

FACT SHEET

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Dalit and Adivasi Land Ownership

Historically the social formation in India was primarily caste-based feudal structure having regional variations like Zamindar, Jagirdar, Mirasdar and Khots who controlled the land. Land relationship define the traditional system of social division of labour in India. The caste system, sanctified by religious-ideological formulations, prohibited ownership of land for the castes that provided labour. In the agrarian sector, the correspondence of caste and class was almost total. The upper castes were landlords, the middle castes consisted of rich peasants and the Dalits formed the bulk of the landless agricultural labourers -bonded, semi-attached or free-wage.

Since the Dalits form the bulk of the agricultural labour force, the denial of their right to own land was carefully constructed and maintained by the upper castes who wanted to retain their hold over these resources. This exclusion was effected through social engineering via the Manu Law Code, which discounted any Dalit claim on land. In the case of Dalits there was a clear correlation between land holding and social and economic status.

Colonial economic dispensations further complicated the situation. The British administration introduced different kinds of land revenue structures under the permanent land settlement policy. The peasantry had to then relate to the state - principally in payments of its dues and taxes - through feudatory principals (zamindari), semi-feudatory appointees (mahalwari), or directly (ryotwari). The colonial land regulations never granted Dalit even the status of an occupancy tenant, though in several places they cultivated land as tenants and sharecroppers.

Land Question and Dalits in post-independent India

The fact that Dalits have been denied any permanent right over any land or territory has only compounded that matter by making them completely dependent upon the owners and controllers of the means of production and livelihood. The Dalits have suffered displacement from land through the ages. The land occupied by them has always been seized at the flimsiest excuse, forcibly or through economic strangling. The right to hold land - even homestead land - of these groups, has always been tenuous at best.

The continuous process of expropriation of resources, particularly land, from these sections takes on a new dimension today. The pasture and fallow lands were developed by the labour of particularly the Dalit toilers in the hope that they would at last acquire a piece of land to call their own. However, once the land is developed and made cultivable, however, they are forced off it through various measures, covert and overt, legal and illegal, economic and extra-economic. Debts and mortgages, denial of other vital resources like water and agricultural implements and inputs, social boycotts, upper caste violence, rapes, mutilations and killings throw them off the land. Their labour invested in the development of land is expropriated, at best at a pittance.

The process of displacement has not been confined to the forest or rural areas. The eviction of slums in urban areas is well known. The slums and slum dwellers have always paid the costs of urban development. It has been made their fate and destiny to occupy the worst lands in an urban agglomerate, to develop the land and to render it economically lucrative and then be thrown off it. It is also well known that the majority of the slum dwellers are Dalits or members of the Other Backward Castes (OBCs).

Displacement from homelands is not a mere physical occurrence of change of habitat. It invariably means uprooting and dislocation of life. Livelihood patterns, social organizations and cultural existence are disrupted through the process. It is now known that displacement

means a fall in standards of living, reduction of life expectancy, worsened health and cultural disturbance.

A corollary of the above process is the constant expropriation of resources from these groups. Lands, forests, water bodies have been taken away from these groups under various pretexts. This is done with the use of naked force, sometimes even under the cover of legality or through an economic squeeze which leaves them no other choice but to cede their rights.

It should also be noted that the women, the children, the aged and the infirm are

Percentage of Household Owning Land in different Size and Household Size by Population Groups													
Social Groups	Land Size Less than 1 ha		Land Size 1-2 ha		Land Size 2-5 ha		Land Size 5-10 ha		Land Size 10+ha		All Size		
	% HH	HH Size	% HH	HH Size	% HH	HH Size	% HH	HH Size	% HH	HH Size	Avg. Land Size	Avg. HH Size	
STs	43.0	5.3	31.0	5.7	22.0	6.7	3.0	8.0	1.0	8.4	1.7	5.8	
SCs	63.0	5.5	23.0	6.2	12.0	6.7	2.0	7.5	1.0	7.0	1.2	5.9	
Others	37.0	5.4	28.0	5.5	29.0	6.6	4.0	8.0	3.0	8.1	2.2	6.0	
All India	46.0	5.6	27.0	6.1	21.0	6.7	4.0	8.0	1.8	8.5	1.8	6.1	

Source: NCAER's HDI Survey, 1993-94.

Household and Per Capita Income by Land Size among Different Groups (Rs)						
Social Groups	Land size less than 1 ha		Land size 1-2 ha		Land size 2-5 ha	
	HH Income from all Sources	Per capita Income	HH Income from all Sources	Per capita Income	HH Income from all Sources	Per capita Income
STs	151113	3023	20326	3566	31188	4655
SCs	16349	2725	24837	4139	37061	5531
Others	22930	4586	27314	4966	45980	6967
All India	19045	3401	28495	4749	42677	6369

Social groups	Land size 5-10 ha		Land size 10+		All size	
	HH Income from all Sources	Per capita Income	HH Income from all Sources	Per capita Income	HH Income from all Sources	Per capita Income
STs	60434	7554	110050	13101	22621	3900.2
SCs	50836	6778	77066	11009	21785	3692.4
Others	112426	14053	227914	28489	7719	6689.0
All India	76488	9561	142861	16807	31163	5108.7

Source: NCAER's HDI Survey, 1994

Allotment of Bhoodan Land								
States	Total Land Received (acres)	Percentage of Land Allotted	Beneficiaries					
			Number			Area		
			SC	ST	Others	SC	ST	Others
Andhra Pradesh (as on December 31, 1881)	195509	47.14	35.91	8.36	55.73	28.52	14.33	57.15
Bihar (as on March 21, 1981)	2117756	25.71	27.83	22.91	49.26	29.28	29.60	41.12
Punjab (as on March 31, 1981)	9801	100.00	84.70		15.30	95.30		4.70
Maharashtra (as on March 31, 1981)	88462	0.69	56.83	18.06	21.11	57.17	15.80	27.04
Orissa (as on March 31, 1981)	1346966	12.39	21.77	45.63	32.60	22.56	58.01	19.44

Source: Report of the Commissioner for Scheduled Castes and Scheduled Tribes, April 1980-March 1981.

the worst sufferers in the process of disruption, displacement and dislocation.

Agrarian reform and Dalit

During the freedom movement the Indian National Congress in particular had to confront the question on the issue of land. The mass character of the movement also gave content beyond 'expulsion of the foreign ruler', by including land or agricultural reforms. There was however

no consensus on any of the economic measures in the Congress, with furious controversies ranging over land reforms. Concerns for the rural poor, pressure of peasant movements, ideological pressures by the left for modernisation, forced a stand in favour of agrarian reforms. The social and political influence of the landlords sought to maintain their traditional hold over the agrarian system and structure. As a result, even after independence there

Rural Agricultural Labourers and Cultivators among SCs and Non-SCs (per cent to main workers)								
States	Agricultural Workers				Non-Agricultural Workers			
	SC		Non-SC		SC		Non-SC	
	1981	1991	1981	1991	1981	1991	1981	1991
Andhra Pradesh	72.68	77.48	34.78	40.07	19.07	14.18	42.95	38.24
Bihar	76.51	75.64	30.08	32.48	14.40	16.48	55.62	54.62
Gujarat	55.17	57.88	27.74	28.68	22.12	18.24	52.42	48.15
Haryana	58.45	63.18	9.20	12.40	13.60	9.31	67.21	60.66
Karnataka	51.72	56.70	27.99	30.91	31.71	27.57	51.46	47.72
Kerala	60.95	57.80	27.50	25.99	2.45	3.30	17.55	17.07
Madhya Pradesh	43.03	43.57	24.68	24.08	42.08	42.55	63.13	64.34
Maharashtra	58.30	62.30	33.15	33.17	20.05	19.27	50.25	49.87
Orissa	50.28	49.45	26.11	27.57	31.10	30.84	55.92	53.36
Punjab	69.49	69.71	10.96	12.62	7.75	5.47	64.86	60.19
Rajasthan	19.25	24.33	5.89	8.69	60.38	57.93	76.02	73.93
Tamil Nadu	68.88	71.77	30.85	35.74	20.70	16.65	44.07	38.13
Uttar Pradesh	37.09	41.34	11.56	14.82	51.92	46.66	73.86	68.48
West Bengal	46.94	46.04	28.43	26.75	33.72	31.27	42.70	40.63
India	53.20	55.12	24.55	26.13	31.92	29.37	55.48	52.85

Source: Primary Census Abstract 1981, 1991.

Progress in Implementation of Ceiling Laws (as of March 1996)									
States	Area Declared Surplus (acres)	Percent age of Area Taken Possession	Percentage of Area Distributed to Area Declared Surplus Possession	Beneficiaries (Per Cent)					
				Number			Area		
				SC	ST	Others	SC	ST	Others
AP	800240	78.91	70.87	41.54	15.58	42.88	39.67	20.75	39.58
Bihar	488257	81.45	62.03	61.70	11.38	26.93	59.09	12.97	27.94
Gujarat	231172	68.76	57.65	44.38	39.75	15.87	62.13	21.85	16.03
Karnataka	280779	59.11	42.29	60.33	3.10	36.57	60.72	3.05	36.22
Kerala	137692	68.85	46.69	42.85	5.12	52.03	39.20	8.03	52.77
MP	338555	88.30	54.71	29.85	37.43	32.73	26.68	39.70	33.62
Maharashtra	729644	90.93	76.05	29.84	20.78	49.38	29.14	17.65	53.20
Orissa	176569	93.57	87.00	33.93	37.25	28.82	31.80	41.92	26.27
Punjab	132594	79.09	77.84	39.95		60.05	42.53		57.47
Rajasthan	600987	92.88	75.13	41.90	1.25	56.85	32.14	9.77	58.09
Tamil Nadu	191311	89.44	83.29	44.16	0.14	55.71	38.38	0.15	61.47
UP	555350	93.84	69.13	69.33	0.23	30.43	67.56	0.38	32.06
West Bengal	1270965	94.57	75.66	37.22	19.51	43.27	37.24	19.37	43.39
All India	7884132	83.68	65.85	36.20	14.08	49.71	35.60	14.40	50.00

Source: Rural Development Statistics 1999, National Institute of Rural Development, Hyderabad

were no radical agrarian reforms. In the post independence period, government did abolish the zamindari system and also enacted the Tenancy Regulation Act to be implemented by the various states, it failed to address the question of land-to-the tiller whereby large sections of the rural poor especially Dalits were deprived of land.

The government attempted tenancy regulation under the programme which was unevenly implemented. Karnataka and Maharashtra implemented abolition of tenancy. It provided surplus land to the tiller i.e. the sharecropper, some of whom were Dalits. Except for Kerala and West Bengal, the other state governments completely neglected land reforms. The states through separate legislation and other measures widely differing from each other regularised tenancy and in some cases abolished absentee landlordism and extortionate tenancy. The tenancy reforms gave an impetus to agricultural development.

The failure of the land reforms can be judged by the fact that 86% own small tracks of land, not enough for sustenance, forcing Dalits to work as agricultural labourers. Besides, there was the so-called Dakathia system, in Central Bihar, that had evolved by the upper caste to perpetuate

their control over the Dalits. According to this system, a landlord gave 10 katha (a little less than half acre) of land to a labourer who cultivated it and keep the harvest. In return, he had to be ready to work for the landlord at a standard rate of 2 kgs of rice and half a kg of sattu (flour of Bengal gram). Often 10-15 persons in the rural areas depend on such land for survival. If the Dalits wish to migrate the land is confiscated along with the standing crop and if harvested he is forced to pay the rent for the whole year which the Dalits cannot afford. Hence they are bound to that system and the land for generations.

The redistribution of surplus land was initially a voluntary step through the Bhoodan movement which arose in response to the revolutionary uprising of the peasantry in Telangana. Distribution of 'surplus' land donated by the landlords to the landless to prevent a revolutionary uprising was the driving impetus for this campaign. With the adoption of land ceiling, redistribution of land found acceptance in some states. The implementation of this measure was however, haphazard. The redistribution was extremely conditional. Commercialisation of agriculture necessitated intensive cultivation of food grains. This was in direct contradiction with

Rural Labour Households with Land and without Land									
States	Non-SC/ST				Schedule Caste				
	With Land		Without Land		With Land		Without Land		
	1974-75	1993-94	1974-75	1993-94	1974-75	1993-94	1974-75	1993-94	
Andhra Pradesh	41.78	85.13	57.6	14.87	35.23	34.82	64.77	65.18	
Assam	54.81	90.43	45.18	9.57	55.63	41.59	44.37	58.41	
Bihar	62.01	83.67	37.98	16.33	51.34	23.90	48.66	76.10	
Gujarat	37.30	80.05	62.89	19.95	30.80	10.24	69.20	80.76	
Haryana	13.48	97.2	86.51	2.80	18.18	4.05	81.82	95.95	
Himachal Pradesh	71.42	62.68	28.57	37.32	73.33	80.43	26.67	19.57	
J & K	45.23	80.92	54.76	19.08	44.67	43.80	55.33	56.20	
Karnataka	83.88	96.64	16.11	3.36	80.46	16.63	19.54	81.37	
Kerala	54.78	67.93	45.21	32.07	48.72	44.49	51.28	65.51	
Madhya Pradesh	50.57	90.63	49.49	9.37	45.88	34.46	54.12	65.54	
Maharashtra	66.03	67.43	33.96	32.57	51.34	45.88	48.66	54.12	
Orissa	20.00	90.87	80.00	9.13	07.03	02.72	92.97	97.28	
Punjab	55.55	52.70	44.44	47.30	48.92	59.90	51.08	40.10	
Rajasthan	38.11	92.68	61.88	7.32	31.81	18.11	68.19	81.89	
Tamil Nadu	51.65	66.06	40.34	33.94	56.11	60.97	43.89	39.03	
Uttar Pradesh	46.76	76.41	53.23	23.59	39.75	41.86	60.25	58.14	
West Bengal	55.97	81.19	44.02	18.81	44.38	35.05	55.62	64.95	
India									
ALL INDIA									
	Non-SC/ST				Schedule Caste				
	1974-75		1993		1974-75		1993		
	With Land	55.97	81.19	44.38	35.05	Without Land	44.02	18.81	55.65
Total	22.69	30.15	57.41	59.48					

Source: Rural Labour Enquiry, Report of General Characteristics of Rural Labour households, 1974-75, 1983-84, 1987-88, 1993-94, Labour Bureau, Ministry of Labour, Shimla.

the policy of assisting a subsistence level of existence to the rural poor who had been distributed wasteland. The land distributed under the land reforms as well as the bhoodan movement was economically non-viable and to a large extent of inferior quality. (The land less labourers got on an average one acre of land per household which was insufficient for their sustenance which forced them to seek opportunities for work as labour elsewhere). They also did not possess the required capital for seeds and fertilisers. In certain areas where the co-operative movement was strong they were able to sustain by taking loans. To convert a landless agricultural labourer into a subsistence farmer in an age when subsistence farming is non-viable due to rise in the cost of production and marketing is problematic. This has given rise to the sale of lands.

The Bhoodan movement did not actually reduce the landlessness among the dalits. Instead, the opposite trend can be observed for non SC/ST rural communities. The percentage of households with land increased and percentage without land decreased during the same period. The land reforms and the Bhoodan movement were necessarily limited in their scope. They promoted further commercialisation, and capitalisation of agriculture, paving the way for the creation of a relatively new class of surplus producing owner-cultivators relating to the market, the potential capitalist peasantry in the country. In caste terms, the measure immensely aided the middle castes economically and hence socially and politically to dominate the Dalits agricultural labourers. The agricultural labourers were left untouched in these reforms. The percentage of rural

Information on Alienation and Restoration of Tribal Lands (as of November 1999)								
States	No of Cases Filed in Court		Per Cent of Cases Rejected		Per Cent of Cases Decided in Favour of Tribals		Per Cent of Cases Pending in Court	
	No	Area (acres)	No	Area (acres)	No	Area (acres)	No	Area (acres)
AP	65875	287776	48.18	52.20	40.19	36.91	11.63	10.88
Bihar	86291	104893	36.95	47.41	51.72	43.30	11.33	9.29
Gujarat	47926	140324	0.25	0.35	84.05	85.65	15.70	13.99
Karnataka	42582	130373	39.19	36.17	51.28	52.05	9.54	11.78
MP	53806	158398	55.05	61.32	NA	NA	44.95	38.68
Maharashtra	45634	NA	54.08	NA	43.70	NA	2.21	NA
Orissa	1431	1712	10.62	11.92	30.89	35.75	58.49	52.34
Rajasthan	651	2300	8.14	8.13	28.73	25.52	63.13	66.35

Source: Annual Report 1999-2000, Ministry of Rural Development, Government of India. B.B.Mohanti, Land Distribution among Scheduled Castes and Tribes. Economic and Political Weekly, October 6. 2001.

Dalit labour households with land declined from 44.38% in 1974-75 to 35.05% in 1993-94. On the other hand, the percentage of rural labour households without land increased from 55.65% in 1974-75 to 64.95% in 1993-94. Many of those displaced have ended up as daily wage labourers in the Public Works Department, working on national highways, suffering from poisonous fumes, heat and dust, and earning less than Rs. 45 per day.

Social Implication of Land Reforms

Besides these economic disadvantages the Dalits also face social ostracism. They are prevented from independently cultivating the land distributed to them and are forced to work on them as labourers. In 2002 the Dalits of Gadkokal village in Puri district of Orissa were attacked by the upper caste of Khandayats (kshatriyas) when they were tending their 14-acre Bhoodan-donated land. Ironically, the police arrested some Dalits in connection with the incident and their upper caste attackers were not. In other places the upper caste landlords actually controlled the lands distributed to Dalits. In the surrounding areas of Visakhapatnam in Andhra Pradesh where land belonged to Dalits who had land pattas with them the landlords had grabbed these lands by paying very meagre amounts during famine in previous years and began

to grow cashew, mangoes and coconut. In 1999, the Dalits approached the government officials who sided with the landlords. The landlords, in connivance with revenue authorities and help from the lower courts harassed the Dalits by lodging false cases on any small matter. When the Dalits organised themselves and began to agitate, the revenue authorities agreed to conduct an emergency re-survey of 500 acres of land, but the Dalits are yet to get back that land. Such instances defeat the very purpose of land reforms. Yet numerous such schemes exist.

One of the other loopholes of land reforms is that the landlords were able to retain land in the names of extended family members, and 'benami' trusts. The second loophole was that orchards growing commercial crops were exempt from the Land Ceiling Act. The landlords switched over from food crops to commercial crops like coconut, mangoes and spices to escape the land ceiling act. The lands distributed to Dalits under land reforms in many cases never actually reached Dalits. If a proper survey were conducted district after district would reveal surplus lands in the hands of upper caste landlords! There have also been innumerable instances where the government granted pattas of uncultivated or waste land to Dalits, who then laboured

hard and made their fields cultivable only to find that their ownership deeds had been cancelled on some pretext or the other. Twenty-five Dalit families of Amrod Taj, Duparia Jheel and Dandi villages in Sehore district whose pattas were cancelled are not quite sure what to do. Without land, they cannot pay back the loan. The hope that pattas had generated refused to turn into a reality. Land remains as elusive to them as ever.

In February 1985 in Mogavadi village of Chittor district of Andhra Pradesh the revenue officer issued possession documents of government land, which had tamarind trees. Till then the Dalits worked as wage labourers collecting tamarind for the upper caste landlords for Rs. 3.00 for women and Rs. 4.00 for men. The upper caste Reddy landlords threatened the concerned officer to withdraw the orders. The officer who refused to comply with the wishes of the landlords, sought police protection not only for himself but also for the Dalits who wanted to harvest the crops. The landlords along with the hired goondas attacked the Dalits with bombs and daggers. The police arrested the landlords but released them immediately on account of pressure from the local politicians.

In Bihar the Dalit labourers receive 1 to 1.3 kg of rice per working day. Nonahi-Nagwan in Jehanabad district witnessed exactly 17 years ago, the massacre of 20 Dalits daring to demand wages. The immediate cause for the massacre was the refusal of Laldas Paswan, a Dalit labourer, to work without being paid. The landlords had already been angered by workers' demands for a wage increase - from a daily one kg of grain to one and half - which they saw as a direct challenge to their authority. For the survivors and the victims' kin, little has changed in the intervening period; they live in fear of another massacre. The land they received as compensation has been seized. The promised jobs haven't come for all and, where they have the jobs, the salaries haven't come. The special court ordered death sentence for eight of the accused and life terms for six others. Ranvir Sena a militia of the upper caste Bhumihars was

born in August 1994 at Belaur village in Bhojpur district in central Bihar. It began a killing spree in 1995 at Sarthua, Tiskhora, Belaur, Bathanitola, Laxmanpur Bathe, Shankarbiga, and Narayanpur villages village In June 2000 it killed 34 Dalits and Other Backward Castes in Miapur in Gaya district. The Ranvir Sena takes care of its interests through its frontal organisation Rashtriya Kissan Mahasangh.

Globalisation and Dalits

The economic reforms and economic globalisation has failed to change the status quo. They have produced jobless growth in both urban and rural areas. 'Development' now physically drives out the poor from the agrarian sector and rural areas to become migrants in the various urban centres. Increased urbanisation, often cited as an indicator of progress of the economy, is in reality a result of distress dislocation of lives of rural poor. Varied mega projects as well as more silent day-to-day occurrences uproot the poor. These migrants now find no worthwhile employment opportunities or any other occupations in urban areas. The key to tackling rural poverty lies in strengthening agricultural activity in a manner that would provide firstly sustenance and then opportunities for growth. The prime condition for this is adequate land (along with know-how, inputs, and credits or subsidies) to the real cultivator. Despite numerous slogans, land reforms in India have never been substantial. Comparisons with China and calls for emulating the Chinese model forget the crucial aspect that land reforms in China were radical and thoroughgoing. China distributed 40% of its land to the actual tillers while the figure in India does not even reach one tenth of that amount. The liberalisation policy pursued by the government has only led to the following adverse effects upon the agrarian society.

- ⊕ Abolition of land ceiling laws.
- ⊕ Relaxation of procedures with respect to land use reclassification and amendments to existing statutes to enable speedy acquisition of land for industrial purposes.

Average intake of Foodstuffs (g/day) among the Adivasis population							
Age Groups	Cereals & Millets		Pulses		Foodgrains		Decline in Consumption during 1985-99 in %
	Years	1985-87	1998-00	1985-87	1998-00	1985-87	
1-3 Yrs	187	155	13	14	200	169	15.5
4-6 Yrs	276	224	18	18	294	242	17.7
7-9 Yrs	334	282	21	18	355	300	15.5
10-12 Yrs	408	335	23	19	431	354	17.9
10-12 Yrs	373	333	22	20	395	353	10.6
13-15 Yrs	465	405	24	21	489	246	12.9
13-15 Yrs	463	392	24	21	487	413	15.2
16 yrs Males	521	518	29	23	550	541	1.6
16 Yrs Females	454	404	29	21	483	425	12.0

- ⊕ Allocation of government land to be done on the basis of overall advantages to production capacity offered by investors.
- ⊕ State governments to approve automatic conversion of land use to enable creation of industrial parks/ estates or large industrial projects.
- ⊕ Revision of stamp duty policies with respect to land lease or land purchase documents for units in all government agencies.

The impact of the above-mentioned altered policy framework has affected over 2 million small and marginal farmers who are losing their land or having their land alienated each year. The number of landless in rural areas has multiplied over the past few decades from 27.9 million in 1951 to over 50.0 million in the 1990s. Around 60% are Dalits. Inaccessibility of small and medium Dalit farmers to markets, irrigation and transport facilities and the higher marginal cost of cultivation has pushed them to alienate their land, resulting in increased Dalit landlessness.

As India entered the 21st century the land lobby decided to do away with even the token support that the Dalits got through legislation. In 2004, the Uttar Pradesh government tried to amend the Zamindari Abolition Act. According to the existing Act land owned by a Dalit cannot be sold to a non-Dalit. The Amendment introduced by the state government enabled non-Dalits to buy land from Dalits. Under pressure

from the Dalit activists the amendment has been shelved for the time being.

Dalits and Access to Common Property Resources

Dalits have also been denied access to common property resources in the villages. In 2002 the Madhya Pradesh Government decided to distribute grazing land (charnoi) to Dalits. This led to caste clashes and tension in villages in Rajgarh, Ujjain and Dewas districts. At Latahadi village in Rajgarh District a large number of locals, led by a sarpanch, belonging to the Yadav community, attacked over 30 Dalit families, mercilessly beat them up and destroyed their first standing crop on their allotted land. They also beat up the revenue officials who had gone to the villages to supervise the handing over of lands and roughed up the collector and superintendent of police in another village of the district over the same issue. Many Dalits were killed. A division bench of the Jabalpur high court supported the government decision to redistribute grazing land to landless Dalits. The government was able to redistribute nearly 2,38,000 hectares to landless Dalits benefiting nearly three lakh Dalits.

The landlords have private militias who terrorise poor peasants and labourers. They take control of a village, kill the Dalits connected with the peasant or worker organisation and set fire to their houses. While the militias remain in the village, food and shelter would have to be provided. The militia also kidnap Dalit women who

are often raped. A fourteen year old Dalit girl was burnt to death at Belda village in Saharanpur district over a land dispute with upper caste in June 2003. The Dalits are forced to leave the land through terror and intimidation inflicted by the local goondas.

Dalits and the Rural Credit

Institutional credit is considerably cheaper than moneylender's credit, but the institutional credit goes largely to more affluent rural peasants who are in a better position to provide security than the Dalits and the Adivasis. Even when the government directs the banks to provide financial assistance things can go horribly wrong. Forty-two Dalit families of the Turaon village in Hazaribagh district were hoodwinked by a government welfare programme and have lost their land holdings. They are mentioned as beneficiaries in government records but are unaware of who took their lands away. These Dalits were starving in the drought of 1960 when the local bank officials reached their doorstep and paid Rs 100 and few kilograms of rice to each family. It was fine for few years until one fine day the bank suddenly reappeared and asked them to repay few thousand rupees—a sum that was more than a fortune for the marginalised villagers. Overnight arrangements were made to auction off the entire land-holdings of the village. It was sold at a throw-away price of Rs 100 per acre. The entire process violated virtually every law that dealt with such transaction. To begin with, the villagers had taken no loan! They were told that it was a grant and was therefore not required to be paid back! The illiterate Dalits simply affixed their thumbprints at the time of receiving the money and gave away the documents that they had at the time of the auction.

In another incident the Dalits managed to get loans from the local moneylender. Achhelal Chamar, resident of Shivrajpur village in Chhatarpur district, Madhya Pradesh got the patta (ownership deed) of two acres of land. The ploughing began and the seeds of mustard (rai) were sown. But the saplings had to face the scorching heat of summer. Achhelal realised that it was

not enough to have the land. He had to dig a well as well. He talked to the other four Dalits in the village who had also been given patta in the same area. They decided to face the challenge together and dug a well that would provide irrigation water to their fields. After digging at least eight feet deep, the rich peasants in the area felt that they were being asserted upon by the "harijans". The goons hired by the rich farmers assaulted them and chased them away. That was the last time they set their eyes on their patch of land. Since then, Achhelal and the other four Dalit beneficiaries - Barelal Chamar, Lachhu Chamar, Nonelal Chamar and Gorelal Chamar - have been running from pillar to post to arrange money for an unending litigation, only to be pushed further into a debt trap. So far they have spent more than Rs 50,000, which they borrowed from money lenders at exorbitant interest rates. The Government did provide police protection to the dalits for sometime after the violent incident, but later it was taken away.

Even the state support is insufficient as the Dalits lack resources to fall back on in times of unexpected distress. The Dalit women of Band Village in Panipat district of Haryana created a historic first in 2001. They stormed a traditional male bastion by participating in a land auction and bought three acres of land. They paid Rs 18,300 cash for the right to use a three-acre plot. Most of these women work as daily labourers. The women had taken loans from the SC/ST Commission. With land holdings getting smaller; their income is shrinking. These women chose to bid for an independent piece of plot in order to grow two crops in a year; which would have helped them augment their income. The women calculated that two bumper crops of barley and wheat would (once the profits were shared between them) help them buy goats and buffaloes to offset their income. On getting the allotment, they immediately spent the next two weeks ploughing and levelling the fields in order to grow barley. After a month the saplings emerged but rains failed. They had not anticipated the possibility of a drought.

Adivasi Land

The Adivasis face a different kind of exploitation. They live on extremely fertile lands with rich mineral wealth and forest resources. Prohibition of transfer of land from Adivasis to non-Adivasis has been adequately provided for in various Land Revenue Codes and Land Regulations and Acts passed by different states. The little-known Fifth Schedule of the Constitution deals with administration and control of scheduled areas and scheduled tribes. It says, among other things, that the governor of the state may prohibit or restrict the transfer of land by or among the scheduled tribes in scheduled areas. Most states have passed laws prohibiting transfer of land belonging to Adivasis to non-Adivasis. These laws have been examined several times by the Supreme Court and they have been zealously upheld, just as in the Samatha case.

However, despite this categorical legal imperative, the problem of land alienation of the Adivasis continues to persist, and in large areas of the country, it is now endemic. Official figures show that every year the number of landless in the country increases by two million. Clearly, the problem of alienation of the land of the Adivasis is both widespread and complex. Some of the legislative and judicial measures suggested are radical and far-reaching. These include ousting jurisdiction of the civil courts in cases of eviction of Scheduled Tribes, suspending the operation of the Limitation Act, 1963 in cases of dispute relating to the Adivasis lands. Separate legislation has been enacted for the conferment of ownership rights, provisions in all civil suits involving Adivasis lands for making the government a party. The law bans the transfer of Adivasis land to non-Adivasis in all states and Union Territories. The law of evidence has been amended to place oral evidence on a higher pedestal to felicitate the Adivasis and special courts have been set up for prompt disposal of land alienation cases.

However, the continuance of the problem is a reflection of the fact that the

recommendations of the various committees address only the symptoms of the problem without going into the root causes of it. As early as in 1983, the Orissa High Court had stopped the dispossession of Adivasis land on the basis of a money decree. The Supreme Court, in 1985 upheld the Maharashtra Restoration of Lands to Scheduled Tribes. The Supreme Court, in the Samatha judgement, dealt with the Andhra Pradesh law and underlined that no state government could transfer Adivasis land by way of lease or other modes to non-Adivasis, whether they be individuals or persons like corporations. The judgement said: "If the cabinet form of government would transfer Adivasis land of the government to non-Adivasis, peace would be disturbed, good governance in the scheduled area would slip into the hands of non-Adivasis who would drive out the Adivasis from the scheduled area and create monopoly for the well-developed and sophisticated non-Adivasis and slowly and imperceptibly, but surely, land in the scheduled area would pass into the hands of non-Adivasis." It was to avoid such situation that the court had called for the passage of a suitable central enactment encompassing a consistent national policy.

But government inertia at the state and central levels has compounded the problem. As a result, many industries functioning in the backward areas might find that they are sitting on legal fault-lines. The Chotanagpur Land Tenancy Act 1908 bans the sale and transfer of Adivasi land to non-Adivasis. But illegal sale and purchase of Adivasi land is common in the 15 districts of Chotanagpur, including Ranchi, Dhanbad, Bokaro, Giridih, Hazaribagh and Palamau. Land in possession of Adivasis has been shown to be 8,08,000 acres, out of which 65, 02,71 acres had been alienated.

The alienation of Adivasis from their land is endemic. They have been deprived of their land, reduced to agricultural labour status on their own lands. According to a report of the Department of Adivasis welfare about 48% of the cultivable land in the scheduled areas is under non-Adivasis. Out of 18.48 lakh acres in the agency areas non-Adivasis

hold 7.53 lakh acres. In Khammam district, the non-Adivasi holding is 52%, 60% in Adilabad and 71% in Warangal.

Adivasis Bill-2006

The proposed Scheduled Tribes (Recognition of Forest Rights) Bill 2005, claims to address the issues of both the Adivasis and the environmental concerns. The proposed Bill aims to give 2.5 hectares per nuclear family. No estimation has been made of the number of people affected by this act. Cut off date for allotting the land has been fixed to 25th October 1980.

The Act is a double-edged weapon invoking their symbiotic relationship with nature and their traditional knowledge of environment conservation. 2.5 hectares of forestland is to be given to Adivasi nuclear families for self-cultivation, for bonafide livelihood, provided the family undertakes 'the responsibility of protection, conservation and regeneration of forests'. The Adivasis in turn have to ensure that no one carries out any 'activity that adversely affects the wild life, forest and bio-diversity in the area.' The Act will protect the Adivasis from harassment by the forest officials as they will no longer be encroachers, increase food production in the area and livelihood security this way restores dignity and creates incentive for conversion with sustainable use.

The major demarcation between Adivasis and caste society is that the basic unit in Adivasis society is the clan and not patriarchal family. The social, economic and administrative life within the Adivasi societies is closely interlinked. The identity of an Adivasi does not depend upon a plot of land but on a territory and ecosystem of mountains, rivers and vegetation. There are no hierarchies within this clan. The Adivasi society is egalitarian, has better sex ratio and women have equal status. The proposed Act in the name of protecting the traditional relationship between the Adivasis and the environment actually aims to destroy their social structure and impose Hindu patriarchal family structure. The enactment of a law without reassessment and reclassification of land use patterns makes little sense as the last such

assessment of forest resources, habitations and use patterns was made in the colonial period.

To ensure the land ownership and continuance of the way of life and livelihood of the Adivasis who still live in forests and get for the country, as collateral benefit, an arrangement for protection of forests and wildlife are pegged to the same groove. It is a conditional settlement. But what happens if the Adivasis decide to send his/her son or daughter to attain education and subsequently get a job in the city? Will the child inherit his/her father's property? According to the proposed Act, he/she cannot, as he/she personally will not be in charge of the protection and conservation of the forest!

The state and the Forest department in one stroke abdicated their responsibilities towards the Adivasis and the forest, thereby affecting the life and death anxieties of Adivasis to protect themselves, their women and children, their livestock and crops from marauders. The disastrous health status of their women isolated from quality medical service, the recurrent scarcity of minor forest produce they live on, the compulsions of seasonal migration for earning wages are all bypassed.

The most upsetting aspect of the Bill is that it seeks to deny the Adivasis the freedom guaranteed by the Constitution - the Right against Exploitation (Article 23), Right to Freedom of Expression (the Right to choose ideas of life and living implicit in Article 19 (1) (a)), Freedom to Practice a Profession of one's preference (Art 19 (1) (g)) and the Freedom to Reside and Settle in any part of India (Art 19 (1) (e)). They have the fundamental right to reject bondage (to the various Ministries and the nation), to chose lifestyles and careers they want, and to move out of the forests to settle anywhere in the country or emigrate. The Bill's brutal provisions takes away the choices of the future generations of Adivasis.

The other alternative is to resort to selective relocation of the Adivasis to the fringes of the forests, where they will have access to forest produces as well as health and educational facilities. The relocated

Adivasis should be provided with irrigated land like the case of Bhadra Tiger project in Karnataka. Here the relocation was voluntary; the government spent 11 lakhs per family which included irrigated land and decent dwellings and initial advances towards agricultural activities. It was done in a transparent way. Initially 70 families opted for relocation and the 300 remained back. After two years seeing the prosperity of these families the rest has opted to relocate.

Unless the implementing agencies have the commitment, the relocation can go horribly wrong as in the case of Sariska. Here it was a knee-jerk dislocation; the land allotted was of poor quality and was deficient in ground water. Relocation can be done only after a comprehensive survey and a case-by-case evaluation. Otherwise inefficient and corrupt rehabilitation

process can undermine even the marginal benefits expected of this Act. For example the government spends Rs. 7000 crores on various schemes for the Development of the country's Adivasi population of about 8.43 crores. Over 50 crores is spent only on Dangs every year for a population of 1,86,000, yet poverty persists. Hundreds of Adivasi women die from lack of medical facilities and children dying of malnutrition is rampant.

The Adivasis engagement with modernity ought to be consensual rather than violent. But it is no excuse to push them back into the forests where they have no access to medical facilities and schools. Those who argue that the Adivasis should be confined to the forests are those who wish to have endless supply of cheap labour on their agricultural land or domestic workers in posh colonies of metropolitan cities.

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Vikas Adhyayan Kendra, D-1 Shivdham, 62 Link Road, Malad (W), Mumbai 400 064, **INDIA**

☎ 2882 2850 & 2889 8662

Fax: 2889 8941

Email : vak@bom3.vsnl.net.in

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