

Tribals in Andhra Pradesh: Legal Measures for their Development

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Abstract

Tribes of India are the indigenous people of the land, in the sense that they have been long settled in different parts of the country before the Aryan speaking people penetrated into India to settle down first in Kabul and Indus valleys and then within a millennium and a half, to spread out over large parts of the country along the plains and river valleys. According to the census of India (2011) Scheduled Tribes constitute 8.2% of Indian population. Similarly in the state of Andhra Pradesh Scheduled Tribes populations together account for 6.6 % of the population. The constitution of provisions are the weapons in the hands of the field level officers to fight with the problems of the exploitations of the Scheduled Caste and Scheduled tribes people and to safeguard their economic and educational welfare. The tribal's have fundamental right to social and economic empowerment. As a part of right to development to enjoy full freedom, democracy offered to them through the State regulated power of good government that the lands in scheduled areas are preserved for social economic empowerment of the tribal's. The dynamic nature of law brings social changes. So the law must keep on changing with the changing needs of the society. The main objectives of development are to increase the per capita income, to raise the standards of living of the people and to secure justice, freedom, equality and security for them in the society. To determine how the scheduled Tribe are being benefited or aggrieved by legal provisions or developmental project of Scheduled Tribes developmental plan in Andhra Pradesh. To identify the specific problems of the Tribals which have made then socio – economic weaker To assess the role of legal provisions and different developmental projects of the Government taken from time to time with Government Development plans and To suggest steps and amendment to the legal provisions, if any, for the development of the tribal people in Andhra Pradesh

KEYWORDS: Development , Tribal's, Economical, Social, Educational, awareness

Introduction:

Law is a set of rules, enforced by set of institutions and government. It moulds politics, economy and society in numerous ways and serves as a primary social mediator between society and its citizens. Law is a rule of human conduct, imposed as well as enforced by state. It deals with rules concerning external behavior of subjects. The law is an instruments which helps the people to co- exist peacefully in an orderly manner.¹ Justice and equality is the goal of law. Law is a means to the end of justice. Law is an instrument to source of justice. Justice is equal treatment to all situated alike. A person situated in different in stands, positions or levels cannot be

¹ Saha T.K. Text book on Legal Methods, Legal System and Research, Universal law Publishing Co, New Delhi, 2010,p.6

treated alike, equality among unequal amount to inequity. Law is a body of rules enacted by legally authorized bodies and enforced by authorized agencies. “The Preamble of the Constitution of India holds out a promise to all the citizens of India for securing social Economic, and Political Justice.” The tribes is a social group of simple kind, the members of which speaks a common dialect, have a single government ,act together for common purpose, and have common name, a contiguous territory, a relatively uniform culture or way of life and tradition of common descent

The term tribe refers to cultural and historical concept. The tribe has emerged that a social group usually with a definite area, dialect, cultural homogeneity and unifying social organization having several subgroups, such as clans or sibs. The so called Tribes of India are the indigenous people of the land, in the sense that they have been long settled in different parts of the country before the Aryan speaking people penetrated into India to settle down first in Kabul and Indus valleys and then within a millennium and a half, to spread out over large parts of the country along the plains and river valleys.

The tribal India lives in the forest hills and naturally isolated regions known as rule by different names meaning either the people of the forests and hills or the original inhabitants and so on. The popular, well known and widely accepted names are *Vavasi* (inhabitants of the forests) *Pahari* (Hill dwellers) *Adivasi* (first settlers) *Janjati* (folk people) *Anusuchi Janajati* (Scheduled Tribes) and so on. Among the above names *Adivasi* is know most extensively ad *Anusuchit Janjati* or the Scheduled Tribe is the constitutional name covering all the primitive people live in India. A major portion of the tribal habitat is hilly and forested. Tribal villages are generally found away from the alluvial plains close to rivers. Most villages are uniethnic in composition, and smaller in size. Villages are often riot planned at all.

According to the census of India (2011) Scheduled Tribes constitute 8.2% of Indian population. Similarly in the state of Andhra Pradesh Scheduled Tribes populations together account for 6.6 % of the population

The constitution of provisions are the weapons in the hands of the field level officers to fight with the problems of the exploitations of the Scheduled Caste and Scheduled tribes people and to safeguard their economic and educational welfare. So, for their development central and state governments are implementing different programmes and schemes since 1951.

The constitution of India development of Scheduled Tribes in directive principles, The Constitution order 1950 identified Scheduled Tribes' population based some other safe guards. Some peculiar characteristics, that committees are in accordance with article 342 of the constitution. Some other safe guards are there in the constitution of India. Article 23 and 24 mentioned social safe guards. The constitution provides various safeguards in favour of Scheduled Tribes. These may be broadly divided into two parts. Viz.; (1) Protection (2) Development. Protection of interests of Scheduled Tribes is very essential for their development. The protective provisions are contained in Article 15 (4) 16(4) 19 (5), 23, 29, 46, 164,330, 332, 334, 335, and 338, 339 (1), 371(A) 371 (B), 371(C), fifth Scheduled and sixth Scheduled, Article 15(4), 16(4) and 19 (5) are exemption to the fundamental rights of equality and freedom guaranteed under Part III of the Constitution. Provisions relating to development of Scheduled Tribes are contained mainly in Article 275 (1) first provisions and 339 (2).

Though various provisions relating to the rights and privileges of Tribal's have been incorporated from time to time in different laws and under different welfare policies to safeguard the interests of these people for the development if their status in

this States, these efforts have not produced remarkable results as expected as per the intention of such legislations and policies.

The following are recent measures taken by the Government

1. Recognition of forest Act 2006 will be administered by the Ministry of tribal affairs to protect interest of the tribal's on forests
2. The scheme of vocational training centers has been revised as vocational training in tribal areas with effect from 1-04-2009
3. Under the scheme of grant in Aid- to voluntary organization during 2009-2010 the ministry of fundamental about 2337 projects covering schools, hostels, libraries and etc.
4. Under the scheme of development of particularly vulnerable tribal groups, the ministry released Rs. 40.43 crore for 6 states
5. Under Scheme of Market development of tribal products/ produce Ministry released Rs. 9.68 crores . But states have to take responsibility to give fruits of the schemes.

In Andhra Pradesh, the state government has issued a regulation known as Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959, under section 3 of the above regulation, any transfer of immovable property held by a tribal shall be absolutely null and void unless such transfer is made in favour of a person who is a member of Scheduled tribe or a society registered under the Andhra Pradesh co-operative society Act which is solely composed of members of Scheduled Tribes. Where the provisions, the competent officer may on application of such property. The government of Andhra Pradesh, However, vide their GOMs No: 129 Social welfare dated 12th August, 1979 ordered that all the non tribal's who are in the occupation of lands in the Scheduled areas up to 5 acres of wet or 10 acres of dry land should not be evicted under the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959. The High court of Andhra Pradesh has struck down the said Government order vide their order dated 13-9-1983. The executed order is yet to be withdrawn by the State Government.

The tribal's have fundamental right to social and economic empowerment. As a part of right to development to enjoy full freedom, democracy offered to them through the State regulated power of good government that the lands in scheduled areas are preserved for social economic empowerment of the tribal's.

Social Development

Development with motivation and full participation of the rural people has no foundation and no prospect of success, in the long run. The interrelation between participation and socio – economic development is always important. Social development in the form of empowerment, equitable distribution of income and wealth, is a far cry without creating a conducive atmosphere through awareness generation and skill development. The awareness of gender equality, environmental degradation, health, care, legal education, etc., is essential for the healthy growth of the society.

Social development without developing leadership qualities at the grass root level results in distortions of various types. The Tribal community and its traditional intuitions like tribal panchayats exercise an enormous social and moral authority over its members and these should be effectively involved for protection of the tribal interest in land, this is significant because even the powers conferred on some officers in initiate Suo -Moto action have not led to the detection of all the cases of tribal land alienation or their restoration, the tribal organization/ institutions.

Economic Development

The socio – economic structure in tribal communities is markedly different from that of the non tribal's or advanced groups of people. Economic development is the process of securing a higher level of productivity in all the sectors as the economy which primarily depends up on the technological advances the community is able to make. Economic growth with social justice one of the most important goals of developing economy like ours. Harmonious growth of intersectoral income, trade and income distribution are some of the pre- requisites of accelerated economic development. In the process of growth, agriculture and industry depends on each other for raw materials and market, besides, it is often argued that declining output ratio of agriculture and industry increases the net domestic product and affects the income distribution pattern in the economy.² The democratic approach to economic planning and implementation leads to equitable distribution of economic resources. One of the directive principles of economic planning in India has its in socialistic economic mode, which perhaps is more meaningful to achieving the political goal of making it impossible those possible by striving to attain the ideal of democratic socialism.

Political Approach

The political approach for the tribal welfare may be understood in the context of the pre and post Independence period. The colonial rule created excluded and partly excluded areas and gave separate political representation to the tribes. Nationalists opposed these measures as part of a diabolic conspiracy to a new separatism. After Independence the constitution has given the tribes a number of safeguards considering them to be the weaker section of the population. In the first instance a period of ten years was given to achieve the goal, but as the problem was too complicated to be solved in a single decade, it has persisted through decades. We are to continue to guard the tribal interests. A number of articles of the Indian Constitution provide proper safeguards for the tribal people.

Contribution of Education to Tribal Development

Education is fundamental to the social development. Illiteracy is invariably associated with deprivation and socio- economic under development. Realization of this basic truth ultimately found expression in the resolution Education for all at the world conference on education held in March 1990 at Jontien, Thailand. The vast literature of social science acknowledges education as the most important co-relate of development. The role of education, as a direct investment, can be appreciated considering the spectacular recovery of war torn economy of Europe and Japan after the Second World War³. Economic development naturally makes growing demand on human resources and in a democratic set up it calls for value and attitudes in the building of which education plays a dominant part. A critical awareness through motivation, change of mentality and awareness contributes to the development of critical faculties in the rural oppressed people, leading them to the goal of liberation and social change.

Law is an Instrument of Social Change

The social impact of the crime, where it relates to offences involving moral turpitude or moral delinquency which have great impact on social order and public interest, cannot be lost sight of and per se require exemplary treatment. Law is a rule of human conduct, imposed as well as enforced by state. It deals with rules

² Ibidp.pp.3

³ Batte, TR,p. 8. 1959

concerning external behavior of subjects. The law is instruments which help the people to co- exist peacefully in an orderly manner⁴.

The dynamic nature of law brings social changes. So the law must keep on changing with the changing needs of the society. But what is Law? And what is the role of law in the society? These are always questions to be answered sociologically to understand the laws as an instrument to bring social change in any society. Change in any society is of two types continuous or evolutionary and discontinuous or revolutionary. The most common form of change is continuous. Time education, and introduction coupled with the threat or reality of sanctions were necessary ingredients in bringing about the desirable change.

Legal Awareness

In a democratic country the administration of the country depends upon laws of the country. Therefore, if the citizens of the country are aware about the laws of the country it will help in the social, economic, cultural development of the country. By establishing the social organizations across the country in state, district levels we can promote and create legal awareness among the people which will help in the development of the country.

In a democratic country like India, it is necessary to create legal awareness about the rights and duties among the people for the development of the nation. In monarchy system; the will of the sovereign is law. It does not depend upon the will of people. The main objectives of social organizations are to see that help because of the financial weakness people could not lose their rights. Not only financial weakness, social or cultural indifference also should be the reason for unfairness in the society.

Illiteracy is the bane of the Indian polity retarding progress all round. Lack of legal awareness complicates the problem further resulting the continued inequality Injustice and disempowerment. If law is equal for all, legal awareness should be universally available. If equal justice under law is to be a reality for the illiterate masses, there has to be equal access to justice irrespective of status and income. Law and justice, mainly serve the interests of the literate and affluent few who have the wherewithal to use the legal resources for protecting their rights and elements. The people who need the support of law most have the least access to it. This is a situation constitutionally intolerable and politically explosive. A change must come through public legal education and mobilizing the disadvantaged people to demand their just rights through established legal procedures.

The main objectives of development are to increase the per capita income, to raise the standards of living of the people and to secure justice, freedom, equality and security for them in the society. To determine how the scheduled Tribe are being benefited or aggrieved by legal provisions or developmental project of Scheduled Tribes developmental plan in Andhra Pradesh. To identify the specific problems of the Tribals which have made them socio – economic weaker To assess the role of legal provisions and different developmental projects of the Government taken from time to time with Government Development plans and To suggest steps and amendment to the legal provisions, if any, for the development of the tribal people in Andhra Pradesh

Deficiencies in Law and Remedial Measures

The constitutional provisions are the weapons in the hands of the field level officers to fight with the problems of the exploitations of the Scheduled Caste and Scheduled Tribes people and to safeguards their economic and educational welfare of

⁴ Sridhar. M. Legal Language, Asia Law House, Hyderabad, 2nd, ed, 2008

course the effective implementation of constitutional provisions are hindered at times under the threatening of lives of field level officers, mal utilization of their services, political interferences, reluctance of the higher officials in disposal of cases and solution of problems.

Conclusion

Tribes in Andhra Pradesh legal measures for their development there are huge number of central and state legislation made for the development of the Tribal's but lacks proper implementing agencies. The Adivasis and scheduled tribes are mostly simple illiterate and ignorant of their legal rights so that it is very easy for the people of the plains or cities to deceive them. The failure of many governmental policies for the development of Tribal's may be one of the reasons. Lack of education, legal awareness superstitions among the tribal communities have yielded more harm than good. The legal provisions made for the development of Tribal's and its implementation are quite inadequate to meet the requirements of the people. The directive principles of Indian Constitution referred the development of Scheduled Tribes in the society. Though policies are vast, implementation is not proper so both state and Central Government have to take proper steps. Since 1951 Government are implementing number of programmes and schemes for the development of scheduled Tribes.

The main aim of development is to increase National as well as per capita income and raise the standard of living of the people and secure Justice, freedom, equality and security for them in society. But the implementation is not effective. Social organizations are to see that help because of the financial weakness people could have not lose their rights. Not only financial weakness, social or cultural indifference also should be the reason for unfairness in the society. **Not only financial weakness, social or cultural indifference also should be the reason for unfairness in the society** and to promote awareness among the people government organizations should help more, they are very useful in creating awareness among people for the development.

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