

Land Alienation and Livelihood Problems of Scheduled Tribes in Kerala

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Introduction

The word 'tribe' is generally used for a socially cohesive unit, associated with a territory, the member of which regards them as politically autonomous. Often a tribe possesses a distinct dialect and distinct cultural traits. Tribe can be defined as a "collection of families bearing a common name, speaking a common dialect, occupying or professing to occupy a common territory and is not usually endogamous though originally it might have been so". According to R.N. Mukherjee, a tribe is that human group, whose members have common interest, territory, language, social law and economic occupation. Scheduled Tribes in India are generally considered to be 'Adivasis,' meaning indigenous people or original inhabitants of the country. The tribes have been confined to low status and are often physically and socially isolated instead of being absorbed in the mainstream Hindu population. Psychologically, the Scheduled Tribes often experience passive indifference that may take the form of exclusion from educational opportunities, social participation, and access to their own land. All tribal communities are not alike. They are products of different historical and social conditions. They belong to different racial stocks and religious backgrounds and speak different dialects. Discrimination against women, occupational differentiation, and emphasis on status and hierarchical social ordering that characterize the predominant mainstream culture are generally absent among the tribal groups. Although Scheduled Tribes are a minority, they constitute about 8.2 % of the total population in India, or 85 million people in absolute number. The tribal population is an integral part of India's social fabric and has the second largest concentration after that of the African continent.

Keywords: land alienation, Marginalization, occupational differentiation

Problems of Tribals in Kerala

Highest concentration of Scheduled Tribes in Kerala is seen in Wayanad district (37.36 %) followed by Idukki (14 %) and Palakkad (10.8 %). In Kerala, tribals constitute 1.1 percent to total population. The tribals in Kerala are not only geographically concentrated, but are overwhelmingly rural. The celebrated Kerala model of development has not made much change for the socio-economic life of the marginalized sections of Kerala. Extreme levels of poverty, deprivation and vulnerability, High levels of exclusion, both developmental and social, extremely low levels of empowerment (political, social and economic), rapid marginalization due to unfair, unequal and exploitative relations of production, and exchange between tribal communities and others, Low level of access to entitlements, Practically zero participation in development matters with no autonomy in any form of decision making, abnormally huge siphoning of developmental resources and benefits meant for tribal people by middlemen, Poor human development with low levels of literacy and access to health care, rapid alienation of assets like land, alarming depletion of social capital, especially traditional forms of organization and leadership, quick deterioration of traditional knowledge systems and cultural attainments, fast-increasing tendency to use tribal people as cats-paws in criminal activities like illicit distillation, cultivation of narcotic plants, stealing of forest wealth, etc., High levels of exploitation of women by outsiders, weak delivery system of public services, dependency-inducing developmental programmes relying on distribution of benefits, rather than building up of capabilities, implementation of ad hoc and stereo-typed developmental programmes in the absence of proper planning, very weak monitoring systems etc are the problems faced by the tribal community.

Land Question and Tribals in Kerala

Alienation of land is a serious problem faced by the scheduled tribes. Land is the mainstay of the tribals and more than 90 per cent of them are dependent on agriculture and allied activities. Hence, land is the only tangible asset of a tribal community, and they are emotionally attached to it. The number of landless tribals has increased during the last decade and several reasons can be attributed to this phenomenon. Scheduled tribes largely depend upon non-tribals to meet their credit requirements. The socio-economic survey of tribals, reveals that tribals alienate their lands mainly for meeting their domestic expenses and for clearing their past debts. The main causes of land alienation and landlessness among the tribals are poor economic conditions, drinking habit, indebtedness, urbanization, industrialization, lack of land records, administrative inefficiency, delay in getting, Judgment, oral

mortgage of lands in the hands of non-tribals, non-possession of Judgment, interest not shown by tribal pleaders or not taking interest due to heavy bribe, fear from police and court establishing marriage with tribal women and share cropping. Land alienation has given birth to several allied problems among the tribals, i.e increased poverty among the tribal's, decreased the occasion of employment, migration of tribals, exploitation of tribal laborers, exploitation of tribal women, created tension between tribals and non-tribals, increased the distance between the rich and the poor tribals, developed extremism and naxalism in tribal areas, brought law and order problem in tribal areas, directly or indirectly and brought the incidence of beggary and prostitution in the tribal areas. In post-independent Kerala, large-scale alienation of tribal lands took place mainly due to the immigration of plainsmen to the hill areas, displacement for projects etc. The historic Kerala Land Reforms Act 1963, with its „land to the tiller“ policy unfortunately turned out to be a nightmare for the tribals. Under the new law, the occupiers of the land (settler farmers) became the owners and the original owners (the tribals) became landless and were reduced to the status of agricultural labourers. This resulted in the total derailment of their life.

After the enactment of Kerala Land Reform Act, the non-tribal communities who invaded Attapady and Wayanad behaved ruthlessly towards the Adivasis who are the real owners of the land. They exploited the Adivasis more unscrupulously than their former rivals, the British or landlords. The new masters and the Government bypassed the Dalit and advice laborers by focusing on giving land rights to tenants only. In fact it was the apathetic attitude displayed by successive governments that made the issue more complicated. Thus the Adivasi issue in Kerala presents a dismal picture. As the Government remained indifferent, the Adivasis have from time to time tried to assert their land rights but were brutally crushed by unleashing the state violence as at Cheengeri (1995) and Panavally (1997) Muthanga and Chengara. The celebrated Kerala model of development has not made much change for the socio-economic life of the marginalized sections of Kerala. According to Chathukulam and John, tribals have been largely left out of the gains of the vaunted Kerala model of development (2006). According to Kunjaman (2002) systematic marginalization of the subaltern sections has been a blot on the Kerala model. In the implementation of land reforms, the fundamental programme for which Kerala is well known, the legitimate claim of the Dalits, the traditional tillers of the soil, to cultivable land was never recognized. Among the few states that have achieved Land Reforms in India Kerala has been rated very high. However, it is equally true that Kerala did not achieve complete success in land reforms. Land alienation started in the 1950s. In the meantime, the tribals acknowledge the fact that mobilization without any individual interest and ideological aspect can successfully address their real unrest in front of others. Therefore, when analyzing the recent history of tribal unrest in the last 100 years, over one million acres of land are believed to have been grabbed from Kerala's tribal population. Their long agitation to regain the forests and lands where their ancestors have lived for generations was intensified after the starvation deaths of 32 tribals last year. And the struggle is just about beginning to pay off in a scheme that could benefit hundreds of tribal families; the Kerala government is giving away surplus land to landless tribals. Four hundred tribals in Idukki, Kerala's largest district, have been promised between one and five acres of land per family. But that is just a beginning. For in the last 100 years, over a million acres of land are believed to have been grabbed from Kerala's tribal population. The government believes the free land will enable the tribals to sustain themselves instead of relying on state support. However, to benefit its nearly 50,000 landless tribal families, Kerala needs over 100,000 acres of surplus land -- which it says it doesn't have.

Statement of the Problem

The problem of land alienation is a much deeply connected phenomenon with full of contradictions related to the existing socio economic order. “We do not know where the tribals, who had been living in this settlement till about five years ago, have gone. They have been driven out of their land”. This is the condition of Kerala tribals. Alienation means in the form of sale, mortgage, encroachment and other type of transfer like benami transfer. Alienation of land is a serious problem faced by the Kerala tribes. The number of landless tribals has increased during the last decade and several reasons can be attributed to this phenomenon. Tribals largely depend upon non-tribals to meet their credit requirements. The socio-economic survey of tribals reveals that tribals alienate their lands mainly for meeting their domestic expenses and for clearing their past debts. The separation of land from tribal communities can be understood in a more scientific substantive manner with the help of the theoretical formulation of the concept of alienation. Alienation is inherent in exploitative relations of production and its nature varies with that of exploitation. Hence also differ among societies based on slavery and serfdom connected phenomenon with full of contradictions related to the existing socio economic order. Land alienation continues to be a major issue among tribal communities, their land is lost to settlers and encroachers. In the process, they lose their livelihoods as well. The excessive dependence of tribal communities on land for their income and employment makes land alienation and landlessness a major livelihood concern of the tribes.

Causes of land alienation

Lack of legislation to prevent the passing of tribal land into the hands of non-tribals has added tribal unrest. Due

to some loopholes in the existing system of law the tribal land continues to be alienated to non tribals for their own exclusive uses. The state Government also acquired tribal land for industrial, irrigation, power, mining, and other projects. As a result, the tribals have been deprived of their rights over the land. The backward communities incur debt almost entirely for non-productive purposes mostly to meet day-to-day expenditures. The forward communities have incurred debt mainly for farm purposes. The level of indebtedness is more among them than the backward communities. Borrowings as the main source of meeting hospital expenditure of high percentage of tribal population. They cite financial incapability as a major hindrance to using health-care facilities. This is so when treatment is free in government hospitals and cultural aspects are found to be not roadblocks in accessing health care. The problem is their inability to meet incidental expenses such as travel, bribes to doctors and boarding and lodging of bystanders associated with treatment. The twin factor responsible for land alienation is:

- (a) Economic poverty of tribals
- (b) Simplicity and honesty of tribals.
- (c) Unawareness of forest act, illiteracy, poverty,
- (d) Absence of banking facilities in tribal areas are the other reasons of land alienation.

Struggle for land in Kerala.

Chengara Struggle.

On 4th August 2007 thousands of poor farmers started occupying part of the Chengara Harrison Malayalam estate (also called as Laha estate and operated by Harrison Malayalam Plantations Ltd.) in Chengara, Pathnamtitta district, Kerala state in India. The poor farmers are composed of landless Dalits and Adivasis as well as scores of families from other marginalized communities, Muslim communities, etc. from all parts of Kerala. They are seeking ownership of cultivable land for five thousand poor families. They aim to re-claim ownership of the land that has been part of a long-standing promise of the State government for land distribution. Since then, Dalit and Adivasi land struggles in Kerala attained a new order of practice. For the first time ever, a large-scale mass occupation of land happened in Muthanga. But it was met with violence like in other states in India. Many other places where the people have tilled the lands for generations also suffered from state violence. The poor farmers in the Chengara estate pledged to fight for their right to land without using violence¹⁰. The problem is not solved yet.

MUTHANGA LAND STRUGGLE.

Following a series of deaths by starvation, the Adivasis of Kerala had launched a protest in August 2001 by setting up 'Refugee Camps' in front of the State Chief Minister's residence. The protest continued for 48 days forcing the Government of Kerala to promise the disbursement of land and other rehabilitation measures for the Adivasi people resident in the state. Seeing no implementation of the promise, the tribal alliance renewed their protest. The indigenous people of Wayanad decided to enter the forest under the banner of Adivasi Gothra Maha Sabha (AGMS). The Muthanga forest where AGMS put up huts are recognized as the homeland of different Adivasi communities in Wayanad such as the Paniyas, the Vetta Kurumas, the Kattunaikkas, the Adiyas and the Mullukuruma. Adivasi families had been forcibly evicted from Muthanga during the 1970s after declaring the area as a sanctuary and in the 1980s for establishing eucalyptus plantations. The evicted tribal groups were compelled to live in reduced circumstances in several tribal colonies. The Adivasi families who entered the forestland sought to assert the traditional right over the Muthanga forests. The atrocities and firing that took place at Muthanga drew attention across the nation to the land struggles waged by the landless in Kerala. After the 19 February 2003 actions by Police Forces of the Kerala State, the tribals were arrested in connection with the eviction-operation in Muthanga Wildlife Sanctuary in Wayanad. Police arrested all the accused along with 37 children were deported to the Central Jail in Kannur district. A total of 33 men were charge-sheeted under various sections of Indian Penal Code (IPC) and the 99 women under the sections of the Wildlife Protection Act. On 20th Feb 2003, 132 persons were remanded, which includes 99 women volunteers of the Adivasi Gothra Maha Sabha (ADMS) to judicial custody for 15 days¹¹. Two persons, one a policeman and the other a tribal activist, are reported to have died in the police operation.

STORY OF ARALAM FARM STRIKE.

The Kerala government bought Aralam farm (3,060 ha) from the Central Government as part of a post-Muthanga agreement in 2004 with the Adivasi community. Half of the farmland would have been used for the rehabilitation of landless Adivasis; the rest to remain as a farm. However, the decision taken by the Government to convert the remaining part of the farmland into a company, declaring it as an ecotourism project is a clear indication of its priorities. In a cabinet meeting in August 2009, the Kerala Government finally decided that a company would be formed under the control of the Government at Aralam farm. This is in response to a stay order by the High Court of Kerala against an earlier move by the State Government to convert the farmland into

a "Private Limited Company". Whatever the nature of the proposed company, private, public or under the control of the Government could be, the leaders of the adivasi movement are opposed to it. The story of Aralam farm and attempts towards converting it into a company is crucial today where the landless Adivasis and Dalits of Kerala are being further denied their basic rights and even what has been agreed in principle for them.

Suggestions for solving tribal land Alienation in Kerala.

The Kerala Government would do well to take note of the progress made in the restoration of alienated land to the tribals as had to been recommended by the Dhebar commission and also implicit in the parent act of 1975. There is an urgent need to provide land for the landless adivasi families by identifying cultivable lands. The untoward consequences of spread of cash crops, settler encroachments, displacements due to developmental project and land reforms implemented the states need to be countered either through the restoration of alienated land to the original owners or through assignment of fresh lands.

Intensity of the tribal land problem

This is true that most of the tribal land in tribal areas has been now legally transferred to non- tribals. Now in Kerala tribal movements are demanded this land should be returned to them. In the early period tribal people enjoyed much freedom for use and hunt animals freely in the forest areas. They are much closes with forest and its gods emotionally. The tribals who are "deprived" of their rights to the land and forest have reacted sharply to the restrictions imposed by the government on their traditional rights. The innocence, illiteracy and introvert attitude of the tribal peoples are exploited by outside people. The tribals are exploited by land lords, money lenders, forest contractors and revenue officers. Majority of tribals are extremely poor and economically backward so various economic programmes and project have been undertaken to improve their economic position. The government says its revenue officers are now identifying surplus agricultural land in every part of the state to distribute among the state's tribal population. The idea is to make Kerala India's first state without a single landless tribal. The process of land restoration began following the unprecedented starvation deaths of 32 tribals in July-August 2001, and the subsequent 48-day agitation launched by the Adivasi-Dalit Action Council led by C K Janu in front of the Secretariat. The agitation ended on October 16 when a seven-point agreement was reached with the government. The seven-point agreement of October 16 said that five acres would be given "wherever possible" while a minimum of one acre -- which could go up to five acres "depending on the availability of land" -- would be given in other places. The other points of the agreement were : 1) Implementation of a five-year livelihood programme on the land distributed until it becomes fully productive and the adivasis can sustain themselves; 2) Enactment of a fresh law to prevent alienation of these lands as had happened in the past; 3) Passing a cabinet resolution asking the union government to declare the adivasi areas of Kerala scheduled areas and incorporating them under Schedule V of the Constitution; 4) The government would abide by the Supreme Court decision on its appeal against the Kerala High Court order quashing the Tribal Land Amendment Bill passed by the state assembly in 1999; 5) Preparation of a master plan for tribal development with the participation of tribals and its implementation; and 6) At least 10,000 acres would be found and distributed in Wayanad district, which has the highest concentration of landless tribals. However, the agitation led by C K Janu and the October 16 agreement came under suspicion even from sections of tribals.

The 1975 Act, passed unanimously by the Kerala Assembly, promised to restore all the land lost by tribals since January 26, 1960, after seizing it from encroachers. Stressing that the only solution to the tribal land problem lies in restoring all the alienated lands to the tribals, Nattan Mooppan states: "Since tribals can never leave our ancestral land and traditional tribal settlements, we should be given our own land which was occupied by non-tribal settlers. We believe that our forefathers still live in this area as also our forest gods whom we worship. We cannot leave this land because of the sentimental attachment to it. Our life is linked with the forest and the land we owned. Once we are forced out of it, our tradition, livelihood and existence are hampered. When we are removed from our original habitat, we'll perish like fish out of water. Land is not only the lone dependable source of our livelihood, but also the foundation of our social prestige and standing within society. Social prestige among tribals is measured in terms of land ownership, particularly possession of hereditary land. Providing alternative land can never be equivalent to our right on hereditary and ancestral land."

"Those who have come from the plains to snatch our land have no such sentiments as the tribals. Therefore, the government should give those who occupy our ancestral land the alternative land available for distribution with the government. The only solution to the whole gamut of tribal land problems is the restoration of our ancestral land to us as per the 1975 Act."

According to the latest information, even if all the tribal project lands in Wayanad district are taken to distribute one acre to each landless tribal family, there will still be a shortfall of 17,347 acres to be identified within the district. This is against the stipulation in the seven-point agreement of October 16 that "the maximum possible extent of land should be found and distributed in Wayanad district" which has the largest concentration of landless tribals. Promises notwithstanding then, the new year is unlikely to be a happy one for Chief Minister

Antony. It is unlikely also to provide a lasting solution to the problems of Kerala's landless tribals. Sixty seven percent of those displaced in the Pooyamkutty hydroelectric project were tribals. The Neriamangalam hydel project displaced 150 tribal families. The Periyar Tiger Reserve displaced fourteen tribal families. The rehabilitation package for these families was also denied because they had no documents for land in their possession. Despite epochal laws and Supreme Court orders, restoration of tribal land remains a mirage. In this context, the need for another land reform is enquired and analyzed. Both these sections have been considered only as eligible for charity and welfare

. They have never been recognized as active players in development. Their contributions to the development of the state are seldom recognized. The post globalised developmental projects and developmental dreams of the state has again made the deprivation of the tribals of Kerala and the developmental divide has increased between the tribal and non-tribal in the state. ever-increasing phenomenon.

Jose Murickan and others (2003) highlights some of the displacement figures among tribals in Kerala. The Idamalayar project displaced between 100 and 150 tribal families. Tribal lands are rich in hydrologic and other resources. discontent towards the state, the movements and mobilizations play a tremendous role. The adoption of New Social Movements (NSM) contributes much to articulate the tribal people to fight against their plight of marginalization and landlessness which would cause them to lose their identity. Amartya Sen is absolutely correct in holding that such groups should mobilize themselves on the basis of the problems specific to them. After all, in the absence of a revolution, such group specific actions are the only means of improving their conditions. Sen's thesis on group-specific mobilization based on basic issues stands vindicated (Sen 1999). In the recent past, Kerala witnessed the rise of land struggles from landless agricultural workers and Scheduled Tribes. The Muthanga agitation in Wayanad in 2005 was led by the tribes. Similarly, the landless set, mostly Scheduled Castes and Scheduled Tribes, conducted the Chengara land struggle between 2001 and 2010. Indeed, these struggles and mobilization are the real fight of those who toiled in land and asserting their right to own sustainable land in a society that professes equality and fraternity. According to International Centre for Anthropological Studies (AICAS), in Attappady alone, over 10,796.19 acres had been alienated from tribes people between 1960 and 80, reportedly the highest in the. A common feature shared by most of the tribal people is their remoteness and marginal quality of territorial resources. In the past, exploitation of such poor regions was found both difficult and uneconomic. But, the recent rapid technological advancement and unrivalled economic and political strength of world capitalism, and the rising power of neo-colonialism through the G-8 directly and the IMF, WB, IBRD, etc., as agencies, have created favourable conditions for the evasion and extraction of natural resources from the ecologically fragile territories of tribal people. Thus, forced evictions of tribals to make way for mammoth capital-intensive development projects have become a distressing routine and it easily makes them the most attractive sites to locate development projects of various kinds. For multinational companies looking for investment opportunities these areas are fast becoming favorite destinations (Hari, Nohan Mathur). Illegal acquisition of land by private sector companies like Suzlon (that erected 31 windmills in Palakkad district) is a classic example. Displacement for projects has resulted in greater landlessness for tribals. There is no reliable and complete information on the number of tribals displaced in the country since independence.

Conclusion and Suggestions

Despite Government initiatives and developmental projects the existing socio-economic profile of the tribal communities is low compared to the mainstream population. All forms of social exclusion and a high degree of deprivation are the major problems faced by the tribal community in Kerala. The Constitution of India makes special provisions for socio-economic development of the tribal groups. It is also a fact that pre-independent and post independent governments in our state could not and did not do much for the upliftment of the marginalized groups. The actions of successive governments in Kerala unfortunately failed to solve the tribal issues. These groups have very limited capability to act as strong pressure groups in Kerala politics, because of the poor organizational strength; and bargaining power. Consequent to this, the political bodies seldom take care of their concerns. Therefore the government should take steps towards developmental activities in all oorus, including provisions for water supply, bus services and roads, constitute a "Special Land Tribunal" to redress the grievances related to land alienations and Prevention of any further alienation of adivasi lands, ensure that the adivasis have full and complete control over their lands and its produce and various insidious practices of non-adivasis to take control of the land and their produce should be dealt with firmly.

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