

Chapter 6.2Problems of Tribal CommunitiesLand Alienation

Relation between tribal and land is not only limited to economic or livelihood activities but also they have great emotional attachment. Entire socioeconomic life of tribal moves around the land and forest.

Nearly 90% of tribal population are engaged in agriculture and allied activities. Tribal land holding may appear bigger than average national size but it nullified by poor fertility of soil, technological backwardness and low inputs from tribal communities.

Tribal people mainly knows about agriculture and forest, they lack other skill (most of the tribes) which they can used for livelihood. If we separate them from land and displace them or provide them with cash incentives, they may spend it on pleasure giving activities and later they will be facing issues like poverty, indebtedness, unemployment [observed in many cases].

## Impact / Issue of land alienation :

- ↳ Nearly 30-50% of tribal households are affected by land alienation (sample survey of Rural development 1988).
- ↳ More affected in areas of rich mineral resources like state of Odisha, Chhattisgarh, Jharkhand, etc.
- ↳ Nearly 80% of land goes to non-tribal people
- ↳ According to Census 1981, 33% of scheduled tribal families were landless, percentage may have gone further down in recent period.
- ↳ However there is lack of uniform data on the landlessness according to various government documents.
- ↳ This all figures shows that there has been continuous decrease in cultivator or land owners and increase in farm labourers or landless tribal population.

## Causes of Tribal land alienation :

- (1) Development induced displacement : Land alienation for developmental projects like mining, dams, industries, power projects, etc.
- (2) Land alienation due to shortage of money and indebtedness. This trend has been increased since tribals come in contact with outsiders.

- ③ lower income from agriculture and continuous increase in cost of living led to land alienation to moneylender or nontribal shopkeepers.
- ④ Due to poor land records : most of the records are based without empirical evidences and then exploited by moneylender & landlords  
e.g. case of Sonbhadra massacre - Gond tribal land dispute due to documentation issue.
- ⑤ Conflict of tribal - forest department
- ⑥ Increasing population pressure on land.
- ⑦ shift in consumption pattern led to increase cost of living, increased alcoholism, expenditures on rituals and ceremonies.
- ⑧ Illiteracy and ignorance of tribals
- ⑨ migration of nontribal to tribal area
- ⑩ Due to Conflict Zone : Naxal area.
- ⑪ Loopholes in land acquisition laws.
- ⑫ Encroachment policies due to urbanization.

### Consequences of land alienation :

- ↳ migration of tribal to urban area, outside forest
- ↳ loss of livelihood and employment hence this led to increase manual labour, Bonded labour, etc.

- ↳ Impact on tribal health and education as livelihood impacted.
- ↳ Exploitation of tribal women and children
- ↳ Lack of skill, hence manual work, lower salary
- ↳ Increase tension between tribals and non-tribals.
- ↳ Increase in alcoholism, addiction, etc.
- ↳ [Sometime tribal participates in tribal unrest or Naxal movements].

### Methods of land alienation

- ① Government capture land in the name of public purpose (for developmental activities)
- ② By manipulation of land record (faulty accounting system is used by moneylender and local land revenue officers - Nexus)
- ③ Benami Transfer of land to nontribal
- ④ Encroachment where land is not available - by nontribal, forest, urbanization.
- ⑤ Marital alliance (by nontribals) for land grabbing purpose.
- ⑥ By sale, mortgage; lease of land

## Case Studies :

### ① Sonbhadra district (UP) tribal massacre:

Dispute over land between Gond tribes and local Gujjar community. This led to killing of 10 Gond tribal in recent year. The main issue was of land record have not clarity about ownership of land.

### ② Samatha Case (AP) 1997; Transfer of tribal land to private mining project was stalled by court. [land alienation for developmental project].

### ③ Korwa Tribe of Sarguja district :

- ↳ This tribe has been a worst victim of money-lending practices in area. [muslim moneylender locally called Miyan]
- ↳ They are ever ready to give advance loan only on condition of mortgage of land. tribal people's addiction to alcohol has been major reason for cash loan. ⇒ when not paid back then land alienation happens.

### ④ Tharus of Tarai region of UP are victim of Punjabi refugee, moneylender, traders.

⑤ Saaria paharia tribe : study by Dr. Sachindra Narayan. He observed that mahajanas exploits Paharia. They ~~charge~~ exploit Saaria by faulty accounting system as saaria (majority) are illiterate [Even saaria people knows they are being exploited]

⑥ Bouruwaka , East Godavari district (AP), where Samatha (NGO) study found that there is dispute over land between tribal and nontribals to claim land [originally of tribals].

#### Legislative measures taken :-

- ↳ Assam Land Revenue Regulation Act 1964
- ↳ MP Scheduled Area Regulation Act 1954
- ↳ Maharashtra Land Revenue Act
- ↳ Land Acquisition, Rehabilitation and Resettlement Act
- ↳ Provisions under 5th & 6th scheduled area.
- ↳ Forest Rights Act 2006.

#### Deficiencies in remedial steps :-

- ① Lack of implementation of laws, political will lacking in many states .
- ② Some state provides legal protection to tribals of scheduled area [ As S.T. in Scheduled area only benefited & not S.T. outside sched.area ].

- ③ Absence of provision of suo moto action by administration.
- ④ Loopholes in various laws e.g. forest Right Act 2006.
- ⑤ Lack of documentation of land with tribal, laws are silent on this issue.
- ⑥ Lack of time provision for rehabilitation and Resettlement.
- ⑦ Lack of adequate provision of transfere of tribal land from one tribal to only other tribal (lack of implementation even if provision present)
- ⑧ Lack of Banking facilities and Loan provision to manage problem of moneylenders.
- ⑨ Lengthy court procedures, Ambiguities in various provisions of laws make it more difficult.

### Government Measures :

- (i) Tribal area : Panchayatraj institution strengthened and Gram Sabha given prime role to handle issue of land alienation and moneylenders [PESA 1996].
- (ii) Land record upgradation has been started in many states.
- (iii) Banking facilities and provision for loan/credit to tribal area has been promoted in recent time.

(iv) Awareness and mobilisation of tribals in more affected area have been started.

(v) Improvement in implementation of legal remedies  
- Moneylender (Prohibition) Act.  
- Forest Right Acts.

(vi) Development project : Land is provided as far as possible to most of displaced tribals.

[on ground many cases lack this implementation]

### Some Recommendations :

- ↳ Need to strengthen financial inclusion and credit services.
- ↳ Essential commodities should be made available to tribals, so they will not go to moneylender.
- ↳ Speedy disposal of cases related to land alienation. e.g. special court, mobile court, etc.
- ↳ Digitalisation of land record
- ↳ Better compensation provision e.g. AP Compensation Act (Xaxa)
- ↳ Need clear definition of 'public purpose'
- ↳ Improve employment opportunities in tribal areas e.g. MGNREGA, TRIFED, LAMPS, Vandhan scheme.
- ↳ Strengthen co-operatives, self employment.

- (1) Return of extra land to tribal [acquired for developmental project by government].
  - (2) Rehabilitation should be included in govt. budget.
  - (3) Need clearcut definition of 'public purpose' phrase cost. and not separate it.
  - (4) Gram sabha under Schedule VII area require to be strengthened. Need to give plenary power to Gram sabha under Schedule VII area to be strengthened. Need to give plenary power to Gram sabha under Schedule VII area to be strengthened.
  - (5) Transfer of land from tribal to nontribal should be completely avoided / banned.
  - (6) Improve legal aid to tribal persons.
  - (7) Implementation of FRA 2006 in letter and spirit.
  - (8) Better compensation mechanism (A.P. Compensation Act).

## X-axis Committtee Recommendations

↳ Land alienation in North East India - less Impact

private mining firm (by govt. under public purpose)

tribal people. Land was initially allocated to

disjunction to suffice given to return the land to

② Samatha judgment (1997), Apex court given

Land can be given as compensation !!

are displayed due to project and "No less than

Court has ordered to give land to tribes who

Narmada (Sardar Sarovar) dam case (No1), Apex

ANSWER:  $\frac{1}{2} \pi r^2 h$  cubic units

## Supreme Court Judgments

## In debt edness

Chronic form of indebtedness has been a major problem for all Indian tribes except may be few Northeastern tribes, which were isolated from middlemen and contractors during British rule.

⇒ Nearly 80% of tribal population is affected by indebtedness tribals mostly borrows money from unorganised sources mostly from moneylender or shopkeepers.

⇒ Tribals were living in self-sufficient economic condition, forest wealth was at their disposal to sustain them. But unfortunately when their habitat were thrown open as a result of outsiders contact, they found themselves completely ill equipped to enjoy their new way of life started due to developmental projects and contact with outsiders.

## Reason for indebtedness :-

↳ Problems started after British introduced tribals to monetary economy which replaced barter system present in tribal societies.

- ↳ Loopholes in moneylending (Prohibition) Act/Laws.
- ↳ This led to entry of outsiders: moneylenders, traders, merchants into tribal areas.
- ↳ Lack of formal financial credit system, tally land records, and addiction led to indebtedness of tribal communities.
- ↳ Loss of land rights and forest rights led to borrowing money for daily expenditure.
- ↳ Poor and primitive agriculture resulting into low income from agriculture.
- ↳ Outsiders influence: changes in expenditure pattern, marriage ceremonies, rituals, etc. This led to borrowing money from moneylenders.
- ↳ Lack of awareness, illiteracy of laws, banks.
- ↳ Adherence to Panchayat decisions regarding fine for fear of excommunicate.
- ↳ Dowry or Bridewealth money requirements.
- ↳ Lack of basic essential commodities in tribal area [e.g. PDS system]
- ↳ Ban on shifting cultivation hence livelihood.
- ↳ Displacement due to develop. projects: New place lack land resources, employment, etc.
- ↳ Tribal way of life: extravagance, Alcoholism, no habit of saving led to indebtedness.

### Moneylenders Role :

- ↳ Loopholes in money lending laws : exploitation of tribals
- ↳ faulty land record, nexus between moneylender and local revenue officials.
- ↳ Land mortgage , failed to repay - land grabbing
- ↳ Simple method to give loan : no documentation needed hence more prevalent
- ↳ High interest rate , Bonded Labour system.

### Consequences :

- ↳ Land alienation and transfer of land to nontribe
- ↳ Bonded labour, chronic diseases, liquor habit.
- ↳ Poverty vicious cycle, Health and education of family member compromise , loss of freedom.

### Case Studies

- ① Tharus of UP
- ② Korwa of Sarguja district
- ③ Saaria Paharia study by Sachindra Narayan
- ④ Koltas of Jaunsar-Bawar (UP) are worst victims of money lending
- ⑤ Bonded Labour :
  - Rural Bengal Juni system of interest.
  - Loan transfers from father to son

## Government Measures

④ 5th Schedule of constitution empowers the Governor to regulate business of moneylenders

↳ Hence many States passes laws/ Acts :

- (i) Andhra Pradesh scheduled area moneylender Regulation 1963.
- (ii) Assam moneylender Regulation 1968.
- (iii) Bihar moneylenders (Regulation of Transaction) Act 1939.

However, there are deficiencies in these Act/law:

- Lack of political will and Commitments
- Weak enforcement of laws
- Fines or cases to considered under laws have not been updated (e.g. 100, 200 ₹ fines)
- Not implemented outside scheduled area.

## Remedies :

↳ Planning Commission had identified 2 Pronged strategy :

- ① Longterm credit facility to tribals need to provide
- ② Improve repaying capacity of tribals through raising economic condition.

- ↳ Effective implementation of 5th schedule area.
- ↳ Removal of loopholes in existing laws are needed.
- ↳ making availability of essential commodities to tribal at fair price (P.O.S.)
- ↳ Improve formal credit availability using SHG, PAC, post office bank, NABARD, LAMPS, use ICT.
- ↳ Improve financial inclusion along with awareness about moneylender exploitation.
- ↳ Lead Bank scheme should keep vigilance on institution .
- ↳ promotion of Co-operative societies ( LAMPS )
- ↳ Promotion of saving habit through SHG ( Vandhan scheme )
- ↳ Training and skill development programme to tribal youth [ Gujarat providing driving skill to kathiawar region tribal youth ].
- ↳ Need regulation and inspection of licenses of moneylenders .
- ↳ Employment opportunities to tribal peoples through various programmes e.g. MGNREGA , TRIFED , etc.

## Xaxa Committee report Recommendations:

- ↳ Strengthen role of Gram Sabha under 5th scheduled areas.
- ↳ Credit supply improvement with financial inclusion in tribal area.

### Case studies

- (1) Kandha tribe (Odisha) collect Siali leaves for <sup>(tee)</sup> droma patra preparation through SHG → They send these droma to Tirupati devasthan through marketing by TRIFED.  
↳ Hence regular earning, saving habit and better livelihood condition among kandha tribals.
- (2) Priyadarshani Tea estate (Kerala):- Tourism promotion on tea estate, provides daily meal to tea worker and livelihood to tribal youth. (Started programme by Prashant Nair)
- (3) Collection of Lac and Coir industries in Coastal tribal population.

## Poverty

Poverty and exploitation are synonymous with most of the tribal area now. This exploitation with chronic form had been embedded in India's colonial history. Efforts to solve the poverty began with rapid industrialisation, green revolution and increase in per capita income through development of service sector. It is however a paradox of our planning that it has failed to improve lives of people and bring them out of poverty.

### ↳ Poverty among tribals :-

% of tribal Population	Planning Commission (2004-05)	Tendulkar Committee (2009-10)
Rural	47.3 %.	47.4 %.
Urban	33.3 %.	30.4 %.

- ↳ Tribals which are already ill equipped with resources are finding difficult to come out of poverty cycle.
- ↳ There are various causes of poverty prevalence among tribal population.

## Causes of poverty

- ① Model of planning : emphasis on Industrialisation, manufacturing, etc. (trickledown theory).
- ② low Agricultural productivity, Ban on the Shifting cultivation
- ③ Contact with outsiders led to change in expenditure pattern , hence lack of saving and led to indebtedness which in long run led to poverty.
- ④ Loss of forest rights and land rights due to moneylenders, developmental project, forest dept.
- ⑤ Land alienation to nontribals, hence tribal become landless labourers and daily wage labourers — less income — poverty cycle.
- ⑥ Displacement due to developmental project, where new place lack livelihood opportunity due to land scarcity, low level of skillset, etc.
- ⑦ Globalisation : linking tribal land and forest to international market, disrupt tribal markets.
- ⑧ Inadequate State assistance and programme
  - financial inclusion
  - lack PDS implementation.

- ⑨ Alcoholism, chronic diseases led to huge expenditure
- ⑩ Infrastructure lacking for development of tribal economy e.g. Craft Industry has weak marketing linkage with mainstream economy.
- ⑪ Failure of government programmes / schemes
- ⑫ Psychological state of accepting deprivation and lack of aspiration among tribals.
- ⑬ Illiteracy, lack of skill, led to weak employment opportunity.

### Steps taken by government

- ↳ Promotion of settled agriculture in place of shifting cultivation.
- ↳ Improvement of service delivery in tribal areas for essential commodities (PDS services)
- ↳ Laws to prohibit land alienation, moneylending regulations.
- ↳ Improvement of Infrastructure :
  - Connectivity
  - Health
  - Education
  - Financial inclusion
  - Water and sanitation
  - Housing.
- ↳ Sustainable and inclusive development approach.

- ↳ Programmes for skill development and training have been started e.g. kaushal vikas yojana Vandhan yojana.
  - ↳ case of Gujarat tribal training to drive electric vehicle [kathiawar region].
  - ↳ self employment and wages employment scheme like MGNREGA.
  - ↳ TRIFED for marketing forest produce.
  - ↳ Tribal Haat, e-commerce [Amazone], SHG promotion (kandha tribe - Dione - Tirupati supply)
  - ↳ Tribal subplan, vanbandhu kalyan yojana.
  - ↳ Vandhan scheme.
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- ↳ Along with poverty alleviation in the income / percapita income we need to address the issue of MPI (multi-Poverty Index) , which includes health, education and other parameters which will ensure overall development of tribal societies .

## Shifting cultivation

Shifting cultivation also known as Hill cultivation, slash and burn cultivation, also known as Podu or Jhum cultivation among Indian tribes.

Tribals inhabiting the hills of Assam, Arunachal, Meghalaya, Manipur, Tripura, Odisha, Andhra Pradesh, Madhya Pradesh and Chhattisgarh engaged in shifting cultivation.

In India nearly 6.4 Lakh tribal families are practicing this method of cultivation over nearly 1 million hectare area.

### Shifting cultivation process :

- ↳ Process starts before summer in Feb-March, when big and small trees are felled and left for drying. In second half of summer (May-June) trees and bushes are set on fire. Seeds are sown at commencement of rainy season. Crop is harvested after the rainy season. Tribals take crop on 2-3 times on same place or land and move to new site for next cultivation.

### Characteristics :-

- ↳ Hardly any input in farm/Agriculture :- seed, fertilizers, pesticide
- ↳ Religious attachment of tribal towards forest and land  
e.g. Baigas of MP Considered that god has ordered them to perform shifting cultivation.
- ↳ Some tribes consider Mother earth could not be tortured by ploughing [Central Indian tribes]

### Consequences of shifting cultivation :-

- ↳ Agricultural researcher and ecologist considers this practice harmful to ecology because due to shifting cultivation — denudation of forest land, soil erosion, loss of fertility, loss of forest area (deforestation).
- ↳ Along with this agricultural yield is very low and hence it is one of the reason for tribal poverty and backwardness.

Hence, Government is promoting other alternative agricultural practices in place of shifting cultivation.

### Remedial measures :-

- ↳ Diversion of jhum cultivation to
  - Horticulture
  - Animal Husbandry
  - Craft making
  - Bee keeping
  - Sericulture

⇒ Dhebar Commission suggestions

- (i) Gradual regulation of shifting cultivation
- (ii) Establishment of Agricultural colonies
- (iii) Distribution of seeds, fertilizers, agricultural instruments (modern) to tribals, credit facilities.
- (iv) Incentives for permanent agri. practices
- (v) Demonstration of settle agriculture through models of settled agriculture to tribals.
- (vi) shifting cultivation change to terraced cultivation (specially in Northeast India)

⇒ Task force on shifting cultivation (1983)

- ① Rehabilitation of thum practicing families
- ② Development of their economy and alternative resources.
- ③ Provision of advance technology

Hence, these remedial measures should be implemented to discourage shifting cultivation. These suggestion will ensure tribal development along with discouraging shifting cultivation.

Some of the recent Ecological studies have claimed that shifting cultivation helping the forest Regeneration. Hence there is need for further detail studies regarding shifting cultivation practices.