

Land Laws, Livelihood and Human Security of Tribes in India

Simon V. S.*

Abstract

In every stages of history there were challenges upon the tribal communities. Land, livelihood and human security of the tribes in India have been the most sensitive problem since they came under the dispossession of both personal and community sovereignty over the land and resources. They are on the breadline of their social and economic conditions that is questioning their culture and identity. New industries and intermediaries have insinuated into the tribal area and initiated deforestation and encroachment of forest. This paper is trying to analyse the background of tribal land alienation and the major hurdles they have gone through the past years. The paper also highlights how the laws, policies and Acts are influencing the tribal land issues and their rights over forest and forest products, and to what extent the government can address the issue.

Keywords: Land Laws, Livelihood, Human Security, Tribes, India

Introduction

The term 'scheduled tribes' used to identify ethnic minorities who are distinct and uncertain group consists 8.6% of India's ethnic minorities. Despite the British used the term to address the hill and forest tribe, there is a lack of common identification about the tribes in India. In general we can understand tribes on the basis of their geographically isolated location, deprivation, use of tribal language, practice of animism and physical features, among other factors (Ghurye, 1963). Each tribe has established its own socio-cultural diversity that is distinguished from this nation (Rout Naresh 2015:72). They represent a society that lacks positive traits of the modern society and thus constitutes a simple, illiterate and backward society (Xaxa Virginius 1999:3590). Article 342 of the constitution recognizes over 700 tribal groups in India, they are also called as *Adivasis*. After India's independence in 1947, the categorization of tribal communities was formalized through a detailed separate statutory list of the Scheduled Tribes Order of 1950 that came into force following the reorganization of the Indian states (Ghurye, 1963). The essential characteristics, first laid down by the Lokur Committee, for a community to be identified as Scheduled Tribes are 1) indications of primitive traits; 2) distinctive culture; 3) shyness of contact with the community at large; 4) geographical isolation; and 5) backwardness.

Land, Livelihood and Human Security

Land and Livelihood are connected to each other because the tribal livelihood history comes from the natural and ethnic factors. The predominant livelihood options of the tribals based on agriculture, animal rearing and forest, apart from temporary migration and wage engagement has already been reported by other workers also (Singh and Sadangi, 2012). A livelihood is 'sustainable' when it can cope with, and recover from stresses and shocks, maintain or enhance its capabilities and assets, and provide sustainable livelihood opportunities to the next generation: and which contributes net benefit to other livelihoods at the local and global levels and in the short and long term" (Chamber and Conway, 1992).

* Research Scholar, School of International Relations and Politics, Mahatma Gandhi University Kottayam, Kerala, India **Email:** simonvscfo@gmail.com

In Jharkhand UNDP programme on strengthening government capacity to the effective implementation of livelihood programmes in 2009 led to creation of the Jharkhand State Livelihood Promotion Society (JSLPS) for creating sustainable livelihood to poor, particularly for persistently excluded communities. But it could not fulfill the objectives in a full manner. Most of the external experts are working on their development instead of looking their culture and vision. Now a day's sustainable livelihood is a buzzword because there is huge gap in policy and its implementation at grass root level. Tribals are the worst sufferers as most of the projects such as dams and industries are located in inaccessible tribal areas. And it creates huge problem in the way of traditional livelihood of the tribes without making proper alternatives. A story of Bomman, a member of the Bettakurumba tribe came from the Gudalur forests of South India says that. "They are paupers, dependent on the government for cheap asbestos roofs which are ovens in summer and iceboxes in winter. They took away our forests which are like our mother and father, to sell it to the timber merchants." He speaks for thousands of adivasi (tribal) people across India, who has lost their livelihoods (Marcel Thekaekara Mari, 2016). As Verrier Elwin observes, the tribe should be left alone rather than the government imposing on them development schemes that bear no relevance to or are out of sync with the ground reality.

Human security provides broad description regarding the conditions that affect the quality of life in a given Tribal community: physical security, economic development, public health, cultural freedom, and others (Gregory Guedel, 2014). The term Human Security was first coined in 1994 in a report of the United Nations Development Programme. It says of Human Security as 'safety from such chronic threats as hunger, disease and repression,' and protection from the sudden and hurtful disruption in the patterns of daily life' (UNDP, 1994). According to the Commission on Human Security (2003), human security is what constitutes a minimum level of survival. Human Security is thus a very basic requirement that must be met before development requirements become relevant (Miklian, Jason and Ashild Kolas 2014). Human Security today place people first and recognizes that their safety is integral to the promotion and maintenance of international peace and security (Axworthy, Lloyd 2001:20).

Empirical data on human security analysis of the tribals in India has chronically designated unsatisfactory conditions compared with the other communities of the state. The major Human security problem facing by the tribe today is homogenous in character. Gender bias and oppression are very common in the tribal area means that Adivasi women are worst affected along with Poverty and deprivation which are making the situation severe in the area. State's withdrawal from the basic medical health facilities is reflected in the malnutrition of children and women. Thousands of infant deaths due to malnutrition reported in the several states of India. The people should not get the basic necessities of life such as shelter, food, water, medicine, education and employment and more than half of the people don't have land. Governance in the implementation of the welfare policies and programmes create a number of human security problems in the tribal sector. Even though the court has ordered redistribution of alienated land to the tribals, but no state are being dared to do the court order. Crores of rupees spending in the name of tribal development fail to reach in the hands of the tribal people.

Tribes in India

In accordance with the 2011 census Indian tribal population are 10.43 crore that is 8.6 % of the total population living in 15% of total land. Having sex ratio of 990 females per thousand males while in general 940 females per 1000 males in India. States of Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Gujarat, Jharkhand and Chhattisgarh are contributing 23.66% ST population in India (Tribal Welfare and Development Annual Report 2014-15:58). And more than half of the tribal populations are seen in Central part of the India. While we are analyzing the table (Table 1.1) some states and UTs are very low in the percentage of tribal population while comparing with the total national strength but they are having majority of tribes within the state (e.g. in Lakshadweep, Mizoram, Nagaland, Meghalaya, Arunachal Pradesh and Dadra & Nagar Haveli). While some tribes are adopted mainstream way of life, there are some of 72 groups will come under the category of Particularly Vulnerable Tribal Groups (earlier termed as Primitive Tribal Groups), those who have

special characteristic that are a pre-agriculture level of technology; a stagnant or declining population; extremely low literacy; and a subsistence level of economy.

Sl. No.	State	% of STs to total ST population
1	Madhya Pradesh	14.69
2	Maharashtra	10.08
3	Orissa	9.20
4	Rajasthan	8.86
5	Gujarat	8.55
6	Jharkhand	8.29
7	Chhattisgarh	7.50
8	Andhra Pradesh	5.68
9	West Bengal	5.08
10	Karnataka	4.07
11	Assam	3.72
12	Meghalaya	2.45
13	Nagaland	1.64
14	J&K	1.43
15	Bihar	1.28
16	Tripura	1.12
17	Uttar Pradesh	1.09
18	Mizoram	0.99
19	Arunachal Pradesh	0.91
20	Manipur	0.87
21	Tamil Nadu	0.76
22	Kerala	0.46
23	Himachal Pradesh	0.38
24	Uttarakhand	0.28
25	Sikkim	0.20
26	Dadra & Nagar Haveli	0.17
27	Goa	0.14

Source: Tribal Welfare and Development Annual Report 2014-15.

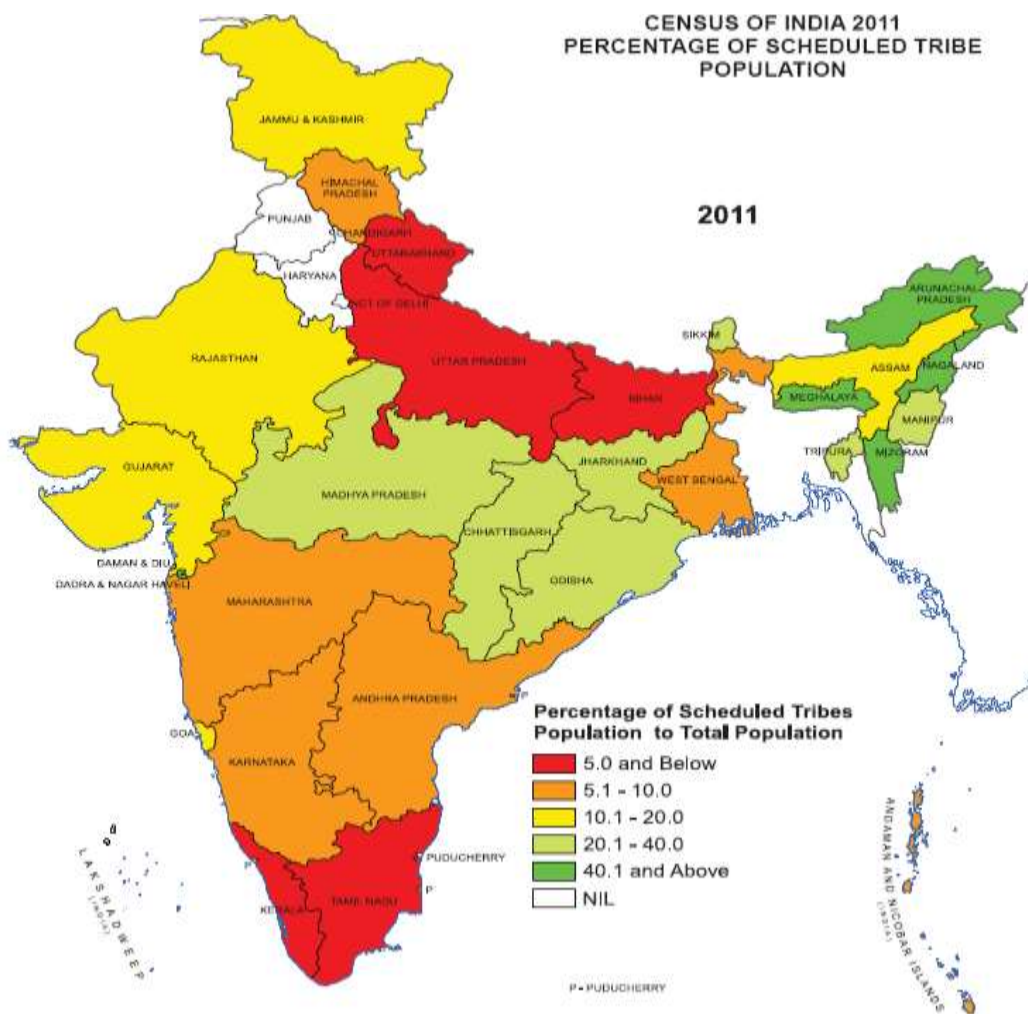
There are 3 states and 2 Union territories in India where Scheduled Tribes are not notified that is National Capital Territory Delhi, Punjab and Haryana and Puducherry and Chandigarh. Mizoram has the highest proportion and UP have the lowest proportion of scheduled tribes among the states. The States/UTs total tribal population in percentage is indicated in Fig. 1(a). In accordance with the census 2001– 2011 the decadal growth of the Scheduled Tribes in the rural area increased from 10.4 to 11.3.

Colonial and Postcolonial Tribal Laws

Before the British rule the forest preservation was executed through the local customs and beliefs. For the British forest was a great treasure. Policies and laws are framed in accordance with their colonial agenda of extracting the maximum profit from its colonies. The beginning of first forest policy was with the Dalhousie memorandum of forest conservation in 1855 named “Charter of Indian Forest”, decisively renewed the forest land as government property. In 1861 the Department of Forest was created. In 1856 the government appointed an officer Inspector General of Forest (Kulkarni, Sharad 1987:2143). This incident led to the enactment of first Forest Act in 1865. With a stroke, common property resources became a thing of the past. A succession of laws was then passed with the sole purpose of curtailing the traditional rights of tribal people in forests (Mohan Mathur Hari 2009:173). New Forest Act passed in 1878 to strengthen control over the forest. The scientific forestry and

centralized regulation adopted by the British Government entangled the forest dependant and forest inhabiting tribal people.

Figure: 1(a) STs in States/UTs as a percentage of the total State/UT population, 2011 census



Source: Tribal Welfare and Development Annual Report 2014-15.

A Satyagraha was called in Cuddapah during the Non-Cooperation Movement because of the government exploitative policies after 1898, with the leadership of the Chenchu tribes. Colonial government intentionally kept a side the development of the tribes, in 1874 Scheduled District Act and kept large portion of the tribal land outside the purview of the administration. With the introduction of Excluded and Partially Excluded Area Act in 1935, curb the legislation of the provincial government into the tribal Area. British government continued their exploitative policies led the increased the misery of the indigenous people and made them undergone to severe exploitation. The discrimination was highest at the time when the introduction of 1894 National Forest Policy, that curtailed their forest rights. This Act paved the way to intruders like traders, contractors, and non-tribal to encroach the forest.

The Forest Right Act of 1927 also comes into being for the regulation of the people benefit over the forest and produces and it helped the British and their requirement of timber. The title says “An Act to consolidate the law relating to forests, the transit of forest produce and the duty leviable on timber and other forest produce”. Even if the state control over the forest but they deprived them of the introducing the way of subsistence of the forest. Simply the meaning of the Act is that government

has right acquired forest and generates revenue from it. Moreover the Forest Settlement Officer after reaching the higher single authority stand for the rights of the powerful communities and forget the tribes.

Many struggles were emerged from northeastern, eastern and central Indian belt, Malpahariya uprising of 1772 and 1942 Lakshman Naik's revolt in Orissa are the examples, but the British could not suppress the struggle but they accepted the demand put forward by the tribes. The British did not consider the tribal rebellion as the freedom struggle. The rebellions including Ho mutiny of 1831, Khond revolt of 1846 and Santal uprising of 1855 led the British to pass the Act in 1874 considered tribal area into a 'Scheduled District'. It is incorporated in to the 1919 Government of India Act, under Section 52A. After that up to 1947 numerous reforms, laws and acts are introduced by the British. In 1935 they put forward the position in view of tribal land as "Totally and Partially Excluded Areas."

National Forest Policy of 1952

The newly introduced policy has made more hurdles in front of the tribes. The new national policy of government was declared in 1952 India Resolution. The new policy barred cultivation and required a paid permit for grazing, which was difficult to obtain (Mohan Mathur Hari 2009:173). Even though policy initiated to increase the tree cover with 33 percentage of total geographical area. But it did not mention anything about the composition of the forest. It means, it has given consent to the national interest to override above the tribal rights. Adivasi living near forests were discouraged from using the forests. The government tried to obtain more and more revenue from the forest (Kulkarni, Sharad 1987:2144). The 1894 policy spoke about the 'rights' of the rural communities over forest produce. Slowly it became 'rights and privileges', which was given a legal status to the Indian Forest Act 1927. One would have expected the post-independence government to might do this damage. But the 1952 policy turned the phraseology to "rights and concessions." It means that there is no further amendment is made to the Basic Act of 1878 (Kumar, Hazra Arnab 2002:30). In 1960 Scheduled Tribes commission appointed by the president in accordance with the provision of 339 under the chairmanship of U N Dhebar. The commission was pointed out the forest officials negative attitude towards the tribal rights in relation to forest produce for their lively hood and also mentioned that the government is failed to implement the Act 1952 in full spirit.

Draft of Policy of 1988

Basic Objectives: The basic objectives of the forest policy are stated to be

- (1) *Maintenance of environmental stability through preservation and necessary restoration of the disturbed ecological balance.*
- (2) *Conservation of the natural heritage of the country by preservation of the re- maining natural forests.*
- (3) *Checking soil erosion and denudation.*
- (4) *Increasing substantially the forest/ tree cove in the country through massive afforestation and social forestry programmes.*
- (5) *Meeting the requirements of fuelwood, fodder, minor forest produce and small timber of the rural and tribal populations.*
- (6) *Increasing the productivity of forests to meet essential national needs.*
- (7) *Encouraging efficient utilisation of forest produce and maximising substitution of wood.*
- (8) *Creating a massive people's movement with the involvement of women for achieving these objectives and to minimise pressure on existing forests.*

This is the policy has made the forest a drastic change in 1988. It was a significant beginning in the matters of forest conservation and forest rights of the dwellers. The role of the village community in the conservation and management are being taken into consideration, it initiated the historical Joint Forest Management. It changed the centralized to participatory and local need based planning and conservation. In practice JFM are limited to other forms of welfare forestry and the protective activity. Lack of clear definition and lack of knowledge of the social and economic development at the bottom level was the reason for the failure of the policy. The forest policy of 1988 remains a non-statutory and advisory statement issued by the government of India and is not backed by law. The

recommendation was similar to the 1952 resolution. This means that the property rights remain vested with the state or the Forest Department (Kumar, Hazra Arnab 2002:35).

There are provisions that affect the tribal regarding their shifting cultivation. There may be areas where shifting cultivation is desirable even from the standpoint of environment and also for providing sustenance to poor tribal communities (Kulkarni, Sharad 1987:2147). Because of this recommendation the Katkari tribe, one of the primitive tribe in Maharashtra, lost the land they are cultivating for several years. It adversely affected their livelihood. More over the resolution did not mentioned about the existing encroachers, those who are transfer the forest land before the independence. One of the basic reasons of these encroachments is the loss of lands owned and cultivated by the tribal (Kulkarni, Sharad 1979). In Maharashtra the government introduced a law for the restoration of tribal land to the former tribal cultivators. After passing the law it was sent to president's consent, it takes about nine month for the approval of the president. After that it was challenged in the Supreme Court but 10 year later got clearance to the law. Later on the government initiated confidential bill that stayed the Act. But because of the public protest government called back the stay. This incident shows that the transfer of the forest land is only addressed through the successful identifications of alienated land.

The Forest Rights Act of 2006

Indian tribes have a larger history of conservation and using of forest resources as livelihood since the ages. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, enacted in 2007 for the upliftment of tribals as well as to eradicate the human security threats they are currently facing. The forest Rights Acts of the 2006 helped to restore the forest-dwelling communities' rights to land and other forest resources during the continuance of colonial forest laws in post-colonial India. Political activists, political parties, civil society organizations and a section of the State represented by the bureaucracy perceive the FRA as a milestone in the history of tribal social movements. It has won for the tribal forest people their long overdue rights over "forest land" (De Debasree 2011). Before this forest Rights Act the forest dwellers were mostly excluded from the decision making. Now they are considering us as the protectors and preservers rather than encroachers. The major important factor of this act is that no one can move the dwellers from the critical area without their prior consent .The act further clarifies that these areas that have been demarcated as core areas cannot be used for any other purposes in the future, except for wild life conservation(Sharma Rama: 2015:100). Even though the forest officials did not agree to the rights and miseries of the tribals there has been series of conflict between them in relation to the owner of the land. In Karnataka the tribals are being evacuated from their land for the purpose of building game sanctuary, moreover the government did not provide adequate rehabilitation. It involved the power transferred to the local authorities over forest resources and its discretionary powers. However, in practice, the Forest Rights Act does not effectively devolve such decision-making powers to democratically elected local institutions, a necessity for political decentralization (Bose, 2011).

There were several draw backs in relation to the practicability of the Acts, it is related to the governance that the fund distributing was mainly by the joint forest management committees for afforestation and is controlled by the forest department, it override the power of the Grama Sabha and Grama Panchayath, by implementing the monocrops and afforestation that will adversely affect their livelihood, biodiversity, practices. Sanjoy Patnaik has pointed out that, one of the most contentious issues influencing the realisation of the forest rights within a protected area has been the declaration and demarcation of the "critical wildlife habitat" (CWLH), a crucial aspect of the Forest Rights Act. Further, the tribes got privilege under the Act only if they are bona fide dwellers of the forest and livelihood find their from the forest since year 1930. Through the implementation of this provision people belongs to nomadic tribal community and other forest dwellers, will not get their rights and better consideration. Government afforestation programme and tribal rights of using the forest for their livelihood (Section 3 (1) of FRA 2006), will not go smooth because the afforestation led displacement of tribes from their land, culture and biodiversity. The process of enclosing these commons, and pushing adivasi and other forest dwellers out of the forests, has been going on for the past 200 years and continues unabated (De Debasree 2011).

Moreover the forest Rights act of 2006 is not says anything about the pending the cases of tribes under the Forest Conservation Act of 1980. Moreover Criminal Tribes (CT) Act in 1871 initiated by the British Government and Kheria Sabar tribes brought under the act because of the specific purpose. Our Independent India put forward Habitual Offenders Act in 1959, it identified the Kheria Sabar tribal people as 'born criminals'. But in the other side number of cases are filed against the Panchayath officials and administrators of forest department in the Kheria Sabar tribal area for diverting the development fund of the Kheria Sabar community. There is no adequate upliftment of living condition in this area for ages. Forest Rights Committee is working in Panchayath head quarters but the women and people from are far away its reach. Practically there are no good interaction and contact with the officials.

Tribal Land Alienation in India

Land problems of the tribes in India are emerged with the reign of the British rule. After the initiation of new laws and policies land encroachment is being highly increased with the consent of the British to the market forces. Problems of land alienation are mainly about the availability of land and its demand. But in most part of India, land alienation are Severe because of the new economic policy and market liberalization in 1991 also as an important incident that paved the way to industries, intermediaries, Money lenders, Businessman, etc... in the tribal area. Moreover major and small Dams, Coal Mines and other projects expelled the tribal from their native land. Even though the rehabilitation and resettlement of the tribes are done by the government, but the resettlement of the indigenous people not properly undertaken in relation to their cultural and social history. Now they are struggling with their day to day life.

The land alienation has begun in the medieval period and was high in the colonial days. The authorities decide to done survey and settlement operation for passing the legislation and identification of tribal forest rights. But the law indirectly helped the land lords in practical. The Chotanagpur Tenancy Act 1908 (CNTA), the Santal Pargana Tenancy Act 1949 (SPTA), the Land Acquisition Act 1894 (LAA), the Scheduled Area Regulation 1969 (SAR), etc are the some Acts introduced by the government to restitute tribal land transfer and other land related issues. The Chotanagpur Tenancy Act 1908 (CNTA), the act is passed in Jharkhand for guard the ownership of tribal land. Till now the act is amended more than 25 times and the last was in 1995. Due to the enlistment of the Act is the 9th schedule there is no possibility of judicial review rather than states can amendment. Annual report of the Ministry of Rural Development 2004-2005, said that Jharkhand is the state when the most tribal land alienation happened. Over 26 lakh of people were lost their land in terms of development and housing projects after the independence. The continued alienation has not only intensified their poverty, but also seriously threatened their identity in their own homeland (Sharan Ramesh 2005:4443).

Forest and tribes are inseparable they had customary rights over the forest for their livelihood. Implementation of the 1884 forest policy in Orissa taken away their rights over the forest. And British opened the tribal areas for Zamindars, contractors (Thekedars) traders, money-lenders, and government officials, these development introduced market economy in this area. Number of tribals groups are residing in Orissa, in accordance with their numerical strength, such as Kondh, Gond, Santhal, Saora, Bhuiyan, Paraja, Koya, Oraon, Gadaba, Juanga and Munda, these are the major tribes. According to an estimate there were more than 70 tribal revolts over a period of 70 years (1878 to 1948). These revolts were anticolonial in varying degrees (Pati, Biswamoy 1978). Orissa having 1733 million tonnes (70 %) of total Bauxite deposit in India, it created larger development and displacement in tribals area. Vedanta Resources and the fight for Orissa's Bauxite Malis, Tribal People's Protest at Kalinga Nagar, Bauxite Mining in Sambalpur Bharat Aluminium Company (BALCO) movement in Sambalpur (Undivided) paved the secular processes of resistance by the Forest Dwellers to protect Forest Resources, J. K. Paper Mill of Rayagada, POSCO-India Steel Plant at Paradip, Steel project of the TISCO and so on and so forth have quenched the eyes of tribals problems and issues in different parts of Orissa (Rout Naresh 2015:80).

Story is not much different in Andhra Pradesh, home to 34 tribal groups. The state has witnessed huge land alienation and struggles that are happened in the British period and after the independence. In 1961 government Abolished the Zemindari system that's led transfer of large portion of land into the hand of Forest Department. However, this period is reported to have been one of the worst periods for forests and forest dwellers as there was large-scale migration and encroachment of land by the non-tribals from the plains, and most of the forests transferred to the FD after the land ceiling were fully worked and cleared of any economic timber before transfer (Reddy Gopinath M. and K. Anil Kumar 2010:19). It led large scale people uprising in different part of the state. The root causes of the tribal uprising are mainly due to Migration and transfer of tribal land to non-tribal. They are being tortured by the Forest department and other non tribals after that they had expelled from their many native places such as Khammam, Visakhapatnam, Vizianagaram, Adilabad and Srisailem. The forest officials argued that tribals were exploiting the forest. Causes of land alienations in post industrial period little different. In Andhra Pradesh land alienation has mainly happening because the acquisition of agricultural land for Special Economic Zones (SEZ), Irrigation Project, Industries and Power Projects ect..... Majority of the people displaced from the area are mainly tribes and small scale farmers. In total displaced people 80% of that is caused by the Dam only. The 75 percent of displaced persons who were not resettled were forced to become migrant labourers and urban slum dwellers and subjected to traumatic psychological and socio-cultural consequences (Muthyam Reddy, 2006).

Land Alienation in North-East

Land alienation is a social problem and also a reason for conflict. Individual ownership of land has been led to concentration of land in few hands and creates inequality in the society. Because there was a communal land system that is maintained by the village community and exited a good solidarity. The tribal tradition of private ownership is different from the present practice of accumulating private property and unscrupulously expropriating and appropriating the village commons for personal use at the cost of fellow villagers (Nongkynrih A. K. 2009:34). The major factors that led to the communal land into the private land due to the policies of the national government. In the case of Mizoram and the Jaintia hills of Meghalaya now the entire land is utilizing by the modern political bodies. Traditional practices are being questioned and they find is no relevance in the current situation. Now the state government and the autonomous district council of Jaintia hills are controlling all matters of the area. Another important thing is that the difference in the state statistical terms and classifications comparing to tribal practices. As the actual practices of the tribes unknown to the public, it is led to the incorporation of the new terminologies upon the traditional knowledge and customs. State fails to safeguard its constitutional duty to protect the traditional classification of lands because of government interference by using new terminologies and statistics that are not suitable to the practices of the tribes.

Land alienation is the most common incident in the North Eastern states in Indian people in general and tribes in particular. Many land alienation are happened in their mainly because of the conflict in that area, even though developmental project is one factors. This part of India is having complex history of custom and traditions but they are living in unique as a part of India. Tribes are primarily seen as a stage and type of society. Tribes in India are not a homogenous category. They differ widely among themselves with respect to the regions they live in, the languages they speak, their physical features, the geographical terrain they inhabit, their mode of making a living, the levels of development at which they are placed and the size of the community they represent (Xaxa Virginius 2001:203). After the annexation of area in 1826, British India began to control the administration of this area by dividing the area into two hills and the plain area. Again hill is to subdivided as Excluded Areas, and Partially Excluded Areas in accordance with accessibility and development of the region. The British put restrictions on people from the plains entering both classifications of hill areas and on purchasing or owning land there (Kumar Nikhlesh 2005: 199). After the independence of India, the makers of the Constitution had incorporated special provisions for the administration of the tribal and scheduled area by adding it into the fifth and sixth schedule. Hills of Assam, Meghalaya, Tripura are come under the Sixth schedule and rest of the scheduled are of country will come under the fifth schedule. Even though, the hill areas of Manipur inhabited by the tribes, and those which the plains

tribes of Assam inhabit are not covered by the provisions of either schedule (Nongkynrih A. K. 2009:18). Moreover there are some act including 371A for Nagas, 371G for Mizo, Manipur under 371C , Arunachal Pradesh is come under fifth schedule are also given these tribal community in special status in the India.

Because of the modernization in Nagaland only half of the land is available for agriculture now. Substantive modernization and dispossession of Jhum lands is primary to landlessness. Tribal people of Tripura facing a different picture, there is acute landlessness in relation to their internal factors due to the migration happened between 1947 to 1971 from the East Pakistan. In 1886, the laws of 'Landlord and Tenant Act' create the situation worse in Tripura, this act help the people to acquire communal land. Most of the Bengali settlers and tribal chiefs benefited by this Act. The second important factor is that through rehabilitation plan of government regarding the immigrants from the Bangladesh transferred 26,101 hectares land for their settlement. Over a period of time, the immigrant settlers further accelerated the process of expropriation of the lands of the tribal farmers (Bhattacharyya 1988: 17-20). In Arunachal Pradesh the village named Nyigam and Nyishi, have similar land holding pattern in relation to Nagas. The both villagers are practicing two type of community land holding which used by village community and land owned by individual community. In both cases there is massive amount of privatization happening due to the influence from the outside, Nyshi villagers are encroaching the common land and used as if their own. At the same time Nyigam village the contractors influence the people and exploiting the natural resources including cutting large heavy timber. A larger portion of land is being transferred from the tribal area was from the Assam. The total land used for development projects in Assam during 1947-2000 works out to 1,401,184.8 acres, which is more than 8 percent of the state's total geographical area. Out of this total 55.71 percent are common property resources (CPRs), the type of 16.23 percent of the land is not known and 28.06 percent is private, which alone the State takes into consideration for paying compensation (Fernandes and Bharali 2006: 127).

Tribes –the biggest victims of development

Due to the globalization and market forces tribal life has begun to face severe problem in relation to their property. Industrialization seriously affected the life of forest dwellers socially and spiritually. The tribal communities were not able to stop the market forces, due to their system of communal land tradition. They slowly responded to the private ownership and that made changes in the community with division. Instead of conquistadors armed with weapons of destruction and war, the new assault is disguised as "economic development" promoted by entrepreneurs pushing poisonous technologies (Angel, Bradley 1991).The people were pushed to another place which they are not acquainted with. Displacement sometimes happens only through force, the places were tribal people involved in project are sometimes faced ruthless displacement.

The Forest Act of 1865 and 1927 took away the centuries old cultural practices of the indigenous people and the government and extended its hegemony over the forest. Alienation is inherent in exploitative relations of production and its nature varies with that of exploitation. Hence it is also different among societies based on slavery and serfdom (Satya Deva 1981: 126-127). Land alienation is happening in two ways narrow and broad. In the narrow sense, it could mean the alienation of individual landholdings and means of livelihood. In the broader sense, alienation includes the loss of common property and rural commons (Sharan Ramesh 2005:4443). Almost 75% of the tribes are directly and indirectly influenced by their livelihood from the forest. But the laws and regulations of the government kept the tribals out of his forest territory and it negatively impacted their customary rights and privilege of using forest. Referring to Foucault's notion of governmentality, argue that, through the colonial and post-colonial histories of categorization, recent efforts by the national government to recognize traditional forest tenure rights have reinforced political control over the scheduled tribes through new forms of authority, and rules for inclusion and exclusion(Bose Purabi 2013:72).

There is a high degree of land alienation is going on in Chhattisgarh. In Bastar alone, MoUs for an investment of Rs 17000 crores were signed in 2005 for the proposed Tata and Essar Steel Plants

(PUCL Bulletin, 16 November 2005). There are about 195 industries and 127425 small industries are functioning (Tete 2006). In the North Eastern region of India this change has accelerated the emergence of private land. Private property, leasing, and market reforms are begun to come into existence. Because of the privatization in and of the forest there are many farmers had acquired the forest land in Khasi Hills. In India during the last 50 years more than 50 million people have been uprooted from their homes and huts, displaced from their farms, jungles and rivers and sacrificed at the altar of 'National Interest (Ray, Parshuram 2000:33). Taneja and Thakkar (2000) has point out that estimates on displacement in India from dam projects alone range from 21 million to 40 million. Most of the projects are being undertaken in the tribal land could not be benefitted to the indigenous. The major project including Hirakud, Bhakra ect,... and the Bhilai, Durgapur steel project gave only negative impact on the local people. India is the largest country having 3600 large dam and 700 under construction. But mostly the government does not considered the cost of displacement and environmental impact of the project. Because of this, concerned authorities seldom undertake detailed and systematic surveys of the population to be displaced. This makes it very difficult to know the actual number of displaced persons (Himanshu Thakkar 2000). With introducing less amount of displacement figure they get sanction to the concerned project. The number of persons displaced by the Hirakud dam was between 1.1 lakh and 1.6 lakh, while the official figures are only 1.1 lakh. Unofficial figures of displacement due to the Hirakud dam are 1.8 lakh persons (Himanshu Thakkar 2000). According to the Ministry of Tribal Affairs (MTA) nearly 85 lakh tribals were displaced until 1990 on account of mega developmental projects like dams, mining, industries and conservation of forests etc. More over new projects called Special Economic Zone (SEZs) accelerated the displacement of the people in general and the tribes in particular. Protected areas are also emerging as substantial people-displacing projects. The protected areas alone displaced as many as 600,000 tribal populations (Tripathy, 2012).

Conclusion

Despite numerous laws, policies and Acts are passed by the government, the problems of land alienation plaguing the tribal areas for almost two centuries. The framers of the resolution have not been able to solve the issues of encroachment on the forest. The alienation can solve only through the effective restoring, and the alienated land to the tribal and the government also should take immediate action on the pending illegal cases against the tribal on forest management. In addition, tribal people have little or no experience in handling large amount of cash. As a result, compensation paid in cash rarely helps them regain their previous standard of living. It quickly slips through their fingers for weddings and other festivities or ill-planned business enterprises (Mohan Mathur Hari 2009:182). Best settlement way to solve the rehabilitation of tribe is the replacement of the land that lost. Despite there is enough land to be disbursed legally to the tribals, disagreement from the part of the government regarding the distribution remaining as an obstacle to the resolvment. Moreover fresh approach should adapt to public initiatives because of its helps the tribes to take part in the process of development rather than the victim.

Bibliography

- Angel, Bradley (1991): "The Toxic Threat to Indian Lands", Green Action for Health and Environmental Justice. Available at www.ienearth.org, 218-751-4967.
- Axworthy, Lloyd (2001): "Human Security and Global Governance: Putting People First", *Global Governance*, 7, 19-23.
- Bhattacharyya, Gayatri (1988): *Refugee Rehabilitation and Its Impact on Tripura's Economy*. Guwahati: Omsons Publications.
- Bose, Purabi (2013): "Individual tenure rights, citizenship, and conflicts: Outcomes from tribal India's forest governance", *Forest Policy and Economics*, 33, 71-79.
- Bose, Purabi, Bas Arts and Han van Dijk (2012): "Forest Governmentality": A genealogy of subject-making of forest-dependent 'scheduled tribes' in India", *Land Use Policy*-29,664-673. Available at journal home page: www.elsevier.com/locate/landusepol
- Cernea, M.M., and Mathur H.M., (eds.) (2008): *Can Compensation Prevent Impoverishment: Reforming Resettlement through Investments and Benefit-Sharing*, Delhi: Oxford University Press.

- Chambers, Robert and Conway Gordon, (1992), *Sustainable Rural Livelihoods: Practical Concepts for the 21st Century*, IDS Discussion Paper 296, Sussex, U.K.
- De, Debasree (2011): "Tribals and Green Governance: Forest Rights Act, 2006", *Sanhati*, October 16, Available at: <http://sanhati.com/excerpted/4252/>.
- Elwin, V. (1963): "A New Deal for Tribal India", Delhi: Government of India/ Ministry of Home Affairs.
- Fernandes, Walter and Gita Bharali (2006): *Development-Induced Displacement in Assam 1947-2000: A Quantitative and Qualitative Study of Its Extent and Nature*. Guwahati: North Eastern Social Research Centre (mimeo).
- Ghurye, G.S. (1963): *The Scheduled Tribes*, Bombay: Popular Prakashan.
- Gregory, Guedel (2014): "Sovereignty, Economic Development, and Human Security in Native American Nations", *American Indian Law Journal*, 3(1).
- Himanshu, Thakkar (2000): "Large Dam Projects and Displacement in India", In his presentation to the World Commission on Dams (WCD), March 2000.
- Kidder, R.L. (1978): "Western law in India: external law and local response", in Johnson, H.M. (ed.), *Social System and Legal Process*, San Francisco: Jossey-Bass.
- Kulkarni, Sharad (1979): "Encroachments on Forest Lands-the Experience in Maharashtra", *Economic and Political Weekly*, 14(45), November 19, 1846-1849.
- Kulkarni, Sharad (1987): "Forest Legislation and Tribals: Comments on Forest Policy Resolution", *Economic and Political Weekly*, 22 (50), Dec. 12, 2143-2148.
- Kumar, Hazra Arnab (2002): "History of Conflict over Forests in India: A Market Based Resolution", Working Paper Series, Julian L. Simon Centre for Policy Research, New Delhi.
- Kumar, Nikhlesh (2005): "Identity Politics in the Hill Tribal Communities in the North-Eastern Region of India", *Sociological Bulletin*, 54 (2), 195-217.
- Lal, Patel Mahendra (1998): *Agrarian Transformation in Tribal India*, New Delhi: M.D.Publication.
- Manikandan A.D (2015): "Land Degradation, Livelihood Diversification and the Emergence of Adivasi Labourers: A Study of Attappady in Kerala", National Institute of Rural Development and Panchayati Raj (NIRD&PR) Rajendranagar, Hyderabad Available at: www.nird.org.in.
- Marcel, Thekaekara Mari(2016): "Livelihoods : Background & Perspective" Infochange, Available at <http://infochangeindia.org/livelihoods/background/livelihoods-background-a-perspective.html>
- Miklian, Jason and Ashild Kolas (2014): "India's Human Security: Lost Debates, Forgotten People, Intractable Challenges", New York: Routledge.
- Mohan, Mathur Hari (2009): "Tribal Land Issues in India: Communal Management, Rights, and Displacement", Jayantha Perera (ed) "Land and Cultural Survival The Communal Land Rights of Indigenous Peoples in Asia" Asian Development Bank: Philippines.
- Muthyam, Reddy K. (2006): "Aberrations of Development (Resettlement and Rehabilitation Policies with reference to River Valley Projects in Andhra Pradesh)", Hyderabad: Swetcha Prachuranalu.
- Nongkynrih, A. K. (2009): "Privatisation of Communal Land of the Tribes of North East India: Sociological Viewpoint" in Fernandes, Walter and Sanjay Barbora (eds), *Land, People and Politics: Contest over Tribal Land in Northeast India*, USA: Transaction Publishers.
- Pati, Biswamoy (1978): "Peasants, Tribals and National Movement in Orissa (1921-1936)", *Social Scientist*, 11 (7).
- Ray, Parshuram (2000): "Development Induced Displacement in India" *Sarwatch*, 2(1), July, 33-40.
- Reddy, Gopinath M. and K. Anil Kumar (2010): "Political Economy of Tribal Development: A Case Study of Andhra Pradesh", Centre For Economic and Social Studies, Working Paper No. 85, February.
- Resources and Livelihoods Group (2005): "A Study on the Livelihoods Situation of the Tribal Communities in Raigad District of Maharashtra State", January 2005.
- Rout, Naresh (2015): "Tribal Development and Adivasi Resistance in Post-Colonial Orissa (1947-2010)", *Odisha Review*, January, 71-82.
- Satya, Deva (1981): "Alienation and Administration in Developing Countries", July, 126-127.
- Sharan, Ramesh (2005): "Alienation and Restoration of Tribal Land in Jharkhand Current Issues and Possible Strategies", *Economic and Political Weekly*, October 8, 4443-4446.

- Sharma, Rama (2015): "The Indian Forest Rights Act, 2006: Salient Features, Scope and 2012 Amendment Rules", *International Journal of Social Science and Humanities*,4(2),095-108.
- Singh, Abha and B.N.Sadangi (2012): "Livelihood Patterns and Resource Base of Tribals in Koraput and Rayagada District of Odisha", *Indian Research Journal of Extension Education*, Special Issue, (I), January, 2012.
- Tete, Pushpa (2006): "Chhattisgrah Ke Adivasi Vibhindna Yojnaong Se Bisthapit Honge", *In Hum Dalit*, December.
- Tripathy, S .N. (2012): "Globalization, Deprivation and the Predicament of Displaced Tribes in India". in M.C.Behera & Jumyir Basar (eds), *Resources, Tribes and Development*, Jaipur: Rawat Publications.
- Vidyarthi, Lalita Prasad and Binay Kumar Rai (1976): "The Tribal Culture of India", New Delhi: Concept Publishing Company.
- Xaxa, Virginius (1999): "Tribes as Indigenous People of India", *Economic and Political Weekly*, 34(51), Dec. 18-24, 3589-3595.
- Xaxa, Virginius (2001): "Empowerment of Tribes," in Debal L. Singharoy (ed). *Social Development and the Empowerment of Marginalised Groups*, New Delhi: Sage Publications.