

ADMINISTRATION OF BRITISH RULE IN TRIBAL INDIA AND HISTORICAL ROOTS OF PRESENT ARRANGEMENT: AN ANALYTICAL STUDY

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Abstract

The special provisions for the tribal communities in the constitution have often been area of debate and conflict. The purpose of the article is to analyse the origin of these special protection for tribal people and how they have been shaped by the statecraft of British rule to gain a proper understanding of the working of these provisions. The present study has been done by historical, descriptive and analytic examination of secondary sources like books, articles, journals, and newsletters. The provisions scheduled areas have been found to have deep historical root in the British legislation reflecting a lasting legacy of British rule in the administration of tribal areas of the country. The study has contributed in understanding the nature of tribal administration in India and how it has come to take its present shape. Further studies are required to inquire into the adaptability of these provisions of colonial era framework for better administration of tribal areas of the country.

Key words: British rule, non- regulation, tribes, administration, policy

Introduction

British rule was a watershed phenomenon for the indigenous communities who have existed in the Indian subcontinent since time immemorial. The colonial policies of commercial exploitation and revenue generation drastically altered their lives and eroded their autonomy. With time the British administration of tribal areas changed from indifference to special treatment of the unruly areas of the country. India has adopted and continued this special treatment of tribal areas which forms one of the important provisions of the India constitution.

Many aboriginal tribes inhabiting the peripheral areas of the country maintained themselves outside the control of princely states. With the extension of centralized administration of the British over the country, these tribes were deprived of their autonomy.¹ The governance of 'unruly' terrain posed a special challenge to colonial ruler. The British administrators had no intention of disturbing the traditional manner of living of the tribal people. However through the process of establishment of law and order in the far flung areas these tribes were exposed to the pressure of more advanced populations. Previously these outlying areas were virtually un-administered rendering these places unsafe for the outsiders who were despised by the tribal inhabitants. But now the money-lenders and traders could establish themselves in these tribal regions under the protection of British administration. In a number of cases new settlers followed the British who acquired large stretches of tribal land. British administrative officers who were unknown of the tribal system of land tenure introduced uniform policies of revenue collection as in of the parts of the country. The British officials did not in certainty favor the outsiders at the expense of aboriginal tribal, but they remained indifferent to the rapid erosion of rights of tribal over their lands. In many regions the gradual alienation of land was not efficiently resisted by the tribes. They therefore withdrew to the rough terrains, hilly tracts and marginal lands. These tribes accepted the status of tenants and agricultural laborers on the land previously owned by their forefathers. Some tribes rebelled against the outsider's administration which deprived them of their lands. There were occurrences and recurrences of rebellions by desperate tribal people in Chotanagpur and Santhal Pargana throughout the nineteenth century. There were minor risings in some districts of Madras

and Bombay, inhabited by the Bhil tribes. These insurrections however were not aimed primarily at the British administration. These were reactions to the exploitation and oppression perpetrated by Hindu landlords and money-lenders who had settled and established in tribal areas and were protected by the British government which had introduced a system of land settlement and judicial administration. This system of governance favored the advanced communities at the expense of tribes who were simple and illiterate. The sensitive constitutional provisions considering the tribes in the Indian constitution were led by these atrocities and difficulties.

Tribal areas of the country

There are 5,653 distinct communities in India, out of which 635 are considered to be tribes.²The tribes comprise 8.6 percent of the total population of the country. These tribal communities are dispersed all over the country. India can be divided in three distinct zones of tribal concentration viz. North-Eastern Zone, Central zone and Southern zone. Few scattered pocket of tribes are found in Kashmir and North-Western Himalayas. The North-Eastern part of the country is home to number of tribes scattered over a very large area in the Sub-Himalayan region and the mountainous areas of Assam and North-Eastern India merging gradually into those of Burma and southern Yunnan.² Lembu, Gurung, Aka, Lepcha, Dafia, Abor, Mishmi, Siphon, Khamti, Kachari and many other tribes reside in this region. The Central zone is separated from the North-Eastern region by the Gangetic plains. It encompasses states like Chhattisgarh, Madhya Pradesh, Bihar, Jharkhand and parts of Rajasthan. Tribal communities such as Bhil, Gond, Baiga, Santhal, Kol, Munda, Oraon inhabit the Central zone of India. The Southern zone comprises of Kerala, Tamil Nadu, Andhra Pradesh and Karnataka are home to tribes Kadar, Chenchu, Koya, Adiyani, Koraga etc. The Andaman and Nicobar Islands are additional areas of concentration of tribal population. The Jarawas, Shompenes, Nicobarese, Onges, Adamanese and Sentilese tribes inhabit the Island region. All the tribal regions of the country were profoundly impacted during the British rule which led to disruption of their traditional way of life, loss of their territories and exploitation. The impact of British rule in tribal hinterlands is being felt to this day in India's center and North East.⁴

Early administration of British in the tribal parts of the country

The account of early contact of the tribes with people of different civilization is found in Sanskrit literatures. These literatures give details of frequent invasions of Aryans and clashes with the aboriginals. Consequently the tribes were driven out from fertile areas to the fringes of land towards the forests and hills. The tribes since early times were exposed to the Sanskrit culture of the Aryans. Some tribes were even absorbed in the Hindu social system forming its bottom layers. Their main aboriginal tribal integrity however remained undisturbed.

Due to the arrival of the British, who came to occupy this foreign land, the country was rapidly opened up. Policies of the British were closely linked with the depth of colonial penetration in the region.⁵ Punitive actions were taken against the raids of tribes on the subjects of British inhabiting the plains. Earlier instance of such measures was taken on the Mal Paharias in 1772 by Augustus Cleveland under Warren Hastings in the period 1778-84. The primitive aboriginal tribes in Chotanagpur, Central and Southern India and Assam along with Chittagong Hill tracts were put down and pacified one after another. "The occupation of tribal territories brought in need of many problems of administration, as tribal lands began slowly to pass into the hands of landlords and money-lenders of the plains and dissatisfaction began to manifest itself in tribal uprisings as a result of enforcement of laws unsuited to their conditions and even contrary to the spirit of their customs and religions."⁶

The Permanent Settlement of 1793 was one of the early administrative policies of the British regime. According to the Permanent Settlement the zamindars were considered to be proprietors of the soil. They were real owners, subject to payment of tax to the sovereign (the State). Unlike in case of the zamindars, the rights of the ryots were not settled definitely by the Permanent Settlement and the relations between them weren't defined clearly. The only safeguard they had was the following resolution. "It being the duty of the Ruling power to protect all classes of people and more particularly those, who, from their situation, are most helpless, the Governor General in Council will, whenever he may deem proper, enact such Regulations as he may think necessary for the protection and welfare of the dependent taluqdars, ryots and other cultivators of the soil."⁷

The necessity of indirect rule was felt for the first time regarding the Mal Paharia raids in 1772. The Rajmahal hills termed as Daman-i-koh was formed in 1796 withdrawing it from the jurisdictions of ordinary court of law. Augustus Cleveland inaugurated an entirely new approach towards Paharia tribe of the Rajmahal Hills coming within his jurisdiction.⁸ It was placed under a tribal council called the 'Hill Assembly'. This administration setup was successful but after the death of Cleveland, it fell into pieces. The non-regulation areas were to be administered by Deputy Commissioner by simpler codes

suitable to the backward people. The complicated administrative machinery of the civilized was unsuitable to these regions. The concept of non-regulation areas was introduced in the Madras Presidency by Act XXIV of 1839. An agent with his staff was vested with civil and criminal jurisdiction of Godavari, Vishakhapatnam and Ganjam hill tracts. Excluded areas were created in tribal areas of Bombay by which were administered by special ‘rules’. In the Northeast, the hills tribes of Assam were subjugated in 1833 and put under British Administration. In 1850-1890, several regions such as North Chachar and Chin-Lushai were annexed and placed under British authority. British influence was established in areas of Naga tribe, Abor tribe in expeditions of 1878 and 1912 respectively were the last. Similar assignment was introduced in other tribal areas of the country and the aboriginals were subdued gradually until they were placed in direct control of the British administration which gained control over their territories.

Administration of British regime in the country

The colonial administration of the British government brought about profound changes to tribal life and administration which were often detrimental to them. Series of policies were made by the British Government for gradual subduction of the tribal areas for their expansionist interests. The British introduction of new land revenue policies and administrative systems, like the Permanent Settlement of 1793 directly challenged and disrupted the traditional tribal governance. Traditional communal ownership of land was replaced by concepts of private property, causing widespread land alienation. The Excluded Areas Act 1846 set upon special administrative system that came to known as the ‘Agency system’. A British agent was appointed to take care of the interest of tribal population. Four examples of the Agency system that find mention in records are – the Bhil agencies in Khandesh to pacify the Bhils (1825), South-West Frontier Agency in Chotanagpur (1833), Agency in the Meriah tract (1839-65), and the Agency in Ganjam (1839).⁹

The Government of India Act 1870 conferred upon Governor General-in-council the power to approve regulations and laws made by Provincial governments concerning the administration of special areas to which previously the Secretary of state-in-council had applied the act. “Whereas it is expedient that provision should be made to enable the Governor General of India in Council to make regulations for the peace and good government of certain territories in India, otherwise than at meetings for the purpose of making laws and regulations held under the provisions of The Indian Council’s Act, 1861, and also for certain other purposes connected with the Government of India.”¹⁰

Schedule District Acts was passed by the Indian Legislature in 1874. It placed the specified tribal areas all over the country in Schedule tracts. Land alienation, rack renting, bonded labor etc. continued in spite of these arrangements. This called for various legislative measures and tenancy act to prevent usurious activities against the tribal people. Through the Schedule District Act XIV-1874, local governments were empowered to decide which of the existing laws would be applied to certain specific areas. Tracts specified and constitutes as Schedule tracts under Act of 1874- “Assam, Ajmer-Mewar, Coorg, and the Andaman Islands; (ii) Jalpaiguri, Darjeeling and Chittagong hill tracts in Bengal; (iii) the Santhal Parganas, Chhotanagpur Division and Angul Mahal; (iv) Aden, Sindh, Panchmahal and estates of Mewasi chiefs in West Khandesh in Bombay; (v) Chanda Zamindaris, Chhattisgarh Zamindaris and Chindwara Jagirdaris in the Central Provinces; (vi) Fourteen maliahs in Panjam, nine maliahs in Visakhapatnam, some areas in Godavari district and the Laccadives including Minicoy islands in Madras; (vii) Hazara, Peshawar, Kohat, Bannu, Dera Ismail Khan, Dera Gazikhan, Lahaul and Spiti in Punjab; (viii) Jhansi Division, Kumaon and Garhwal, Tarai Parganas, four areas in Mirzapur district, family domains of Maharaja of Benaras and Jaunser-Bawar in Dehradun district in the United Provinces; and (ix) The Pargana of Manpur in the Central India Agency.”¹¹

The Scheduled District Act may be considered the first significant measure that was taken to deal with all the tribal areas of the country as a class. By the Act the Executive could extend any statute in any part of British India. It could declare a district to be “Scheduled District” with necessary modifications. The Executive was authorized to exclude these areas from the operation of ordinary law of the country and give them protection as needed.

The Montague-Chelmsford reforms 1918 dealt with question of administration of ‘Backward areas’. According to above legislation, the political reforms adopted for India could not be brought in operation in ‘Backward areas’. In the Backward areas, in their opinion, people were primitive and it lacked material upon which the political institutions could be based. Montague-Chelmsford reforms suggested these areas must be demarcated they must be excluded from the operation of ordinary laws of the province. The recommendations of report were that backward areas be directly administered by Head of the Province.

The passing of Government of India Act of 1919 gave way to the second stage of administration of aboriginal tribes. Tribal areas were reconstituted under section 52-A of the Act. The backward tracts were converted into total and partial exclusion

areas. The purpose of schedule areas was to protect the tribal from exploitation and give freedom to live traditional way of life. However the most vulnerable tribal groups such as Andamanese, Annamalai Hill tribes and forest tribe of Wynaad, Todes of Nilgiris were not included in the arrangements. Government of India Act 1919 empowered the Governor General-in-council to declare any territory as backward area. The Governor General along with the approval of secretary of State was enabled to make decisions area. The act would be applied with such modification and changes are required as will be laid out in official notice. Additionally the Governor-in-council could be allowed to make similar decisions regarding laws passed by provincial government.

Act of 1919 divided Backward Tracts into two categories

- 1) Wholly Excluded Areas
- 2) Modified Excluded Areas

The classification of these areas was based upon the existing legal position and the recommendation of the local government. Neither the central nor the provincial government was empowered to make laws which would apply to the wholly excluded areas. Governor-in-council was vested with law making power of these areas. The legislature was not allowed to discuss any matter concerning the wholly excluded area without the prior approval of the Governor. "The Wholly Excluded Areas included the Laccadive and Minicoy Islands in the then Madras Presidency, the Chittagong hill tracts in Bengal, Spiti in the then Punjab (now H.P) and Angul in Orissa."¹²

Regarding the modified Excluded areas the Legislature were competent to enact laws but these laws had to be according to the modification and exceptions as directed by the Governor-in-council. These areas were not uniform in respect of voting of expenditure representation to state legislatures etc. "The Modified Excluded areas included (1) Darjeeling District (2) Lahaul (3) Ganjam Agency (4) Visakhapatnam Agency (5) Godavari Agency (6) Chhotanagpur Division (7) Sambalpur District (8) Santhal Pargana District (9) Garo Hills District (10) British portion of Garo and Jaintia Hills, excluding Shillong Municipality and Cantonment (11) Mikir Hills, (12) North Cachar Hills, (13) Naga Hills, (14) Lushai Hills and (15) Sadiya, Balipara and Lakhimpur Frontier Tracts."¹³

The British Government appointed Simon commission in 1927 to review the functioning of Government, development of representative institutions and to examine the government policy adopted for the Backward Tracts. Visits were made by the commissions to tribal areas of the country. The commission came to the conclusion that the tribal people were precluded from any type of representation in the government due to their backwardness. According to the commission the aboriginals had a want for security of land tenure and freedom to live according to their traditional customs and not of self-determination. Political advancement did not make them content but they are in need of sympathetic treatment of their affairs and protection from economic exploitation.

The commission observed that the provided protection to the tribal from exploitation and preventing outbreaks was not the only task of administration of 'Backward tracts'. It was expected to educate the people of these areas in order to make them self-reliant. The commission favored the entrusting of administration of these areas to the central government, to accelerate the development of these areas until they reach the general level. It made recommendation for adoption of alternate approach for complete isolation of the tribal people and for consistent policy towards these tracts with knowledge, experience and adequate funds for policy execution. The Government of India Act 1935 classified the Backward Tracts as Excluded Areas and Partially Excluded areas. "In this Act the expressions "excluded area" and "partially, excluded area" mean respectively such areas as His Majesty may by Order, in Council declare to be excluded areas or partially excluded areas."¹⁴The excluded areas were placed under the supervision of Governor acting in his discretion exercised if needed. The partially excluded areas were kept under the responsibility of the ministers. However the governor had special responsibility regarding the administration of these areas. He could overrule ministerial decisions if he deemed fit to neither the central nor provincial legislatures was empowered to make laws regarding any of these areas. The Governor was authorized to apply such laws with exceptions and modification as necessary.

Conclusion

In the pre-British period, the tribal communities largely lived in their own socio-economic and political system. They enjoyed significant autonomy with their self-governing including indigenous chiefs. Not yet dominated by external powers like the traders and money-lenders the tribal people engaged in self-sufficient activities such as agriculture, foraging and gathering. The British intervention in the tribal areas of the country proved to be a watershed phenomenon for the indigenous communities with severe disruption and erosion of land rights as well as loss of traditional authority. However a policy of minimal intervention in the tribal areas was followed initially by the British Government. The opening up of

the tribal areas of the country due to the colonial expansion gave opportunity to outsiders to settle in these areas and the initial indirect rule of the British rule exposed the tribal to the exploitative practices of these non-tribal people. with the rise of discontent and recurring revolts in some parts made the British re-design their policy towards these tribal areas. Gradually there was a shift in their political and administrative approach which led to establishment of new administrative and legal framework in the tribal regions. Long series of legislations concerning tribal areas in the forest and hill regions of the subcontinent culminated in a number of Acts, one of such act being the Act of 1846. “These exceptional laws resulted in the creation of a special jurisdiction for tribal groups who were thereby exempted from civil and criminal jurisdiction of the courts in colonial India and were placed under the direct control of a British agent”¹⁵ This policy of non-regulation of tribal areas of the country continued in subsequent decisions of the British government. These special provisions were further codified the Government of India Acts of 1919 and 1935 making these arrangements a significant part of the India constitution.

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