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CONTRASTING THE TRIBAL LANDLESS SITUATION IN NON-AGENCY AND AGENCY AREAS: A CASE STUDY OF JAJI THANDA AND THE AYYAVARIGUDEM AREA.

Introduction:

The issue of tribal landlessness is generally approached with regard to tribal people living in the areas classified as tribal or agency areas. In these areas tribal people are recognised as the traditional owners and are therefore entitled to land with preference over non-tribal people. Many tribal people who live outside these areas and therefore do not have a traditional claim to the land have faced similar disadvantage through history yet do not receive any preference in overcoming their poverty. This study is intended to draw light upon the similarities and differences faced by tribal people of agency areas, and those of non-agency areas.

While this report focuses on two small communities in Andhra Pradesh I appreciate that the situation has the potential for huge deviation from these findings given the dimensions of tribal people and there issues in India.

The landless situation:

From interviews and observations conducted in March 2004, it was established that the hamlet of Jaji Thanda was settled approximately 70 years ago by six brothers. It now consists of 238 members residing in 28 houses, an assortment of single and two room dwellings some with tiled

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roofing and some merely thatch. 13 residents own a collective share of 48.81 acres of dry land. That leaves a substantial number relying solely on agricultural labouring for subsistence, at rates of INR 40 for men and 25 for women. It was established that many people would go without income for much of the year due to the seasonal nature of employment. In such times families would resort to intra-community loans and also outside loans if they needed money. Recent instances of fire and illness had led to major hardships.

With so many people solely reliant on labouring, income and food security is poor and evidence of malnutrition was cited by a touring doctor in numerous children. There is limited opportunity for people to improve their situation in the short term with a lack of available land, and a lack of funds with which to purchase any lands should they become available.

Compounding these problems is the poor quality of forest land from which only limited natural resources can be found to complement any income. Formerly some women would collect beedi leaf but the trade was abandoned due to threats from employers who were agitated at complaints of their corruption. Rather than maintain the forest, the local people were only interested in clearing it for commercial crops, and stripping it of dry wood for fuel. 20 acres of forest land had been cleared 15 years ago to farm maize, and as this had been cleared prior to ***a cut off date***, the government now considered that converted forest land to be the property of those people.

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In contrast to Jaji Thanda, the people in the agency area of the Kamman district appeared to utilise much better forest resources and resultantly their homes were typically more pleasing aesthetically and functionally (the styles also differ between the Lambada people of Jaji Thanda and the Koya people of Ayyavarigudem). Another striking difference was the abundance of space which surrounded the settlement and in conversation it was clear that the problem was not with overpopulation as appeared the case in Jaji Thanda. Data was unable to be collected accurately regarding land ownership, but the evidence of 40 acres of community owned land which was idle and uncultivated was clear evidence that the situation was not as desperate as that seen in Jaji Thanda. Interviews of a cross section of people on land related issues were conducted, with the following summary:

Landless men

The older men openly conceded they had little interest in acquiring land. The younger men who had either no or small families were interested in acquiring land, and would cultivate, though they had not done anything about getting the land to which they are entitled.

Landpoor

Farmers with little land admitted to leasing their lands at a rate of Rs 5000/- per acre p.a. to non-tribal farmers. They would then work on their own lands or those of other

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farmers for daily wages. They admitted that allowing non-tribals access to tribal lands was having negative impact on the community with regard to tribal identity and the loss or exploitation of women.

Exploited women

Non-tribal men who leased agricultural lands seasonally have paid women to effectively act as a wife for half the year, before returning to their families for the remainder of the year in non-tribal areas. They pay the tribal women during that time, but insufficiently for proper survival, leaving the women in an exceedingly difficult position. That in itself makes it easier for the men to return the following year to do the same thing again.

There was little evidence of the situation where men would marry and then abandon tribal women to obtain privileges reserved for tribal people.

Revenue officer

As the person in charge of administering land to landless tribal people he found the problem was not so much related to access to land, but with what tribal people did with it. He outlined three major problems: tribal farmers lacked the knowledge to properly utilise their lands, they had to travel great distances to reach the land provided to them by the government and in doing so were forced to uproot their families, and they had insufficient capital to make the initial outlay for a crop.

Applicable government policy:

The Andhra Pradesh ceiling agricultural land holdings act 1973 legislates over the redistribution of lands in non-agency areas. It applies to the tribal people of Jaji Thanda. Under the legislation the government is entitled to confiscate lands which exceed specified limits: 10 acres of wet land, 25 acres of dry land. This land is then to be redistributed to landless peoples.

Much applicable legislation exists to benefit tribal people in agency areas. The most important enables landless tribals in agency areas ***under some act*** to government land upon successful application to the revenue officer.

The 1 of 1970 act amends the 1 of 1959 act to further enforce the rights of tribals in agency areas and covers issues related to land distribution in those areas.

- a) Unless proved otherwise, it is assumed that a non-tribal or his predecessors acquired the land currently held in a transfer from a tribal person.
- a) The transfer of land in scheduled areas in favour of non-tribals is wholly prohibited. The term 'transfer' incorporates sale, lease, gift and others bar testamentary disposition.
- b) Non-tribals are only permitted to transfer their lands to tribals. Partition and devolution by succession is permitted.

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c) Where a sale of land to a tribal is not possible, a non-tribal must surrender the lands to government who will provide appropriate compensation.

In addition, an Andhra Pradesh High Court ruling struck down all government orders protecting land interests of non-tribals in 1998.

Effectiveness of policy:

The redistribution policy has no impact on the peoples of Jaji Thanda. The intention of such policy can be assumed to assist in the distribution of lands to landless people, thus making the wealth distribution more even. In my research I found no examples of this policy being implemented, or heard of any historical successes. The tribal peoples were in the primitive stages of understanding their rights and the importance of land titles.

The importance of NGOs in informing the tribal people of their rights was of similar importance in the agency areas. However in contrast to non-agency areas, the policy was being successfully implemented and numerous allocations of land had been achieved through the auspices of Action for Gudavari Development (AGD) in the Ayyavarigudem area. Collectively 133 recipients had shared in 354.4 acres in the 1999 - 2002 period. Interviews painted a different picture when tribal landless people expressed their disbelief in any such success. The people at AGD who

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assisted in the interviews suggested that what the people were saying was not what they knew to be true, as they were attempting to make their situation appear worse to impress me as an outsider. The truth would probably lie in the middle with many people still unaware of their rights to land.

Interviews enforced this as landless men admitted their desire to acquire land, and recognised that it would bring substantial benefit to them and their families, but had done nothing. There was nothing to suggest that the legislation was failing, rather the people were adapting slowly in learning how to use it.

Small land holders also admitted to leasing their lands to non-tribals which is in direct conflict with the 1 of 1970 act. Leasing land and therefore obtaining a guaranteed income is a sensible risk-averse strategy, especially for low income earners, as principles of economics and finance dictate. An interesting situation therefore arose where the legislation could be harming tribal people in an effort to help the tribal community. This frequently used and accepted practice of leasing was evidence that the legislation was not policed in this area, reducing its effectiveness.

The effectiveness of policy in furthering the food and income security of tribal peoples only attacks the issue of access to land. No policy can address the issue of how to best use these natural resources. The concern was raised by the revenue officer of the Ayyavarigudem area that the

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major problem is not access to land but what is done with the land. This belief is reinforced in other studies which have found that provision of assets in itself cannot guarantee income unless the asset matches with the traditional skill and other endowments of the household on the one hand and the demand, supply and infrastructural characteristics of the area on the other.¹

Inhibiting factors:

The poor situation in non-agency areas is the product of a sequence of conditions which culminate in effective denial of the existence of any legislation to assist in land redistribution. Caste discrimination is evident, while domination and exploitation of the tribal people is maintained by those who hold effective political power. This in turn feeds the corrupting of land records and where possible a manipulation of such records for the benefit of upper castes. My exposure also demonstrated the difficulty in accessing land records. The final condition is that even if real conditions were exposed and the true extent of land ownership by wealthy upper caste people was properly understood, it is doubtful that any law enforcement would penalise guilty parties. Regardless, the first and foremost form of manipulation of land holdings is through land records. Without proper understanding of the present situation and proper and accessible records any legislation intended to redistribute lands equitably will be useless.

¹ K. K. Singh and S. Ali, Integrated Rural Development Program – strategies for democratic decentralisation, Agricultural Development and Panchayat Raj in India, Sarup & Sons, New Dehli, 2001, p. 118.

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In agency areas the problem can be considered more one of awareness. Caste discrimination and corruption is no longer evident on a significant level. A vast number of people had benefited from the land provision policy, yet many more claimed they weren't aware of any such successes or the existence of any policy designed to help them.

Many people I spoke to were eager to speak of comical historical instances of exploitation which left the tribal peoples at a severe disadvantage. The benefit of such stories was dubious as it compounded the sense of inferiority which I witnessed almost everywhere. This fear has an undeniable relationship with the reluctance of tribal people to seek interactions with the revenue officer and other officials. As a consequence of this fear of exploitation and potential worsening of their situation, many tribals are prepared to maintain a low standard of living rather than push for change. The need for guidance and encouragement from NGOs remains as the benefits of the legislation are clear. One man stated matter-of-factly that now that he had received 0.5 acres of land he would eat two meals a day instead of one.

The rules as implemented by government were functioning as intended, with the exception of leasing which was still being practiced. As mentioned, the leasing itself is a sensible alternative, but the externalities are of concern. For tribal people who are living in the lower realms of international standards of poverty, it is difficult to insist that strategies such as leasing, which improve their

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income and food security and consequently the welfare of their family, be abandoned. The positive implications of the farmer's choice to lease his property far outweigh his share of the negative externalities the choice brings to the community, and it is difficult to see the bigger picture in times of distress.

The success of addressing land issues in alleviating poverty:

Access to natural resources is crucial to alleviating poverty. The need for clean water, good shelter, and food and income security necessitates that access to land is vital for the poorest people. Given that 92 per cent of tribal people rely on agriculture related employment, the problems of tribal poverty can be addressed through tackling these land issues.

The non-agency areas where complementary natural forest resources were not as available made the need for better regulation of land reforms even more important.

In both cases it is essential that work be done in supporting farmers to properly utilise their natural resources once they have received them. Given that such a large proportion of tribal people rely on agriculture as well as labour for large and presumably successful land owners, it would be insulting to suggest that they have no idea of what to do with their own land. Nevertheless, further education and a better understanding of farming practices through the activities of NGOs and other bodies

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would be necessary in ensuring improvement of tribal conditions.

Conclusion:

There is a limited relationship between the land conditions faced by the tribal people of Jaji Thanda and the people of the Ayyavarigudem area. The research of tribal conditions which is focused on agency areas cannot be applied to non-agency areas.

The issues faced are fundamentally different. Tribal people of agency areas are concerned with the quality of land available and its proximity to settlements. The concern in non-agency areas is one of access in a competitive market in which they are disadvantaged. The prospect of seeing identity eroded through non-tribal leases and the exploitation of tribal women at the hands of non-tribals is solely one experienced in agency areas. In non-agency areas no protection exists to counter these threats, but neither is there any incentive for non-tribals to exploit tribal women or land.

Both cases demonstrate the need for proper land records in order for legislation to achieve its intended goals. The legislation intended to benefit tribal people in agency areas is generally effective with the exception of leases. This is similar to the problems of tribals in non-agency areas as it is an indication of lapses in record keeping. Were leases to be officially recorded as is the case with

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sales, the problem of non-tribal encroachment could be overcome.

Effective legislation to address the problem of tribal landlessness in non-agency areas is not in place, and what legislation exists is not enforced.

In both cases the need for interlinking farmers and officials is required in order to make change possible. Awareness of rights is limited in tribal people of both agency and non-agency areas making the involvement of NGOs crucial in both instances.

As mentioned in the introduction I do appreciate that this study is quite specific and that a more comprehensive study would be required to make these generalisations applicable everywhere.

- The implication of the conclusions:

To accurately address the issue of tribal landlessness, separate studies must be conducted to accommodate for the vastly different situation of tribal people in non-agency areas. In this study the plight of tribal people in non-tribal areas was more desperate than tribal areas as land and natural resources were of poorer quality, yet they received no privileges in competition with the mainstream.

The only areas in which the two situations shared concerns was in their need for assistance from NGOs and in the need

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for maintenance of proper land records in order to making policing legislation possible.

From the study it is clear that published research on tribal landlessness in agency areas is not applicable to Jaji Thanda. The same published research may still be applicable for Ayyavarigudem.

Issues with the report:

I feel certain that the overall conclusions of this report are accurate; however there were many discrepancies in the information I received from interviewees and the NGO staff with whom I worked. I can attribute this to the difficulties to be expected when translating through people not proficient in English. Often my questions were not accurately understood, conveyed or their responses interpreted with the utmost certainty. Compounding the difficulty in obtaining accurate information was the expectation that interviewees would not necessarily respond with the truth for fear that it may disadvantage them. I also encountered instances when the staff I most relied upon and trusted were not able to speak the truth themselves for strong feelings of pride and expectation. Some of the published and unpublished resources I worked from were riddled with errors and contradictions, as well as being poorly referenced themselves. While I would be reluctant to rely upon any minor detail given, I remain sure of the broader picture I have given in this report.

Appendices :

The legislation referred to in text should be included to validate the overall report.

Data sources for field investigation:

Interviews conducted in Jaji Thanda and the broader Kowdipalli Mandal area relied upon the assistance of staff of the Centre for Action Research and Peoples Development (CARPED). Interviews conducted in the Ayyavarigudem area relied upon the assistance of the staff of Action for Gudavari Development (AGD), particularly Mr P Parvathi Prasad.

Data collected specifically in the land holdings of Jaji Thanda was achieved through CARPED staff interactions with villagers and the Panchayat Raj.

Major references:

Robin Mearns and Saurabh Sinha, Social Exclusion and Land Administration in Orissa, India, World Bank, September 1998.

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K. K. Singh and S. Ali, Integrated Rural Development Program - strategies for democratic decentralisation, Agricultural Development and Panchayat Raj in India, Sarup & Sons, New Dehli, 2001

Tribal Land Alienation in Andhra Pradesh: dispossession and food security (unpublished formally and unknown author)

*I regret that much information was gathered informally and was not recorded. Computer error also lost several articles which were therefore unable to be quoted. While unreferenced they remained influential in the overall understanding of the situation.