of tenure insurance befitting with the sentiments spelt out in Verrier Elwin's, 'A New Deal for Tribal India' that possession of a certain piece of land should be regarded as a *prima facie* proof to warrant recording of that land in favour of tribal, unless there are circumstances to show that it has been illegally acquired.

These two pronged land reform measures, i. e., (i) prompt recording of the share-croppers and (ii) identification of land held beyond ceiling, vesting thereof and distribution of vested land amongst the weaker sections of the community benefited the tribal agriculturists in a great way.

Till the 31st December 1979 nearly about 27.61 lakh acres of lands were vested under the ceiling laws. Out of this, 11.77 lakh acres are agricultural lands, 5.69 lakh acres are non-agricultural lands, 9.93 lakh acres are forest lands and 0.21 lakh acres are others. Out of this 11.77 lakh acres of agricultural lands, 6.31 lakh acres have been distributed among 10.44 lakh beneficiaries of which 2.03 lakh belong to the Scheduled Tribes. Leaving aside about 1.71 lakh acres of vested agricultural land hit by injunction order of High Court and Civil Courts, there are still 3.73 lakh acres land available for distribution, which will also provide a sizeable proportion of landless tribal agricultural labourers with land for cultivation.

Decision has recently been taken to assign pattas up to an area not exceeding one acre per house-hold to the eligible people who had been in occupation of the Reserved/Protected Forest land for a pretty long time prior to August, 1977 giving due priority to people belonging to Scheduled Tribes and Scheduled Castes. An attempt is also being made to utilize the non-agricultural lands in the vicinity of forest for production of sabai, fodder, etc., for allowing usufruct rights to the tribal people.

The traditional method of recording of share-croppers in settlement operation was speeded up with the launching of a special programme styled as "Operation Barga", towards the end of 1978. Emphasis has been given on group action among the potential beneficiaries, enlisting of the names of the claimants, public verification of such claims, preparation of provisional list, hearing of objection of the land-owners and distribution of share-cropping certificates. "This methodology", as Shri D. Bandopadhyay, Land Reforms Commissioner, Government of West Bengal, "tells which depends heavily on the group action of the share-croppers is qualitatively different from the traditional revenue court approach where the poor are at a disadvantage as against the rich, because of their inability to engage lawyers and to produce documentary evidence which they do not have". This has created a lot of enthusiasm among the members of Scheduled Tribes, who have come forward in large numbers to record their names overcoming their age-old fear and inhibition. As a result names of 1.26 lakh Scheduled Tribes bargadars have been recorded till March, 1980 out of 8.55 lakh total recorded bargadars.



The State Government under a de-novo revisional settlement operation with effect from the 1st November 1972 and 1st April 1974 covering the entire State (excepting the coded areas, i. e., Purulia district and Islampur Sub-Division of West Dinajpur district) as the record-of-rights revised as on the 15th April 1955 become completely out of date in the wake of subsequent legislations which included among others, imposition of ceiling law on family basis. So far as the coded areas are concerned the land records prepared in those areas under the Estates Acquisition Act have become back dated as those show the position as on the 1st April 1964. As settlement under the F. A. Act has not started there, a special programme for up-dating of land records of the tribal people of these areas have been undertaken under Tribal Sub-Plan. For implementation of this programme the Revenue Officers have been authorised under the West Bengal Land Reforms Act to enlist and record the names of Tribal ryots and bargadars, to record the cases of tribal bargadars affected in the cases of alienation of land, the mutation cases, the cases of consolidation of holdings and new settlement cases.

A programme for conferring titles on homestead plots not exceeding 0.8 acre of land has been taken. So far 41,000 families have been benefited under the programme. This programme is also helping the tribal landless share-croppers and agricultural workers to enjoy secured possession of homestead plots.

All these measures of providing ryotwari and barga rights to tribal agriculturists were, however, always received by the land-owning classes without any tinge of opposition. These acts of spontaneous participation on the part of the tribal share-croppers and marginal farmers were counter acted on other fronts through various retaliatory measures like legal huddles, preventive detention, criminal proceedings, economic and social boycott, etc. In the Re-orientation Camp held at Halusai Polba in May, 1978 land status of 17 tribal and

11 Scheduled Caste bargadars and agricultural labourers were thoroughly studied. Out of 17 tribal participants 3 were purely agricultural labourers and 3 were marginal farmers and bargadars. All the rest were bargadars. In most of cases these bargadars were involved in a series of cases u/s. 144, 145 and 107 Cr. P. C. and in the Civil Courts and Hon'ble High Court. One of the bargadars was also arrested under M. I. S. A. These, however, could not demoralise the tribal peasants who, by dint of their undaunted zeal fought gallantly against all odds to wrest their legitimate claims over the lands they till. Emergence of a resistant Tribal front against forces of feudal exploitation is evident.

#### IV

In this State the land ownership pattern among the tribals has no distinctive feature compared to general tenancy system of ryotwari and barga. There are, however, distinct unfavourable land-man ratio in the land distribution pattern amongst the tribals. In respect of some of the Integrated Tribal Development Project Areas of this State having more than 50 per cent to 70 per cent Scheduled Tribe population the figures of arable land held by the tribals out of total lands in the I. T. D. P. and the percentages of Tribal land-owning families among total tribal families have been found to be follows :—

I. T. D. P.	Extent of arable land held by tribals	Tribal land-owning Families
1. West Dinajpur	25%	68.6%
2. Birbhum	20%	54.0%
3. Hooghly	4.59%	14.68%
4. Jalpaiguri	25%	74.0%
5. Murshidabad	15%	43.7%
6. Burdwan	6.1%	N. A.
7. Midnapore	27.49%	82%

This obviously indicates the crowding of tribal farmers over the small chunks or lands in the possession of the tribals.

The percentage distribution of tribal families by holding size in some of the I. T. D. P. districts is depicted below :—

Holding Size (in acres)	Midnapore	Jalpaiguri	Purulia	Birbhum	Hooghly
00.00—00.99	70.06	..	24.00	..	67.58
01.00—01.99	17.41	..	35.00	..	18.20
02.00—02.99	..	37.0	..	68.5	..
03.00—03.99	10.87	..	..	..	..
04.00—04.99	..	..	31.00	..	12.37
Above 04.00	1.66	..	..	..	..
02.99—04.99	..	43.0	..	18.5	..
Above 05.00	..	20.0	10.0	13.0	1.85

of these areas Midnapore is the highest tribal concentrated area, second is Jalpaiguri and 3rd is Purulia. Midnapore is in the extreme south and Jalpaiguri is in extreme north. Purulia is the ceded area from Bihar, Birbhum and Hooghly are two almost similar areas from the view point of concentration of Scheduled Tribe population but Hooghly is a new place of settlement for the Scheduled Tribe people whereas Birbhum is quite an old settlement. Whatever may be their geographical and historical distinctiveness it is apparent that Majority of the tribal farmers are small and marginal farmers in all these areas.

The land-use pattern of the tribals are uneconomic both due to some topographical constraints and because the tribals are less responsive to or ignorant of the technological advances made in the fields of agriculture. As the major concentrated I. T. D. P. area of the State the figures of Midnapore I. T. D. P. are quite revealing in this respect. On an analysis of the data relating to ownership of area under cultivation by topographic situation of land and community, it appears that out of 58,336 thousand hectares of land under cultivation 15,369 thousand hectares are owned by tribals. The topographical situation of these lands are 36.84 per cent to 32.76 per cent medium low land, 31.54 per cent to 34.87 per cent medium high land, 22.69 per cent to 25.59 per cent high land and 8.93 per cent to 6.78 per cent low land. Net cropped area under irrigation also differs among tribal and non-tribal lands whereas 12.5 per cent of the total cultivated area is irrigated by different sources of irrigation, only 5.6 per cent of the tribal lands are irrigated. In the matter of utilization of irrigation water the tribal farmers have failed to make use of it satisfactorily in comparison to others. A comparative study on the utilization of irrigation sources by the tribal and non-tribal farmers of Midnapore I. T. D. P. reveals that the non-tribal farmers have made a relatively better performance than the tribal farmers. The cropping intensity is 1.113 in case of non-tribal farmer as against 1.086 of tribal farmer. The input-output returns also show that the tribal farmers have failed to make better exploitation of their land. The tribal farmers of Midnapore I. T. D. P. receives an output of Rs. 1.90 per rupee of input from irrigated area and Rs. 1.40 per rupee of input from unirrigated area, which are far below the optimum levels. These are the factors, which if not

counteracted, will obviously tell upon the process of tenancy reforms initiated in the State for the benefit of the tribal farmers.

## V

The programme of land reforms does not end merely in establishing the relationship of a farmer with his land. The programme is to be continued till the farmer can make full use of this asset in securing optimal return. This demands for a supporting programme where factors responsible for ill-utilization of the lands and consequential low production can be sorted out and dispelled with promptly.

The land reforms member now taken up by the Government of West Bengal have accepted this challenge and there is inbuilt programme adopting such follow-up actions like providing institutional credit cover providing tiny sources of irrigation, giving subsidies for development of land, rational assessment of land revenue and undertaking other infrastructural development programme. As an important participant in the programme, the tribal beneficiaries are also being provided with necessary support.

As a part of the land reforms measures more than 59,000 bargadars and assignees of vested land were advanced bank loan. This is expected to be around 1,60,000 during 1980. A component of loan for consumption requirement has been included in the loan portfolio of every individual. To induce prompt repayment of loan a scheme for providing full interest subsidy has also been introduced by the Government of West Bengal. It is noteworthy that the rate of repayment has been quite encouraging. The Scheduled Tribe bargadars and assignees of vested lands have also been benefited under the programme.

The problems of the Scheduled Tribe ryots and bargadars, however, deserve some special attention in view of their insufficient and uneconomic land holding. It has been necessary to devise programmes for providing irrigation to their lands, land preparation, going for high-yielding varieties and better crop rotation, training, demonstration, etc. under the Tribal Sub-plan. A scheme for providing grant for exceeding Rs. 500 per tribal assignee of vested land is also in operation. Credit at soft rate for short-term medium-term agricultural purposes is also made available to the tribal agriculturists through the network of Lamps—Central Co-operative Bank and Lamps—the West Bengal Scheduled Castes Development and Finance Corporation Act, 1976

has been amended to include Scheduled Tribes also within the purview of this Act. This is now awaiting the assent of the President of India. The proposed amendment will enable the tribal agriculturists in obtaining credit for production purposes from that Corporation.

The tenure Pattern of a country and the agricultural yield are no doubt inter-related. Shri R. C. Dutta in his address to the British Government charged that "the faulty tenure system was responsible for low yield in agriculture". Varying in importance with each country, the tenure of land is of wide significance and unquestionable in many instances is responsible for some of low agricultural productivity. Emergent from tribal and other local tradition or occasionally the product of promulgations by colonial and other Governments, the tenure of arable and pastoral land frequently is highly involved in terms of custom, law and regulation, written and other "(The Development of Agriculture and Forestry in the

Tropics"—John Philips). It is yet to be seen how far these land reforms measures directed towards large section of tribal agricultural labourers and tribal land-owners of small fragmented holdings can improve their lots. The tribal farmers are less responsive to the new techniques of agriculture and they have their own way of looking at things. The planning efforts should be designed in such a manner that the tribal traditions and beliefs are appreciated. In order to put a check on the vicious trend of converting tiny tribal land-owners into agricultural workers steps are required to be taken in making community utilization of their small holding, by insuring their lands and produce against all hazards and by erasing from the scene of tribal tenancy system all tenants of feudal exploitation. The 1961—1971 census in West Bengal witnessed a fall in the percentages of tribal cultivators from 48.72 to 31.18 and a rise in the percentage of agricultural labourers from 28.40 to 48.91. The processes of reversals initiated so far are required to gain momentum to put the scores in opposite order.

# OWNERSHIP PATTERN, LAND SURVEY AND SETTLEMENT AND ITS IMPACT ON THE DONGRIA KONDHS OF ORISSA

P. S. Daspatnaik

The Niyamgiri hill ranges of 250 square kilometers in area, stretched at the South of Orissa, right from Muniguda Block in the North to Kalyansinghpur Block in the East, in the Bissam-cuttack police-station of Gunpur-Rayagada subdivisions in the district of Koraput, are the abode of the Dongria Kondhs. These hill ranges are contiguous and the peaks of which are about 4,000' to 5,000' feet. These Niyamgiri ranges are 21 kilometers away from the North-West of the police-station headquarters, Bissam-cuttack and are situated at a distance of 436 kilometers from the State Capital, Bhubaneswar. For centuries, the Dongria Kondhs have been living on those hill tops completely detached from the cultural-mainstream and have evolved their unrecorded history and the so-called configuration of culture. Kurli, the first typical Dongria village is connected with Bissam-cuttack by 10 kilometers of zigzag hill track at an average height of 3,000 feet and three kilometers of road on the plains. This part is connected with the State Capital both by the bus route via Rayagada and also the train route via Vijayanagaram. Both these routes lead to Chatikona, a village on the Walteir-Raipur line from where one is to climb the rugged mountains to reach the Dongria area. Further, the entire Niyamgiri area comprises four Blocks, namely, Bissam-cuttack, Kalyansinghpur, Muniguda and Biswanathpur of Rayagada-Gunupur subdivision of the district of Koraput.

The Kondhs, one of the most backward tribes of Orissa constitute numerically the first largest group, the total population of which is about

8,69,965 according to the census 1971, inhabit mainly in the districts of Koraput and Phulbani. The Dongria Kondhs, a section of the Kondhs, though have not been dealt separately in the last census, were enumerated as 5,818 in 110 villages in a separate reconnoitral study undertaken during the year 1975, of which 2,491, males and 3,127 are females. Thus, the Dongria Kondhs constitute about 0.65 per cent of the total Kondh population of the State. Another Scheduled Caste, locally known as the Dombs also inhabit in the same villages and their total population comes to 1,173 of which 628, males and 545 are females. These 110 villages are exclusively inhabited by only two communities, the Dongria Kondhs and the Dombs. The Dombs are immigrants from the plains of the districts—Bolangir and Kalahandi and have permanently settled in the Niyamgiri hills by plying petty trade and business with the Dongria Kondhs and exploiting them at the cost of their isolation, simplicity and ignorance. In spite of that, both the groups are dependable and have developed symbiotic relationship from the past not known in the history.

The demographic analysis reveals that an average size of the Dongria Kondh family consists of 4 persons only. It is indicative of the fact that the families are mostly nuclear and prefer separate household soon after marriage, due to exclusive practice of shifting cultivation and *per capita* land holding being 4 to 5 acres only. From Age-group distribution, it is evident that about 20.8 per cent and 10.8 per cent of the population was below 17 years



and 18 to 47 years, respectively. About 68.4 per cent of the population was beyond 47 years. But it should not lead us to believe that only the adults (between 18 to 47 years) are the only working members. Because children above 6 years of age also help their parents in both domestic and agricultural pursuits. Further, the distribution of population within the age-group of 0—5 and 6—11 years is very low. This clearly indicates that the health condition has not improved and more children have not survived in recent years. The analysis of sex-ratio reveals that the percentage of female is more, that is, about 53 per cent than the male, that is, about 47 per cent. This tribe is therefore, not well balanced. Polygamy has a social sanction among them. So far as proportion of married men and women are concerned, about 49 per cent of the males and about 51 per cent of the females are married and about 51 per cent of the total population are married. Further, the average age-limit at which males are married is 18 to 22 and that of females is 12 to 17. Pre-puberty marriage among the girls is not frequent. It is evident by the fact that girls below 12 years are rarely married. Usually widowed women beyond 24 to 29 years of age do not marry.

*Race*—Edgar Thurston writes in the 'Castes and Tribes of Southern India' Vol. III-K-page 356 that in a note on the Kui, Kandhi or Kondh language Mr. G. A. Grierson writes as follows. "The Khandhas or Khonds are a Dravidian Tribe in the hills of Orissa and neighbouring district". The Dongria Kondh, being one of the sections of the Kondhs, are also a Dravidian Tribe.

*Language*—Mr. G. A. Grierson writes, "The name which they use themselves is Kui" (Edgar Thurston—Castes and Tribes of Southern India Vol. III-K-page 356). Whatever may be the fact, the Kondh language varies from place to place in the same district. The main dialect of the Dongria Kondh is 'Kuvi'.

Physically, they look stalwart with erect posture and broad-based shoulders with no growth of hair on the chest. Males grow long hairs on the scalp both for adornment and as an emblem of the community to differentiate themselves from other sections of the Kondh. The skin colour of the males is brown, often approaching white. In contrast the skin colour of the females is dark-brown often approaching black. Whatever may be the fact, both adorn

themselves affluently in normal walks of life. look bewitching—males move about like kings claiming themselves to have been descended from Niyam Raja (legendry king of Niyamgiri hills).

The Dongria Kondh land is situated over a high plateau, ranging from about 1,500 feet above sea-level. In comparison with the adjoining plains, the climate of the area is cool and pleasant. Humidity in this area ranges from 92 per cent of saturation in August and September, the wettest months, to 60 per cent in March and 61 per cent in April and May. During the nights throughout the hot weather there is usually a light cool breeze. The rainy season is extremely unhealthy. Rains are continuous and heavy. The rigour of the cold weather is intense. Nearly 80 per cent of the annual rainfall is received from the south-west monsoon during the months of June to September in this area. No rivers are found to be flowing on the top of the Niyamgiri ranges excepting a perennial stream called, Gadgada Nallah. This stream has circumsulated the entire area and passes through Chatikona Railway Station. It is the only source of water-supply for the inhabitants of the Niyamgiri hills. Birga is the local name for soil. Due to mountain ranges, the soil is full of stones and pebbles and therefore, not susceptible for cultivation. Practically soil erosion takes place in the entire area excepting of course, near the bed of the stream. Kaditari-Birga (Black soil) is considered to be very fertile and found only under the foot of the hills where Dongar-paddy is sown. Other than that, the entire area is an admixture of Kankada-Birga (Stony-clay) and Panka-Birga (Paste-clay). Due to large-scale deforestation and practice of shifting cultivation, no animals are found nearby the villages. Areas with ample growth of forests are far away from the villages where animals infest. But the entire area is infested with snakes. Other than Bissamcuttack, Kalyansinghpur, Muniguda and Lanjigarh areas are densely forested where forest materials are collected as secondary source of livelihood.

Agriculture is the primary source of livelihood of the Dongria Kondhs. They are mainly shifting cultivators in view of the terrain and higher altitude where they live. Due to large-scale deforestation, forest collection, though a secondary source of livelihood the availability of the resources have become few and far between. Non-availability of plain lands have made them completely dependent only on hill cultivation and that too, in a vast scale.

Lands in the Dongria Kondh region are divided into three categories-Haru (Hill), Penga (Foot of the hill), and Bada (Kitchen garden). Due to continuous hill ranges and rugged mountains, Penga and Bada types of land are uncommonly possessed by the local people.

On the Haru, the following crops with relative importance are produced. Millets like; Ragi, Kating and Kosla-rice are produced which are staple food. Cereals like; Kandul, Ganthia, Arka and Jana are produced in lesser quantity and consumed. Creepers like; Jhudang and Baila are produced and used as vegetable and tiffin. Caster-seed (Kala-manji) is produced as cash crop. Various roots like; Saru-Kanda, Langala-Kanda and Rani-Kanda are produced and used as vegetables, if any surplus, sold as cash crops. Vast area is utilized for turmeric production and sold as cash-crop. Vegetables like; pumpkin, bean and chilly etc., are also produced both on Haru and Penga types of land. Ragi and Kosla-rice are mainly produced in Penga type of land. With country made plough attempt is taken by a few families to produce Dongar-paddy on the Penga type of land. Gourd, brinjal, chilly and tobacco are produced in the kitchen garden. Other than these, the Dongria Kondhs are renowned horticulturists as they produce various types of fruits on the Haru like; plantain (Kadali), Orange (Kamala), pineapple (Bhuin panasa), jackfruit (panasa) and mango (Amba) for cash crops. Imitating the Hindu neighbours, some of them have started ploughing the Penga and Bada types of land where Dongar-dhan is produced. This agricultural innovation has come to the Dongria Kondhs through the medium of the Dombs who are more capable in adopting new practices. However, fruits, roots and turmeric are produced in large quantity than other varieties of crops.

Shifting cultivation is practised by rotation in the hill-slope and hill tops by the method of slash-and-burn tillage. The jungle clearing starts with the operation called "Heladi-Tulpi-Manabu" (Clearing the jungle) in the month of Chaitra March-April. Then the operation called, "Nai-Rundhi-Manabu" (setting the fire) takes place. Right from the bottom of the hill upto the hill top, both the males and the females dig the soil with the help of Tahapa (An agricultural instrument) with a view to insert or mix the ash with the existing soil. Then seeds are sown before the monsoon sets in. There is no scope for irrigating the Dongar plots. The people entirely

depend on the rains. Mixed crops of minor millets, pulses are grown in Shifting lands and harvested in succession. When the crops grow they are watched constantly against the birds and wild animals. An extra hut (Ladi) is prepared at the top of the hill to take shelter during nights. The reco operative cycle of a swidden varies from 3 to 4 years. This shortening of the rotating years has caused more damage to the vegetation in the hills of the Niyamgiri area. Certain rituals are attached to shifting cultivation to get bumper yield.

Thus, the people eke out their livelihood by almost entirely depending upon agriculture. Forest collection is a minor source. Wage-earning is considered to be a derogatory pursuit in view of the fact that, the Dongria Kondhs hail from the Raja of Niyamgiri. Due to mass-scale illiteracy and primitiveness, they have not evolved any idea about plant-breeding and soil-parasites. They do not have any idea of scientific agriculture, instead they have evolved their own methodology of cultivation in response to their needs. In fact, the products though not abundant are nevertheless, adequate to meet the needs of the people for the entire year, but about half of their yield is taken away by the Dombs through the process of exploitation. The inadequacy is also due to the shortage of Dongar plots in comparison with the growth of population. The entire yield cannot be consumed by the family members. Immediately after the harvest, repayment is made to the Domb creditors, women pedlars, servants like; Barika (Messenger), Goudia (Cowherder) and the Jhateni (village sweeper) of the Domb community and for the celebration of various socio-religious ceremonies. Thus, a family completely exhausts the total output. As a result he again falls prey at the witty clutches of the Dombs. This process continues.

#### **Land, its concept, ownership and inheritance.**

It is stated earlier that the Dongria Kondhs are principally shifting cultivators and cultivate mainly Haru (hill) type of land. Penga and Bada types of land are scarce in the area.

To a Dongria Kondh, Dongar land is considered as endowed with Divine powers. It is believed that various gods and goddesses (penu) like; Pandu Patra, Niyam Raja, Koksa Munda, Buda Raja, Raja Manikseri, Malama, Durga and Bhaira reside in the Dongar plot. The Dongar itself is termed as Dongar-Penu or Haru-Penu.

Different Penu are worshipped by different Shamans (Baju is termed for a male and Bejuni is termed for a female). The nature of sacrifice also differs from one Penu to another. All these Penu are appeased with a number of sacrifices during Bihan Parab (Bichha Laka) in the month of February-March (Chetar-Lenju) and November (Dewal-Lenju) before harvest. Monday and Friday are considered to be auspicious days for first sowing and harvesting. It is tabooed for the people to work on the Dongar plot for three days after ritual hunting in the month of May. This being the fact, land is highly revered, carefully owned without being sold or alienated and migration is restrained even if land becomes scarce in due course for family fragmentation.

Secondly, the fabulous-personality, Niyam Raja had created this Niyamgiri hills and distributed hills among his sons. As per his command, hills must be tilled to claim themselves as descendants of the Niyam Raja. The present generations, who also claim to be the descendants of the Niyam Raja, feel it duty bound to pursue shifting cultivation, lest they may dishonour the creator.

Thirdly, it is believed that each individual swidden of a Dongar plot is haunted by the ancestor-spirits (Dumba) who help in the bumper growth of the crops, and protect the crops from infested animals, if properly appeased. Hence the right over such swidden can never be confiscated nor changed.

Thus, it is believed, if one claims to be a Dongria Kondh, he must reside in the Niyamgiri hills and possess land of his own and pass on to his posterity. This procedure is being continued for centuries.

Nothing can be ascertained about the traditional ownership of the Dongria Kondhs as History is silent about them. But as people say, so far as their memory goes, prior to the settlement in 1961, during the British rule and during the reign of the King of Jeypore the then settler of the Niyamgiri hills had divided Haru land among themselves according to Mutha. 'Mutha' is an important feature of social organisation among the Dongria Kondhs. It consists of a group of villages treated as an administrative-cum-social unit. Each Mutha has got its own name called upon a clan such as, Jakasika Mutha, Wadaka Mutha, Kadraka Mutha, etc. It was a mutual division among themselves. The Jurisdiction of each Mutha was

defined and its boundary was marked with any imaginary object to differentiate from another Mutha. As per this division hills had been distributed among the occupants of each Mutha irrespective of any clan group. Once, one got land in that Mutha, he was considered to be a permanent inhabitant of that Mutha. He must not get land from any other Mutha. In case, he leaves his original settlement and goes to another Mutha, he may enjoy temporary right over a swidden plot in that Mutha.

Once the Mutha was defined and the villages were grouped, all the inhabitants assembled together under the leadership of each Mutha head, Mandal, who distributed hills among the villages. Subsequently the village leaders like; Jani, Bishmajhi, Pujari and Barika distributed hills among the occupants of each village. Each family, in due course, occupied respective hill and started cultivating from the very bottom of the hill. Customarily, at the initial stage the foot of the hill is cultivated for 4 to 5 years and the above portions are left out for rotational cultivation or for future parcelling of the plot. Once this division was made, the occupants have been enjoying their rights over the land. These divisions have been made earlier and since then, no further divisions have been made. In case of inadequacy of getting plots for all the families in a village, the remaining families may get hills in other villages of the same Mutha. For example; five families living in the village Kurli are having their hill plots in the village Hundijali. But both these villages are included in Jakasika Mutha.

Other than the individual ownership, collective ownership is claimed in the village level, that is, over those lands where village deities have been installed, front yard of the village, cremation ground, grazing land, land beside the stream and land on which communal feasts and butchering of animals take place.

Haru lands are plentiful in the area in each Mutha. Growth of population therefore, is not a hindrance for availability of land in future. Because each swidden is a vast area which cannot be cultivated at a time due to nuclear type of family and less of man power.

Since land was owned as per Mutha, land revenue too, was not paid individually but on the basis of Mutha. Each occupant paid a nominal amount, that is, one anna to the village Barika (Messenger) who deposited the amount with the

Jani and Bishmajhi. Then Jani and Bishmajhi of each village deposited the amount with the Mandal who subsequently deposited the same in the court of Jeypore Maharaja. This system of payment has been continuing till now, as, even if some ryots or tenants are not having land or less land, they pay Rs. 2 each when land revenue is deposited in the Tahasildar office, at present.

It may be mentioned here that the Dombs claim to be the contemporary occupants or Khuntkatidars with the Dongria Kondhs in the Niyamgiri hills. But, as immigrants, they neither had any lands nor played their traditional occupation of weaving in Niyamgiri hills. They, in fact, played the roles of liaisoning with the outsider and virtually became care-takers of the Dongria Kondhs. For that, with an understanding, Mandal of each mutha allowed them to cultivate Penga type of land at the foot of the hills as the tribals were in habit of cultivating land at the hill slopes and at the top of hills. But with the increase in the Domb population such type of land was so scarce that, they could not adjust, as a result they had to adopt unfair means to earn livelihood. Thus, the rate of exploitation was geared up doubly. Whatever may be the fact, the then Domb settlers also equally shared land revenue with the Dongria Kondhs and the same system is being continued up till now, even if they do not have either homestead land or agricultural land.

As it is known the patrilineal kinship ties and the patrilan descent ties bind the Dongria Kondhs in one side and the other ties are established through marriage alliances with the other clans. It is the kinship ties which binds the whole Dongria Kondh in the Niyamgiri hills and to certain extent it extends upto the Desia Kondhs, who live at the foot of the Niyamgiri Hills and who are bit acculturized through all possible contacts. They have their friends in their own clans and in alien clans too. Besides this, other kind of friendships are established within the same age with the Dombs. That is called 'Sai' system. Analysis of patterned mode of behaviour can be made on the basis of gifts and counter gifts which embrace a wide field of situations interactions and ceremonial activities besides certain particular activities at the time of shifting cultivation and all other economic, political and ritual co-operations.

### **Kinship embodies co-operation and mutual help.**

Basing on this kin relationship, property is acquired through inheritance. It is also acquired through gift and exchange. Once property is acquired it is enjoyed from generation to generation and becomes permanent asset of the family.

Since the Dongria Kondh society is patrilineal the property passes from father to the sons. The head of the family inherits the land and the house, both movable and immovable. During the life time of the father, property is distributed among the sons after their marriage. Until marriage the sons remain under the same roof. After the death of the father, the eldest son manages and controls the entire family until his other brothers are married and then the property is distributed before the assemblage of village leaders and the village Barika (Messenger). For deceased wife, an equal share is kept. If she likes, she can enjoy her share with any son she loves the most. In case of second wife, the share is little less. Sometimes, the second wife, if having no issue and opts to go back to her parents, may not get any share. Daughters are not entitled for any share. Until marriage, daughters enjoy the property, but loose right only after marriage. In case there is no heir, the brother of the deceased inherits property. Sometimes, brother's son is adopted to inherit property. After marriage the son-in-law is also called to inherit property in the absence of any heir and in that case he exercises temporary right over it. In the absence of any claimant, the property is treated as communally-owned. Property is never owned by any matrilineal relatives. Because obligations and debts are also inherited which may not be shared by the matrilineal relatives. Since the inheritance is in direct line of decent, all the consanguineal relatives are involved in ownership of property.

Whatever may be the fact, the head of the family has full right over his entire property. That is, he takes the entire decision right from cultivation up to the disposal of the yield. Though the decision is autocratic, it is benevolent as, all the inmates of the house are consulted.

Once the property is inherited, one is empowered to utilize it in any way he likes. Similarly once land is owned, it can be used in any way other than selling and the right of a



person is retained till death. Only in case of gift, the right to utilize that piece of land is transferred. Sometimes, the usufructs or the yield of the land is either pledged or mortgaged to get loan. Land is never leased. In case of mortgaging, the output or the standing crops are taken away by the creditor. The owner loses right over the crops, though he never loses right over the land. Until final repayment of loan, this procedure continues and the right of the person is forfeited over the crops.

After the death of the husband, the wife is fully empowered to look after the property until her sons are major. After marriage, the daughter, whatever ornaments and utensils, etc. she gets from her father, are enjoyed by herself and her husband only. If a woman is divorced of her own fault, the parents of the girl are forced to return back the bride price. The husband has got every right to get back what he paid for having the bride.

Further, in the Dongria Kondh society titular rights are owned without any material benefits. For example, the posts of Mandal (Headman of the Mutha), Jani (Village priest), Bishmajhi (Assistant to Jani and Revenue Collector) and Pujari (Head of the Meria festival) are hereditary. But for holding all these posts, the functionaries do not enjoy any extra benefit, nor they are given any excess land. But they enjoy titular rights only.

In fact, moral sanctions are more binding than the legal sanction to support the conventional rules. With regards to inheritance and successions and for ascertaining rights, people never go to the court or do not take resort to legal procedures. Conventional rules are strictly adhered to. They are by nature God-fearing and any deviation to moral sanction may endanger their life and property. Due regard is therefore, given to the conventional codes to maintain equilibrium in the society.

### **Land Survey and Settlement**

In the year 1961, land survey and settlement operations took place in the Niyamgiri hills for the first time.

It is stated in "Final Report on the major settlement operation in Koraput district" 1938—64 By Shri N. C. Behuria, I. A. S. in para.-33 that, the district of Koraput was an unsurveyed tract when it formed a part of the newly created province of Orissa in the 1st April, 1936. The various

tenancy and other measures under the Government to protect the interest of the ryot remained in-operative owing to the absence of land records. The ryot, especially the hill ryots were completely at the mercy of the estate employees in all important matters of tenancy administration. In fact, the Patta granted to the ryot in the usual form contained a stipulation in contravention of the M. E. L. Act., that the ryot had no right over the trees standing on his holding. The provision of the Agency Tract Interest and Land Transfer Act for binding transfer of land by the Adivasis to Non-Adivasis remained more or less a dead letter owing to the absence of land records.

In the peculiar circumstance of Koraput district with its vast unsurveyed area, primitive agriculture and feudal economy, the entire physics and philosophy of the settlement operation was directed towards the preparation of a written record of tenancy right for the first time in its history. Right in hand in fact, cannot be understood negatively as a mere absence of restraints, their documented assurance can only lend them meaning and purpose. The Government of Orissa, therefore, took up the early opportunity in coming up to a decision. In 1937 that Survey and Settlement operation was not known, it was decided in 1938 that before taking up the operation in the district in large scale, a selected typical area should be taken up in an experimental basis to study the problems thrown up during the experimental stage.

Thus settlement operations in the district of Koraput have covered a period of more than 26 years by now. The operation commenced more than two decades ago, in a tract which knew not even the rudiments of Agrarian Law and Tenancy Rights. It is in the post world era that the operations gradually remedied and expanded and the work reached its apogee in the late fifties.

Originally the Madras Survey and Boundaries Act, 1923 and the Madras Estate Land Act, 1908 governed survey, preparation of records of rights and settlement of rent. When the Orissa Survey and Settlement Act, 1958 (Act-3 of 1959) was passed the detailed procedure for taking up survey, preparation of records and rent settlement operation simultaneously was followed in the remaining areas of the district.

However, the primary objective of the Settlement operation in Koraput was to secure to land-holders and tenants their fundamental and inherent right on land in conformity with the laws in force in the area. This, in the process of the preparation of land records meant for the determination of status under which land was held by the Government, land-holders, co-operative bodies and individuals.

The Orissa Survey and Settlement Act came into force in Nawarangpur and Malkangiri Sub-divisions on December, 1960. Under the same law and executive instructions, Survey and Settlement took place in the Niyamgiri hills in the year, 1961 and the settled rent incorporated in it was finally published in 21st June, 1961 in accordance with the rules contained in Government Notification No. 3874 S-144/60-R, dated the 31st January, 1961. The settled rent shall take effect from the year beginning of July, 1961.

As per the cadastral land survey and settlement lands in the Dongria Kondhs area were divided into categories such as, Dry land or Padar land and Dongar land. The area of Padar land extended up to the ten feet slope of the hills. Beyond 10 feet, it was treated as hill and the tenants were not given any right to cultivate those hill slopes. Those hills were also surveyed, and areas were recorded in the Government papers as rent free hills.

As per these classifications, rent was assessed. For Padar-I, II and III, rent was charged as Re. 0.80, Re. 0.75 and Re. 0.50 respectively.

As per this classification, the inhabitants of the Niyamgiri hills paid the rent only for Dry land but not for paddy land or hill slopes. Because the terrain above which the Dongria Kondhs live, do not contain any paddy land other than dry land, extended from the foot of the hills up to the stream and the hill slopes.

Prior to this settlement, the Dongria Kondhs had been cultivating the hill slopes as per traditional division. A nominal rent of twelve annas was paid by the Mandal of each Mutha at the court of the then Maharaja of Jeypore. With this amount paid, and without any intervention of the outsiders, the Dongria Kondhs used to enjoy the vast forest and extended hill slopes of the Niyamgiri hills. But after the settlement in 1961, dry lands were settled and rent was levied on the ryots. But the Dongria Kondhs

continued to cultivate the Dongar lands as per their traditional division in each Mutha and strictly followed the conventional rules.

Recent study in this connection in the village Kurli in the Bissam-Cuttack police-station of Gunupur subdivision reveals that rent was charged on sixteen ryots of the village Kurli. In the year 1961, the area of the village Kurli was surveyed and the total area was 2,647.32 acres of which 15.32 acres was fit to be declared as cultivable dry land and the rest 2,625.53 acres were uncultivable land.

After this major settlement in 1961, no further settlement has taken place in this area. Basing on the previous settlement the land of that village was divided into four categories as per the nomenclature as given below :

Total area—2647.32 cent.

- (a) Cultivable land—A 15.92 Dec.
- (b) Uncultivable waste land—A 2625.53 Dec.
- (c) House site—A 6.62 cent.
- (d) Grazing A 1

Leaving apart of these types of land only 54 cents of land was earmarked as common land used as graveyard.

In the year 1973, though further settlement did not take place, backed by the request of the villagers of Kurli, the Tahasildar of Bissam-Cuttack came for spot verification and again distributed the rest A3.62 cents of dry land among more twenty families in the village.

It will not be out of place to mention here that the Dombs, though co-villagers of the Dongria Kondhs in the village Kruli, neither received dry land nor homestead land.

However, the objective to allot dry land in the earlier settlement was primary to desist the people from shifting cultivation and secondly to encourage the habit of paddy cultivation. But the quantum of such dry type of land was few and far between. Secondly, allotment of dry land was so meagre that, it did not help the people to improve farm cultivation.

## Effect of land survey and settlement

Following are the findings on effects of survey and settlement made basically on the data collected from the village Kurli, since settlement operation took place for the second time in that village.

(1) The Government took into cognizance the customary laws relating to the traditional settlement mutually made by the autochthons of the area. So only the Panga (Padar) Type of lands were demarcated and distributed below 10 feet slopes, which are basically not differentiated from the hill slopes. Hill slope and foot of the hill are taken together as one plot or a parcell of a plot. Further, by demarcating the padar plot, the tribals did not cultivate any new crops, that is, Dongar-Paddy other than the cultivation of traditional crops-Ragi, Kosla-rice and tobacco. In these respects the tribals did not feel any change of their traditional pattern. But they could not be desisted from practising of shifting cultivation. Only slope lands were fragmented any occupied with record of rights in the major settlement, 1961.

(2) In the second settlement (1973), due to growth of more nuclear families, lands were again redistributed on the basis of Mutation and more families got new record of rights on settlement of rent.

(3) This fragmentation brought an explosive effect on the Dombs. The new ryots immediately after occupying their respective plots at the foot of the hills, did not like to allow the Dombs to cultivate these Padar lands further. Some of the old occupants belonging to both the communities who developed bond friendship had expired within this pretty gap between 1961 to 1973. Those Dombs who enjoyed these padar lands since generations with the consent of the Dongria Kondhs, partitioned such lands among their successors with a firm belief that, such lands will never be taken away from them. But the occupants of the new generation with a view to cultivate paddy and being elevated by the Government officials to orient these plots with new type of horticulture did not allow the Dombs to enjoy such lands further. The present generation of the Domb community too, are becoming obdurate to relinquish their age-old rights. Consequently, the situation has been more aggravated, and the Dombs are not even allowed to walk upon those lands and allow their cattle to graze upon these

lands. On the other hand, the Dombs have got no other alternative but to stick to such land to survive.

(4) To alleviate this tense, and to tap the Dongria Kondhs, some of the Dombs have become more liberal in extending loan to the Dongria Kondhs. Simultaneously, some of the Dombs have also taken challenge to evict the Dongria kondh from those plots.

(5) This parcelling has developed in-group ill feeling among the Dongria Kondhs. Out of 20 ryots, who were allotted new plots, three of them got plot in the village Kurli who have also their own plots in the village Huttesi of the same Jakasika Mutha. Further, one of them, who is adopted (Gultu Jakasika age 32) also got a plot, who is having his own land at Huttesi. This was not appreciated. These four persons were enjoying plots in their respective villages and also got plots at Kurli when other four new occupants were debarred from getting any plot being the inhabitants of Kurli. With the new settlement, those four persons were thus evicted.

(6) Grazing land has been delimited where the people are experiencing trouble to drive their cattle to such a small place. The cattles therefore, graze here and there and destroy crops. To take care of them the cowherder (Goudia) is to part with his remuneration to others.

(7) The land demarcated for cremation ground borders the wadaka Mutha. The people of which are also utilizing the area, though they have their own area. The villagers of Kurli do not like this. Such a situation did not develop when there was no land settlement. In fact, the settlement operation has brought in the mind of the people a sense of belongingness to and right over land.

(8) After this fragmentation, some of the Dongria Kondhs got full independence to mortgage their plots, which they could not do earlier when they enjoyed joint property. For that, some of the Dombs have picked up ceremonial friendship with them to take advantage of such independent situation.

(9) Out of 20 ryots, eight of them have taken up paddy cultivation systematically. But *per capita* income of the people from paddy cultivation, which was Rs. 103 in the year 1975, became Rs. 87 in the year 1978. It is indicative of the fact that, paddy cultivation could not be taken up in a scientific line.

(10) Out of twenty, five ryots who were not paying land revenue earlier, paid Rs. 2 each from the year 1973.

(11) To ameliorate the economic condition of the people horticultural development has been taken up in a scientific line in the village Kurli. Lands at the foot of the hills are taken up to be used as demonstration Farms without the permission of the local tribals. It is learnt that orchards at the respective land will be owned by the respective tribal families. But the tribals have reached to it, primarily because, no permission was obtained from the owners when such lands were utilized for orchards and secondly those orchards will not bring any immediate benefit for them. For example, trees like orange, lemon, jackfruit, mango, etc., will not fetch any immediate income for the tribals.

However, the impacts on the people for this settlement operation are admixtures of good and bad-but the balance tilts more towards bad. Prior and after the settlement, there are no cases of alienation of land in the area. Because it is really a taboo for the people to transfer land from Kondh loga (people of Kondh) to Pada loga (People at outside). In recent investigation, no cases of alienation were found in the Government records. But the age-old procedure of mortgaging the land still persists on and it seems the settlement operation has got nothing to do with it. Some of the impacts stated above are the outcome of the study made only in the village Kurli but no matter, they are really grave concerns as they may bring social imbalances in the society.

### **Conclusion and Recommendations**

In view of the facts mentioned above, the survey and settlement operation did not bring any great change in the Dongria Kondh society. The settlement operation had got nothing to do with the Haru lands. Moreover, the Dongria Kondhs are not plain agriculturists. Only thing is that, the penga-type of lands were settled and distributed and record of rights were given to the people. But on the basis of traditional ownership, the ryots would have got such lands, even if the settlement operation would not have taken place. Further, while taking up settlement operation, due weightage was given to the traditional division and conventional rules relating to inheritance and succession. But it has got no impact either on land or on cropping pattern. Further, it has brought some imbalances in social level which need to be tackled soon.

(1) Below 10 feet slope, lands are settled. It is unlawful to cultivate above 10 feet slope. But customarily, the tribals have been doing shifting cultivation above 10 feet slope ignoring the imposition made by the Government. Not only that but also forest growths are being denuded in a large scale. When forest growths are exhausted on a particular hill slope, another hill slope is again taken up. Under these circumstances, the entire hill slope including the foot of the hill should be settled up, so that, there will be no further deforestation.

(2) It is a fact that the Dombs are the Khuntkatidars and contemporary settlers with the Dongria Kondhs in the Niyamgiri hills. The Dombs are termed as heasts and exploiters, etc., by the outsiders. They are also appointed as menials in the Dongria Kondh society. In spite of that the tribals have tolerated the Dombs and have been keeping pace with them since time immemorial and have admitted their services as essential. Under these circumstances, it is no meaning to take step-motherly attitude towards the Dombs. It is high time to take lineant attitude towards that group that either they should be given some alternatives to exist or they should be given settled land along with the Dongria Kondhs in the Niyamgiri hills instead of encouraging dissensions between both the groups.

(3) As is learnt from the study at Kurli, the settlement operation has not been done systematically. Though belong to the same Mutha, ryots of some other villages have got land at Kurli, the area of the grazing land has been delimited and the obsequial ground has not been property lined. Personnels in charge of the settlement operation should have been more careful to take into cognizance the socio-cultural factors of the Dongria Kondh society.

(4) As per Kuddibaram right, right is endowed to a person who is empowered to sale or mortgage the property in any way he or she likes. With this right the Dongria Kondhs mortgage cropped-fields and fruit-bearing trees in large scale and are exploited by the Dombs. Though a society, called "Fruit growers co-operative society" is already functioning in the area, the Dongria Kondhs still prefer to bring loan from the Dombs than from the co-operative society by mortgaging their land and cropped area. It will be better if restriction is imposed to



mortgage lands to the outsiders other than the Government even if the tribals are given Kuddibaram right.

(5) After the penga lands are settled, no attempts have been taken to take up paddy cultivation in a scientific life even if, a special officer from Agriculture Department is posted there. The tribals still cling to the old pattern of cropping, that is, cultivate Ragi and Kosla-rice irrespective of the land on the hill slope and at the foot of the hill slopes. It is not known why paddy cultivation is not encouraged when irrigation source from the perennial stream called 'Gadgada Nallah' can be tapped.

(6) To develop horticulture, private lands at the foot of the hills should not have been taken up for demonstration orchard. For any-

thing to be developed, the tribals should, have been consulted. Even the tribals were not informed that their lands are used for Demonstration orchard. This had irked the local people. When they prefer to get immediate benefit by growing some other crops, it is no meaning to force them to wait for long-term benefit. Of course, some of the Demonstration orchards have been installed at the 20 feet slope of the hills. But those have not been properly terraced. It will be better if all the demonstration orchards are installed above 20 feet hill-slopes and the tribals are given back their land.

However, these are some of the measures, if implemented, may bring good results for the community as a whole.

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