CHAPTER 1

INTRODUCTION

1.1 Introduction

The present study goes into the problem of land alienation among the primitive and scheduled tribes of Nilgiris and Salem districts in Tamil Nadu. Land is a key asset for the tribes. It provides the foundation for economic activity and the functioning of market (for example, credit) and non-market institutions (for instance, local governments and social networks) in many developing countries. Given this importance, institutions dealing with land, have evolved over long periods. It is seen that land policies are invariably affected by the presence of multiple market imperfections. Land policies are of fundamental importance to sustainable growth, good governance, the well being and the economic opportunities of the poor. Therefore, research on land policy and analysis of specific interventions relating to land have long been of interest to the scholars, civil society institutions and the World Bank (World Bank 2003). However, the results of such research have not always been effectively disseminated to policy makers and other key stakeholders. As a result, discussion on land policies are often characterized by preconceived notions and ideological view points rather than by careful analysis of the potential contribution of land policies to broader development, the scope for interventions in the area, and the mechanisms that can be used to achieve broader social and economic goals. Given this lack of analysis, the potential for using land policies as a catalyst for social and economic change is often not fully realized.
The resources, land, water and forests constitute the cornerstone of tribal culture. Even after more than five decades of independence, there is no clear cut government policy related to these vital components of tribal culture (Kumar 2002). The problem of land alienation is more alarming today than ever before (Dalvi and Milind Bokil 2000). During the British rule, land alienation was not a serious problem. Its extent was so small that tribes had not been affected much, by way of either loss of land or loss of livelihood. In fact, the forests were plenty, and not completely occupied either by tribes or non-tribes. After independence also, the same situation continued but gradual influx of non-tribes in the tribal areas forced the tribes to leave their lands. Today, the growth of population and the government policies on forest and environment have reduced the land resources completely. So the demand for the land has been on the increase, forcing the tribes to be aliens to their own lands, thereby causing loss of their livelihood, culture and identity.

India is the second largest tribal populated country, next only to South Africa. The tribal communities comprise about 8.06 per cent of the total population in the country. Tamil Nadu is one among the states, having a significant tribal population. According to 2001 census, the total tribal population of Tamil Nadu is about 651321 i.e., 1.04 per cent. There are about 40 tribes living in the state, in which 6 tribes are considered primitive. All the 6 primitive tribes viz. Irular, Kattunaikan, Kota, Kurumba, Paniya and Toda are living in Nilgiris district. But their proportion is very small, in the total tribal population of the state. Malayali or Malayalee is the major tribe found in Salem, Vilupuram, Namakal, Dharmapuri, Tiruvannamalai and Cuddalore districts of the state. In this region, the non-tribal
farmers, moneylenders and traders trouble the tribes in various ways with the ultimate intention of driving them out of their lands. Studies have revealed (Roy Burman 1989, Sinha 1990, and Saravanan 2001) that the tribes are facing atrocities on women, besides exploitation by businessmen and forest officials. The present study attempts an in-depth analysis to highlight the magnitude of land alienation and its causative factors.

1.2 Background of the Problem

1.2.1 Pre-Independence Period

Almost all the studies in the pre-independence period focussed (Rao 1987) their attention on tribal custom, kinship, language, marriages, crime and other aspects or the tribal cultural life. In other words, most of these studies concentrated mainly on the anthropological aspects and entirely ignored the economic and political dimensions of the tribal society (Saravanan 1999). Issues like their exploitation, standard of living, poverty, and land alienation etc. have not received any attention at all during this period.

In the pre-independence era, the tribes covered most of the forest area in the country (Gail Omvedt 1979). The entry of colonialism into the tribal regions of India through various forms broke the communal mode of production and attributed judicial nature of the regions by way of adopting survey and, hence the emergence of the private right on land (Singh 1969). The tribal areas remained for a long time outside the land management systems, because of their inaccessibility. The tribal communities therefore developed their own tradition for management of land. As an
outcome, the land ownership among the tribes broadly fell under three categories viz., community land belonging to the village as a whole, land belonging to the particular major clan and the individual holdings.

As the British administration consolidated its position in India, it established three main systems of land viz., Zamindari, Mahalvari and Ryotwari. The tribal areas too came under anyone of these systems. The availability of land records also varied considerably among various places. Some provinces and many princely states prepared certain rough land records based on visual estimates without a detailed survey. These settlement operations too were conducted in the advanced areas, to the neglect of the tribal regions completely. So the transfer or alienation of tribal lands in the pre-independence period was an ignored fact, in documents. Naturally they did not receive any policy attention.

1.2.2 Post – Independence Period

The tribes in India, even after independence, were found under four different occupational categories viz., food gatherers, pastoralists, shifting cultivators and settled cultivators (Rao and Basharadoss 1989). These types of activities were found in some parts of the country and the tribes depended entirely on those activities for their livelihood, as long as they lived in isolation from the rest of the society. When the areas were opened for the purpose of development, the non-tribes began to live in the tribal areas, which signified the emergence of the era of land alienation.

into the tribal areas sometimes forced the tribes to leave their lands. Up to 1980s, this eviction did not pose any serious problem for them when the forests were still plentiful and not fully administered, and the pressure of population growth also was moderate. The tribes simply moved to yet another part of the forest, retaining their land with the earlier settlement for performing certain rituals, which characterised the tribal life. But at a later stage they settled in the new land establishing new bonds.

When the process of immigration by other communities, intensified substantially, they stopped their shift and came to realise the importance of land and its scarcity and began to safeguard the same (Thakur and Devendra Thakur 1994, Singh 1997, Karruppiyam 2001). These tribes possessed other assets, which were extremely meagre in the present stage of their economy. Besides there are many social and religious rituals connected with land, which establish emotional bondage between the tribes and their land. Thus land assured a greater significance than merely being a source of livelihood for the tribes.

The technological innovations and commercial agriculture have increased the demand for credit so that they depend entirely on the local moneylenders. In certain quarters, which force the tribes to borrow from the moneylenders at an exorbitant rate of interest, which grow beyond their credit worthiness within a short time, the tribes are ultimately forced to mortgage or lease out or sell their lands to the non-tribes to redeem their debts. Loss of lands further weakens the economic position of the tribes as permanent debtors, pushing them below the poverty line.
Several projects and programmes, including forest policies of the state and central governments implemented in national interests too increase the problem of tribal land alienation. Introduction of major irrigation dams (Balagopal 1989), Mines (Sinha 1989), Zoological parks (FIAN 2000), establishing various industries and large scale sanctuaries (Sarangi 1999) in the tribal belts resulted in displacement of tribes or loss of their lands. These tribes were neither rehabilitated properly nor were they given proper compensation (Viswanath 1997; Fernandes 1999).

During the 1970s and 1980s, the government of India and most of the tribal concentrated states realised the importance of the problem of land alienation and restoration of alienated lands through land legislations. In most of the tribal concentrated states, the government has implemented various legislative measures to prevent land alienation. The legislations too are not free from loopholes. Instead of preventing the land alienation, they allow the tribes to alienate their lands in illegal ways. In some states like Tamil Nadu, it is conspicuous that there is no exclusive legislation to safeguard the tribes from land losses.

1.2.3 Recent Trends

The problem of land alienation has been accentuated in recent times and is being viewed as a serious problem since the late 1990s. In realising its importance, the policy makers, planners and activists have engaged themselves in this problem. The exploitation by the non-tribes in the tribal belts, government’s policies on forests regarding environment, the establishment of mines, zoological parks, dams etc. together forced the tribes to leave their lands. Various promises were made to
the displaced tribes for their proper rehabilitation but they were not kept. However, there were so many tribal movements to champion the cause of restoration of rights over their alienated lands but succeeded partially.

Planning commission’s approach paper to the Tenth Five Year Plan (2002) pointed out that the problems of land alienation and their non-restoration, indebtedness, forest rights, land legislations, displacements, development of the primitive tribal groups, effective implementation of Tribal Sub Plans were the basic issues, which remained unattended. So in this plan (2002-2007) emphasis could be laid on safeguarding the interest of the tribes and the restoration of their alienated lands. Further, in the monsoon session (2003), the central government planned to give more powers to the existing SC and ST commission.

In the late 1980s a few studies came by assessing the magnitude of the land alienation, thanks to the encouragement of the Ministry of Home Affairs. In Tamil Nadu, the Tribal Research Institute conducted a study during 1989. A decade later, in 1998, there came another survey report released by two NGOs viz., ACCORD and Adivasi Munnetra Sangam. Both studies were carried out under the direction of the Ministry of Rural Development, Government of India. Certain specific attempts at quantifying the magnitude of land alienation appeared very rarely (Saravananan 2001; Rao 1989). However, a few others focussed on the issue, as an incidental exercise in their works (Gugan 1985; Saravanan 2003).

Given this backdrop, the present study focuses its attention on the major causes, agencies, magnitudes, adequacy of land laws, forms of alienation, impact of
various developmental activities, indebtedness and its impact on land alienation. Further, an in-depth analysis is being made here to highlight the magnitude of land alienation and its causative factors. Besides, the study expects to link the level of poverty and land alienation.

1.3 Research Issues

This section attempts to delineate various research issues to be pursued analytically in the present study.

1.3.1 Endowment of Natural Resources and Land Alienation: Studies have revealed that the causes for land alienation vary from region to region as well as tribe to tribe. It is understood that the poor endowment of natural resources and their social customs would have contributed to the deterioration of land possession. The present study makes an attempt to highlight the regional and tribal features of the study region. This analysis intends to identify the nexus between the endowment of natural resources and their socio-economic development. The results of the analysis, it is hoped, shall result in some concrete policy suggestions for the development of the tribes.

1.3.2 Causes for Land Alienation: The tribes' social customs, tradition and poor economic base prompted them to borrow from moneylenders at exorbitant rates of interest, which were arbitrary. This results in non-repayment of loans, thereby mortgaging of lands or sale of lands to non-tribes. In order to tackle this issue the policy makers evolved some development policies to arrest the process through their direct participation in lending and through various developmental programmes. But
the existing laws and the special programmes introduced by the Government could not reach the targeted population as expected and they have not made any significant impact in controlling land alienation and restoring the same to the tribes. Earlier, lands were alienated in favour of non-tribes. Now, during this period of state's active involvement in development programmes, the alienation has turned into an intra-tribal phenomenon. The researcher has to look upon this change and its consequences as presenting a new set of issues, from the angle of promoting their land related basic activities. The only outcome has been that it assumed a new complexion during this period.

1.3.3 Land Legislation: There are a number of legal provisions made in the country to protect the scheduled tribes from social and economic injustice and all forms of exploitation. The nature of law and the process of implementation vary from state to state, since this issue came under the state subject in the constitution. The State Government issued standing orders No. BSO 15 - 40 to protect the tribes' land alienation during 1986. But, it is exclusively meant for the tribe Malayalis. These orders could not arrest the land alienation of other tribes of the state. This has been witnessed in a number of districts of the state, and it has been recorded in some of the major surveys. As far as Tamil Nadu is concerned, the existing acts are meant exclusively to protect the backward people against indebtedness and these acts are found inadequate to cover the tribal land alienation. It is understood that the State Government drafted a law and submitted to the Central Government for their concurrence a decade ago. Due to the change over the political Governments, the parties reflected the minority issue and kept silent. At this juncture, the question
boils down to whether a new separate law is required at the state level to control and restore the alienated lands. Hence, the present study aims at analysing the adequacy of existing laws and finding the loopholes to arrest the land alienation.

1.3.4 Government Programmes: Central and State Governments have been implementing various developmental programmes viewing the tribal issues from different perspectives. These programmes vary in terms of rate of interest, subsidy and other financial and physical incentives. In this context, the question arises as to why these developmental inputs could not reach the tribes. This research question paves way to address the problems of programme structure, implementation, periodical monitoring and evaluating the impacts. This analysis intends to identify the specific problems of central and state sponsored programmes. Due to the discriminatory policies of the Government, the other economically and communally advanced population living in the adjacent areas, take undue advantage and employ various strategies to grab the programme benefits meant for the poor tribes.

1.3.5 Institution: Institution plays a vital role in achieving faster development. In the tribal societies, traditional institutions are very sound to preserve their socio-cultural traits. These institutions could not help them in preserving their basic production asset of land. During the post-independence era, the Government introduced various new economic institutions in favour of the tribes. The question in this context is whether such changes from the traditional to modern institutions help check the process of land alienation. Further, the analysis is likely to bring forth certain suggestions for strengthening the existing institutions in the tribal system, in the direction of enhancing their income and asset base.
1.3.6 Hurdles in Implementation of Development Programmes: It is observed from the major evaluation studies (PEO, NABARD, RBI, NIRD) and other higher level accounting bodies that the various rural / tribal development programmes could not be implemented in total as per the guidelines of the Government. The question that arises here is to probe into its persistence all over the country. The researcher has chosen to assess the perception of the tribes in the study region, the analysis of which is likely to help specify the loopholes in the execution of various tribal development programmes.

Keeping in view the various research issues discussed above, the researcher takes up a fresh study in Tamil Nadu of some select villages in the state that provide the micro setting of the study.

1.4 Plan of the Study

The plan of the study outlines the chapters. The first chapter introduces the study, proposing various research issues. The next chapter comprises the review of literature. The third chapter portrays the research design. The fourth chapter presents the setting providing the socio-economic profile of the study region, and features the individual tribes covered in the present study. The fifth chapter details the results and discussions. The next chapter outlines a few case studies highlighting stories of success and failure, in regard to land alienation. The succeeding chapter provides an integrated discussion followed by testing of hypotheses. The final chapter concludes the study documenting the major findings and some policy suggestions, which flow from them.