Chapter 5

Summary and Conclusions

5.1 Introduction

The preceding chapters described deforestation and planter and peasant resistance over forest control in the Nilgiri Wynaad. The concluding chapter shall initially recapitulate the basis of the study, its formulation as a research problem, its objectives, and the methods designed to achieve the objectives. Subsequently a summary of findings with reference to identities, strategies and ideologies of resistance, and the political and legal contexts of deforestation and resistance shall follow. Finally conclusions shall be presented by appraising deforestation and conflict in the Nilgiri Wynaad in the light of theories of resistance, their revisions and also theories of statecraft.

5.1.1 Development, Deforestation and Conflict in the Third World

Development has induced environmental change on a global scale, a phenomenon chiefly evident in third world deforestation. The social consequences are manifest in conflicts over resource degradation, access and control involving forest dwelling or dependent communities in Latin America, Africa, Southeast Asia and India. With a colonial history and contemporary continuity, conflicts in India transpire around complex nature-culture contingencies and remain materially and politically exigent. Along with other nature-based conflicts, forest conflicts primarily provide the basis for Indian environmentalism.
5.1.2 Theoretical Engagements with Forest Conflicts: The Resistance and Revisionist Schools

Sociological engagements with forest conflicts followed popular reportage in the early 1980s, which coalesced the environment-development dichotomy, which marked the Indian 'environmental movement' that emerged in the early 1970s. Environmental sociology, though with an initial 'problem' focus, critically engaged itself with environmental movements, which were configured as the resistance of subsistent and sustainable communities against the political-economic pursuits of the state and the market that wrought material exigencies on communities either through resource degradation or restriction of resource access and control. Such resistance entailed overt and covert strategies that were instructive in their idioms and ideologies. This resistance genre has been revised by a coalescing of environment-agrarian and subaltern-state-market dichotomies upon which the said genre premised its tenets. Revision principally denied resource or resistance 'agency' and instead postulated structural conditions of agrarian change and political and market intervention, such conditions circumscribed by 'locality' and its social, economic and ecological contingencies. Despite their varied theoretical orientations, the resistance and revisionist genres share a methodological tenet, albeit a variance in emphasis. While the resistance genre calls for a regional mapping of 'resistance', which otherwise replicates itself in form, content and 'common' state-market contexts, the revisionist genre deems the historical and situated analysis of resistance identities, ideologies and political and economic contexts, an absolute methodological necessity.
5.1.3 Deforestation and Conflict in the Nilgiri Wynaad

The empirical tenor evident in analytical trends, finds constituency in the Nilgiri Wynaad. Here forest conflicts between planters, migrant peasants and the state have emerged since 1969 when land policies of regularization, and agrarian reform were implemented in state lands and the jannam private estate, respectively. Planter expansion in, and peasant encroachment of, private forest leases and statized forests have ensued, resulting in rapid deforestation. Resistance of the state’s attempt to curtail deforestation and regain forest control have ranged from direct action to discretion. Ideologies of resistance remain problematic in terms of an ecological content. In accordance with the theoretical and methodological tenets, and consequently in adopting an exploratory framework, the research problem and objectives were formulated as follows:

5.1.4 Statement of the Research Problem

The study explores planter and peasant resistance over forest control in the Nilgiri Wynaad, in the milieu of forest encroachments and deforestation, and attempts to comprehend the politico-legal contexts of resistance and deforestation arising from agrarian legislation, land policy and protracted litigation.

5.1.5 Objectives of the Study

1. To explore the causes of conflicts between planters, peasants and the state over forest control through a delineation of conflict identities, characteristics, and ideologies.
2. To comprehend the political and legal contexts of planter and peasant conflict, and deforestation, in the Nilgiri Wynaad, entailing state intervention through agrarian legislation and land policy, and to ascertain the fiscal and desiccationist basis of state conservancy.

3. To discern the direct and discrete strategies of resistance adopted by planters and peasants against the state.

4. To understand ideologies underlying forest conflicts with regard to planter and peasant contentions over land rights and conceptions of forests.

5.1.6 Research Design

To achieve the stated objectives a qualitative research design was adopted, entailing the collection of both primary and secondary sources of data. Primary sources comprise verbal, documented, and observational data. Verbal data was collected from planters, peasant-encroachers, political leaders, forest officials, legal practitioners and NGOs through interview schedules, topic guides and oral history interviews. Non-random sampling techniques were utilized to select peasants who constituted the largest category of respondents. Official documents were collected through historical research entailing the perusal of official records, collected from the forest, revenue and judicial departments. Observational data was collected from field visits and encounters through field notes of observations. Secondary data sources include articles from dailies, periodicals and journals; reports and newsletters of Non Governmental Organizations (NGO), and colonial and contemporary district gazetteers.
5.2 Salient Findings

5.2.1 Preliminary Politico-legal Contexts of Planter and Peasant Identity Formation

The emergence of planters and peasants as conflict actors who resist the state's attempts to acquire and regain control, respectively, over lands in their possession, is corollary to land and conservation policies pursued by the Tamil Nadu government in janmam and non-janmam revenue lands. Such policies were premised upon idiosyncratic readings by the state of the said lands, which till 1969 remained marginal as spaces of state control, either fiscal or political. In janmam lands, agrarian reform was initiated and justified by the presence of tenurial regimes where tenants cultivated lands without title, and planters cultivated vast landed extents through lease, wherein forests formed a disproportionate quotient vis-à-vis developed portions. The conservancy element in agrarian legislation was necessitated by the presence of forests that constituted the predominant vegetation of the janmam estate. Further, the progressive politics of the postcolonial period entailing land reform and title grant through the abolition of private land holdings and associated tenurial systems, and the contradiction arising from the prevalence of a socially and economically atypical system of land regime such as the janmam tenure within the political boundaries of Tamil Nadu, have influenced fiscal and forest policies implemented through the Janmam Act in janmam lands. In non-janmam revenue lands, fiscal policies entailing the regularization of encroachments by peasants, and forest policies entailing the transfer of vacant and barren lands to the forest department for afforestation were implemented with the intent of curtailing further encroachments. Planters and peasants initially emerged as conflict actors within this historical politico-legal milieu, whereby the former experienced a legal
reconfiguration of their leases. Peasants have emerged as 'encroachers', a category that is residual to 'discontinued' land regularization schemes as provided by the Janmam Act for Janmam lands and as provided by in the Tamil Nadu Land Encroachment Act for non-janmam lands.

5.2.2 Planter Identity

Planters partake in an enterprise initiated by colonial pioneer planters who had leased forests from jammies. Even after the post-colonial transfer of leases to Indian individual planters, industrial-commercial concerns and national and transnational corporations, forests comprised the greater portions of leases, given restrictions in lease agreements over floral, faunal and mineral extraction, and since the mid 20th century, the enactment of private forest legislation. During the abolition of the janmam tenure and the government's assumption of the jammies' status as lessor, 11 plantations possessed more than 80 percent of the leased forest extent of 50,300 acres. Among plantations, the section-17 lessee in O'Valley, the Birla industrial house, possessed almost 40 percent of all leased lands and consequently more than 50 percent of private forests. The Hindustan Lever's lease follows in terms of extent, with the corporation possessing 11 percent of total leased land and nearly 9 percent of private forest. The O'Valley village comprising three leases including the Birla lease remains totally under leasehold and consequently the largest leased region constituting nearly 45 percent of the total leased area. Plantations historically members of the Nilgiri Wynaad Planter's Association are contemporarily the members of the Planter's Association of Tamil Nadu (PAT). Private forests only provide the dynamic for cultivation in that they remain potential spaces for planter expansion. Even in terms of shade provision forest trees remain unsuitable and are
replaced by specific species of softwood. The monocultural and intensive cultivation of tea requires the constant use of pesticides and fertilizers. In long-term prospects, plantation enterprise emerges unsustainable.

5.2.3 Peasant Identity

Peasants are a heterogeneous category of migrant encroachers including Malayalam speaking Syrian Christians and Moplah-Muslims, and Tamil speaking Hindus. While Moplahs from erstwhile Malabar were the earlier of settlers who were recruited for plantation labour, along with Syrian Christians they have occupied forests in Gudalur since the 1950s during colonization schemes. Syrian migration into Gudalur formed part of a wider peasant exodus popularly known as the ‘Wynaad migration’ involving the emigration from erstwhile Travancore to northern Malabar from 1940 to 1950 due to increase in population, decrease in land, and agrarian change characterized by a shift to large-scale cash crop cultivation in Travancore. While this movement continued, albeit in its residual facets, through the 1960s when farmers occupied non-janmam lands and in the early 1970s when janmam lands were occupied, since 1978, occupation involved their migration from regions like Nilambur and Wynaad, which were geographically proximate to Gudalur. While Moplahs were a compact group, Syrian Christians belonged to two different factions of Roman Catholic and Jacobite (Yacoba) and are classified as ‘forward’ castes. Tamil peasants are repatriates from Sri Lanka to whose tea plantations they had been recruited from coastal Tamil Nadu, for labour. Since mid 1970s they have been rehabilitated in tea plantation schemes initiated by the government in Gudalur and have occupied forests since 1978. Most Tamil farmers are schedule castes. Though there exist encroachers
belonging to other linguistic-religious categories, Syrian Christians, Tamil repatriates
and Moplahs constitute the predominant ethnic element among encroachers.

Analytically, encroacher-farmers constitute a class of peasantry, albeit problematic, in
that it produces for the market for subsistence. Farmers also supplement production
with labour. Farmers cultivate lands measuring an average of less than 3 acres, with
cash crops such as tea, coffee and spices such as pepper, such crops sold to tea
factories and town merchants or procured by their respective agents. While tuber
crops and fruit and nut trees are reared for the market, vegetables are largely
cultivated for subsistence. The family comprises the basic unit of labour. Labour is
also hired for wages from immediate vicinities when markets conditions are
favourable. Harvests are largely annual, with the exception of tea, and adjusted to the
two monsoons. Though poly cropping is a combination of the productive adaptation
to ecology, namely, slope topography and soil structure, and the economic adaptation
to the market, the latter has remained more significant in the formation of productive
identities of farmers. While Syrian Christians had been exposed to cash crop
cultivation in Travancore, it was the arrival of Tamil peasants with tea harvesting
skills, and the opening of cooperative tea factories that procured tea leaves from small
growers, that encouraged small growing of tea. While farmers depend on forests in as
much the forest floor provides the dynamic for cultivation, no other manner of
subsistence oriented dependence on forest resources that necessitates their sustainable
management, is evident. Land rights in terms of free hold title and not access to or
control over forest resources, provides the basis for peasant unrest.
Peasants reveal problematic moral economic identities. The common migrant-settler identity has fostered a livelihood ethic that renders linguistic and religious differences less significant. Consequently, cohesion is evident in the absence of any overt conflict over religion or language, and by a routinized reciprocity evident in the exchange of pecuniary and productive economic favors. The common identity legal identity as encroachers and the consequent contingency of evictions remains a latent, albeit potent, basis for cohesion. The moral economy of ‘encroacher’ peasantry does not derive from past custom but present and future contingency.

Land policy and legislation had been briefly delineated earlier to account for the initial emergence of planters and peasants as conflict constituencies since 1969. These circumstances will be elaborated here to contextualize the strategies and ideologies of planter and peasant resistance, which have accompanied a process of rapid deforestation since 1969 to 2002.

5.2.4 Political and Legal Contexts of Deforestation and Conflict

The contexts to deforestation and conflict in Gudalur emerge from the legal ambiguities arising from contradictions within the Janamam agrarian legislation, and litigations initiated by planters and peasants. Legal ambiguity during its three decadal prevalence due to judicial orders, has fostered ambivalence with regard to the state’s control over forests. Legal ambiguity and ambivalent control have rendered forests anomalous in terms of their legal and ecological statuses. The conditions of ambiguity, ambivalence and anomaly require to be individually understood in their manifestations in section 17 forests and reserve lands and forests, respectively.
In private forest leases, there remains an express relationship between the janmam legislation and planter initiated litigation. The codification of plantation leases as section-8 and section 17 lands, provided for a restricted grant of title, and potential termination of lease rights if the government found such termination to be in 'public interest, respectively. Litigations pursued by planters, through petitions and appeals, in the state High Court and the Supreme Court, over the deemed 'unconstitutionality' of the Janmam Act, in terms of its agrarian intent and in terms of its applicability in Gudalur, delayed the notification of the Janmam Act and latter the implementations of its provisions, namely, those stipulated under section 17. A three decadal delay in the Supreme Court's pronouncement of its verdict has effected a legal ambiguity over the status of private forest leases. Legal ambiguity has also been aggravated by a litigious disposition among affluent peasants, entailing the initiation of false litigation using fabricated lease and revenue documents, to preempt eviction or establish possession. Ambiguity also arises from the fact that neither planters nor peasants can be given freehold title under section 17 and also due to the fact that court verdicts disallow the same. A condition of ambivalence characterizes the exercise of control either by the state or planters. Subsequently, section-17 lands, specifically in O'Valley and Padanthurai, have been rendered anomalous due to expansion by plantations and encroachments by peasants with livelihood, logging and landed interests. The condition of anomaly is physically evident in the replacement of natural vegetation by monoculture and also in the establishment of a de facto possession regime. In terms of deforestation and de facto possession, O'Valley remains most anomalous.

In janmam and revenue lands given possession to the forest department and subsequently notified as reserve lands and forests, peasant resistance of the state has
emerged over the latter’s attempt to evict the former from encroached farms. The regularization of occupancy in revenue lands and the provision for regularization of occupancy by non-tenants in janjam lands, as stipulated under ‘section-10’ of the Janjam Act, provided the impetus for continuous encroachments ever since 1969. Discrepancies in land policies with regard to pliable regularization policies in revenue lands and in the Janjam Act with regard to section-10 provide the initial basis for legal ambiguity. Evictions in 1970-1973, 1978, 1981-1982, were resisted through direct action in the form of immolation and litigation. However, litigation initiated as ‘collective action’ in the Supreme Court in 1982, augmented ambiguity due to delayed verdict, which instructed the government to consider regularization of occupancy. Ambiguity is enhanced by the fact that neither can occupancy be cleared nor can it be regularized given subsequent judicial verdicts. Ambiguity has fostered a situation of ambivalent control, with the forest department unable to exercise its scientific or legal prerogatives, given the presence of farmers in forests. Further, ambiguity has rendered reserve lands and forests, anomalous, such condition evident in the massive fragmentation of forests. Forest only remain, albeit problematically, legal entities. In their ecological manifestations, they are predominated by poly-cropped fields resembling a system of agro forestry. Most notified forests are either too small to be of any ‘protective’ worth. Anomaly also arises from the fact that the forest department lacks knowledge over the location of certain notified forests. On ground, de facto ‘possession’ based regimes have also emerged, generally due to a lapse of time, and more specifically with the help of revenue officials and court orders.
5.2.5 Planter and Peasant Strategies of Resistance

While planters and peasants resorted to direct action in terms of litigation, peasants also resisted discreetly. Planters resisted through the adoption of certain litigative strategies to delay state acquisition. These strategies entailed the postulations of private estate having lost their character due to colonial settlement schemes, and the inclusion of conservancy in agrarian legislation putting to doubt the latter’s agrarian ‘rationale’. Further by strategically availing of provisions of the Land Reforms Act planters contended the jurisdiction of the said Act over the Janmam Act. Along with their intended delaying of the implementation the provisions of section 17, planter activity on the forest floor during this ambiguity, clarifies their motives. Such activity had tenurial implications whereby planters’ conversion of forests into monoculture was based on an instrumental rationale, of having made considerable economic investments on land, which could render dispossession by the state, unjust. Planters had longstanding timber interests, which was also evident in the post legislation period wherein they availed of the logging latitudes accruing from the legal ambiguity.

Peasants have resisted evictions directly in the form of collective and individual litigation, immolation and protest. Covert resistance has entailed flight, defacement of symbols of state authority, and incendiary acts. Resistance contains certain expressive dimensions, which along with the explicit contentions of peasants, reveals an ideological content. Expressively, for instance, peasants have a predilection towards being organised by political parties, on issues of land rights than by social action groups, for conservancy. That patta contentions permeate peasant protests is evident in farmer processions, which have the Revenue Divisional Office as their preliminary
destination where grievances are submitted to the Revenue Divisional Officer. Setting fire to forest plantations, though involving possible antagonism and 'phobic' activity, essentially involves an 'irrational' process of rendering forests anomalous, least the forest department establish its control in the future. Peasant ideologies reflect agrarian afflictions entailing the construction of forest as individual spaces of production and freehold title. Protection was a 'post patta' contingency, during when the forest department could pursue protection on its own, or involve farmers if the latter decide to participate.

5.2.6 Ideologies of State Conservancy in the Nilgiri Wynaad

The ideological basis of conservancy in Gudatur can be construed from the state's responses in bringing certitude to legal ambiguity, and rectifying ambivalence and anomaly. State efforts have remained disparate given the varying ecological and legal characteristics of section-17 forests and notified forests. While it postulates a common necessity of surmounting ambiguity and anomaly through the implementation of court orders on land regularization, and to perambulate encroachers, encroached extents and existing forests, conservancy has remained a selective option. Accordingly, in section-17 forests, the state has adopted a desiccationist discourse of protecting existing forests, which are 'biodiverse' and constitute an important 'watershed'. While conservancy involved a strategic element in revenue lands, which were given possession to the forest department for afforestation in anticipation of encroachments, conservancy in janmam reserve lands and forests, has emerged equally strategic. Such forests are considered fugitive spaces where the state seeks to reassert its legal prerogatives. Such spaces have even been 'consolidated' into a 'working circle' where the retrieval of control and not scientific forestry remains the rationale.
5.3 Conclusions

Peasant identities in the Nilgiri Wynaad counteract resistance theories in that they remain problematic with regard to conservancy either in terms of resource practice or ideology, the former embedded in the market and the latter characterized by an agrarian affliction with an inverted 'ecological' content. Planter identities remain problematic even by revisionist yardsticks, where as market representatives and thus state affiliates, planters differ in their interests with the state and have even resisted the latter's attempts at conservancy. Confirming to revisionist tenets, the state has emerged as a differentiated entity fractured along a bureaucratic and judicial axis. Consequently, state conservancy is premised strategically upon legal and desiccationist exigencies.

As against a general trend of deforestation resulting in forest conflicts, the inverse is evident in the Nilgiri Wynaad, such a phenomenon owing largely to the institutional character of resistance adopted by planters and peasants in the form of litigation. This institutional affiliation of resistance is instructive of planter and peasant interests, which fundamentally reveal agrarian contentions of tenure and title albeit a variance in scale. While conceding to the operation of an 'agrarian environment' in the Nilgiri Wynaad, a caveat is in order. Along with identities and interests, these 'agrarian' contexts have been wrought by contemporary state policy and are not the consequence of historical processes of landscape mutation. The 'agrarian' character of the 'environment' is an anomaly fostered by law, legislation and litigation.
Thus, deforestation and conflict in the Nilgiri Wynaad can be considered the consequences of unsuccessful, albeit well intended, state schemes, namely, land policy and legislation, which provided for freehold title and conservancy. The failure of such schemes cannot however be attributed to the futility of attempting to simplify illegible land tenures and customs, as suggested by Scott in his theory of statecraft and its consequences. Inversely, forests and peasants in the Nilgiri Wynaad have been rendered illegible by state simplification. This illegibility is contextually evident in the conditions of legal ambiguity, ambivalent control and landed anomaly.

Recalling simplification in Gudalur, it can be argued that the Janmam Act was an attempt to bring the janmam tenure into the framework of individual freehold tenure. The regularization of occupancy of tenants of jammies, and peasants occupying janmam and revenue lands, was to render them legible as ‘units’. Similarly, plantation leases were made ‘legible’ through their termination as provided by Janmam Act. Besides individual units the state also sought to render janmam and revenue lands ‘legible’ as forests. In retrospection it can be assumed that such simplification, despite its initial implementation, had failed, as contemporarily there exist a lot more peasants volunteering as ‘units’ seeking ‘legibility’, even as forests have emerged ‘illegible’.

The failure of simplification in the Nilgiri Wynaad owes to discrepancies in its medium, namely, law and legislation. The janmam Act for instance contained inherent discrepancies, which were taken advantage of by planters and peasants. Both revenue land policy and the janmam legislation have been liberal in their attempts to make occupants legible, as is evident in the constant revisions of occupancy stipulations for gaining title. It is this liberal streak that has fostered a de facto possession regime,
entailing encroachments, in Gudalur. Further, illegibility has also ensued from the
disparate and indifferent dispositions of the revenue department and courts, to the
state’s attempts to conclude a scheme it initiated three decades ago. Resistance to
simplification in the Nilgiri Wynaad is also instructive. Here failure, specifically of
the janmam legislation, was not just a consequence of peasant capacities to ‘subvert’
or ‘overturn’ state categories, but the ability of planters to thwart the state’s scheme.
Contravened by planter and peasant resistance, and rendered ambiguous by courts and
revenue officials, simplification in Gudalur, is at worst a grid that has collapsed or at
best a scheme that remains incomplete.