

The issues of land alienation among tribals in Kerala-A study on Attappady tribal block

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Abstract

The analysis of the origin of the concept of 'tribe' and its transformation in various historical and political contexts, specifically during the colonial period in the Indian sub-continent is very essential. One of the early meanings of tribe was that of a group claiming common ancestry. Later, the idea of the tribe as people living in 'primitive' conditions became dominant. Attappady has about 745 square km of land (about 1, 84,000 acres). According to one estimate, about 60% of this land is covered by forests. If the STs (constituting about 40% of the population) were to hold at least 40% of the cultivable area (i.e., 12% of the total area of 184,000 acres. For a group like tribals, the most important issue is the land loss and alienation. They are traditionally based on agriculture for their livelihood, so the degradation in land effects negatively on their social, economic and overall well being.

Tribals in Attappady

Attappady block is a valley below the Nilgiri hills of the Western Ghats in Palakkad district. It includes an area of around 750 sq Km and act as a buffering zone to the Silent valley National park. The area lies 750 meters above sea level and the main river in the area is Bhavani River which is one of the four rivers flowing from Kerala towards Tamilnadu. The area is shared by three panchayats- Sholayur, Pudhur and Agali. Although the area is known to be one of the tribal heartland in Kerala, major proportion of the population today is constituted by the settlers from other parts of Kerala and Tamilnadu. Prior to the state re-organization in 1957, Attappady was administered as part of the Malabar district of the Madras presidency. With the amalgamation of Travancore, Cochin and Malabar, the new state of Kerala was formed and Attappady was included in Mannarkkad taluk of Palakkad district. Mannarkkad was the head quarter of timber trade in Valluvanadu.

The population of tribal folks or tribals has been declining over the years. The area dwells tribal community- Mudugars, Irulars and Kurumbas. Of these Kurumbas is the most remote and leads a primitive life in comparison to others. The total population of all these tribal is around 30,000 as

per 2001 census. There are a total of 192 tribal hamlets or ooru in the area. Through efforts under various schemes and projects many of these hamlets had undergone transformation from their traditional mud houses in forest to concrete houses in plain. Effort through Attappady Hill Development project alone had led to constructed around 2000 houses for tribals in the area.

Encroachment and land alienation

Attappady was inhabited almost exclusively by hill tribes till the beginning of the second quarter of the 20th century. Many factors are responsible for the non-interventions in this area by outsiders. The most important has been the non availability of adequate cultivable lands in the low and midlands around. So there was little intervention from the outside community. During this time, the exploitation from the outsiders and land degradation was marginal. The areas occupied by the tribals were under thick forest and infested with-sucking leeches and wild animals, accessibility to this area became difficult for early settlers.

Till the early 5th century Attappady was the jenmom property of the zamorine of calicut. Administration of this area to three Nair Chieftains, Mannarkad Moopil Nair, Palat Krishna Menon, and Eralpad Raja and it was entrusted by the Zomarin (Mathur, 1977). Area was assigned on the basis that approximately to the distance that a horse can cover in a day. During this texture, Moopil Nair and other Jenmis were not much interested in cultivation of the leech-infested forest areas of Attappady. Their interest in this area remained to capturing elephants from the dense forests for use in temple festivals. The chieftains had been given the right to collect land revenue at rates ranging from Rs 0.50 to Rs 1.25 per acre of land and forest produce by way of land revenue from Irulas, Mudugas, and Kurumbas. The tribe's folk had become tenants of these Jenmis, the chieftains. (Santahana Velluva). In the first half of the 20th century, a few new landlords were given lease rights on the western part of Agali, about 6000 acres were given on lease to one Kunhammed Sahib of Mannarkad.

Settlement and demographic change

No clear obtainable literatures are accessible on who were the original intruders into this area. There is some opinion that in the beginning of the 20th century Tamil-speaking Gowdians who came to Attappady mainly for buying some forest produce. The early Gowndan settlers started cultivation in the land, which they managed to obtain by bribing the Kariasthans (Managers) of Jenmis. Gradually, they encroached into more lands in their vicinity. As there was shortage of local labour, these settlers brought workers from their native places under promise of higher wages (Mathur, 1975). A massive flow of people began during the 1950s in the eastern side of Attappady, mainly people from Thadakam and other parts of Coimbatore in Tamil Nadu. Malayalis from the plain came to this area, in the beginning for jobs in the plantations started by the Britishers and work in the forest land leased by landlords for timber extraction. Fast changes occurred in settlement patterns after independence.

Table-2

Changes happened in the population in Attappady

Year	Tribal population	% of total population	Non tribal population	% of total population	Total population'
1951	10200	90.32	1100	9.68	11300
1961	12972	60.45	8489	39.55	21461
1971	16536	42.21	22647	57.79	39183
1981	20659	33.00	41587	67.00	62246
1991	24228	39.06	37805	60.94	62033
2001	28711	42.00	38961	58.00	67672
2011	30460	44.00	39263	56.00	69723

Source: census 2011

Tribal land issues in Attappady

The Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated lands) Act, 1975 (KST Act, 1975 for short) intended to restore tribal lands alienated after 1.1.1960 all over Kerala. The rules were framed in the year 1986. The applications from tribal members of Attappady for the restoration of alienated tribal lands were received in the year 1987. About 2432 applications were received (complaining about the alienation of about 10,000 acres of tribal land) in Attappady (comprising six revenue villages). The cases were to be decided in the Court of the RDO, Ottapalam.

In some cases, orders were passed, during the execution phase, (restoration of lands by evicting the settlers) the Sub Collector, Ottapalam met with serious resistance and then ensued a lull in the execution of orders (appeals lie with the District Collector and some cases are taken further before the High Court of Kerala in the form of writ petitions.) The RDO, Ottapalam disposed all the cases by the year 1995. A total of 955 cases (involving about 3422 acres of land) out of 2432 cases were ruled in favour of the STs. Social tensions derailed the subsequent restoration efforts, and the rights of ST's stood frozen in Court orders.

The High Court's deadline for the implementation of the Act was not met and the Government earned the wrath of the High Court of Kerala and faced contempt proceedings. The state Legislature passed the Kerala Restriction on Transfer by Restoration of Lands to Scheduled Tribes Act, 1999 (KST Act, 1999 for short) where in the settlers could retain up to ha of land and

restore only the rest and the Government was entrusted with the responsibility of allotting land to the tribes equal in extent to that lost through alienation. Further, it provided that all tribal land transfers after 24.1.1986, without the written consent of the District Collector shall be invalid (and transferees shall also be ineligible for compensation for the improvements made). The Act also compels the government to assign one acre of land (within the district) for all landless tribal families in the State.

In this backdrop, with the advent of the 1999 Act, 955 cases (decided as per the 1975 Act) had to be categorized in to three: 1, More than 2 ha transfers (295 cases involving about 1633 acres), 2. Less than 2 ha transfers (723 cases involving about 1763 acres and 3. Tribal land transfers post-24.1.1986 (27 cases involving 26 acres) and thus more than 200 cases needed a fresh a round of adjudication in the Court of the RDO as per the provisions of the 1999 Act. Meanwhile key provisions of the 1999 Act were challenged before the High Court of Kerala. The High Court disapproved the new form of the Act but subsequently the Supreme Court upheld the challenged provisions of the KST Act of 1999 and the legal tangles cleared out only in 2009. Thus the STs had to suffer a long wait of two generations for the final form of the law against tribal land alienation to crystallize.

In the earlier form, the Act (1975) about 3422 acres of probably prime agricultural land (revenue land) was to be restored to the STs. Under the new regime of 1999 this reduces to about 400 acres (mostly fragments of their individual holdings of the past-fragments of land alienated beyond 2 ha, where execution again has not been smooth). About 90 acres of such revenue land has so far been restored and about 300 acres (from about 200 settlers) is yet to be restored to the ST's. The effort is being continued without alarming those concerned. (In about 50-70 cases appeals and High court cases would be pending and about 60 cases are pending for fresh disposal under the KST Act of 1999 by RDO, Ottapalam). The Government is burdened with the responsibility of finding about 3000 acres of agricultural land for the allotments (u/s 6 of the Act) and assignments (u/s 10 of the Act) to be made to the tribes.

There is very little revenue land available with the Government for the purpose in Attappady. Hence, under a Tribal Rehabilitation Scheme certain item of vested forest lands, where the Forest Conservation Act of 1980 is operative, was suggested as alternative land to be allotted/assigned under the KST Act, 1999. With the concurrence of the GOI (2004-2005) about 1900 ha of forest land (in and around Attappady) is nearly earmarked in principle (forest lands-suitable and unsuitable, far and near from the traditional hamlets) to meet the Government's need to give alternate land to the ST's. As the present understanding is, one must note that the status of land to be given is forest land and it is not going to be de-reserved – the land shall not be alienable though heritable and forest trees cannot be cut outright to render the land suitable for agriculture through undergrowth can be cleared. The revenue land lost with full rights is nearly lost forever (saving those who are allotted revenue land v/s 6 of KST Act, 1999 'excess lands' under the Kerala Land Reforms Act. 1963). Meaningful rehabilitation ensuring a decent means of livelihood in such forest land (where water is precious and wild animal menace is persistent),

would again require massive funding and time. After enduring land loss over two generations thus land suitable for agriculture with full rights is in practice still a distant mirage for Adivasis.

Since 1999, about 497 acres have been assigned/allotted to the ST's (of which 1062 acres is entangled in a revenue X forest' dispute). Lack of meaningful and robust rehabilitation interventions have rendered these land assignments/allotments meaningless. No ST family resides anywhere here. The exercise is hence only on paper. (The Attappady Farming Co-operative Society – a no non-sense model involving 416 land less tribal families that stands on about 2800 acres of vested forest land assigned as early as 1976-77 was an attempt prior to the advent of the KST Act of 1975). In an area of vested forest land assigned (at the rate of one acre each) to about 162 landless tribal families (in 2011) suitable for rubber cultivation, the Forest Department has reservations about tree cutting and hence the rehabilitation project (of a ST co-operative rubber farming society) is not taking wings though funds (Rs, 103 lakhs) are available.

While the entire discussion is entirely regarding land alienated (3422 acres allowed in favour of ST's out of about 10,000 acres claimed by the ST's), there is another facet of the land issue in Attappady involving the tribals. Alienation of the current holdings of STs, who for various reasons have been weaned away from agriculture, is not impossible in spite of the prevalent law against trivial land alienation.

In association with the lands purchased for the setting up of the Sulzon Wind Energy Farm (2005-2011) in Attappady, did surface the fragility and gullibility of the immature land record system in the region, detrimental to tribal interests.

The status of the title of the current living generations of STs Over this land of 22,000 acres is fluid and flimsy, unkept for at least two generations, leased out, improperly cultivated, not partitioned, boundaries hazy, some in dispute, some encroached, some heirless, etc. It is highly vulnerable to alienation and the land records are chaotic and may not protect the interest of STs on land. A house-hold survey conducted by KILA and the ST Development department in the year 2008 has estimated the land holdings of STs in Attappady to total up to about 25,000 acres (revenue and Forest land]. It may be noted that the gross taxable area of revenue land in Attappady (under the 6 revenue villages) work out to about 54,787.51 acres.

The Irulas and Mudugas have already got titles for about 791.59 acres of forest land under the Forest Rights Act of 2006 (as 282 individual titles on forest land) in Attappady. Time for corrective action with regard to land administration in Attappady is fast running out. With rising land prices and area under agriculture shrinking elsewhere, the pressure on land in Kerala is quite high and this is being transmitted to Attappady (current home to more than 9000 tribal families). The fluid state of land records is luring fraudsters to make a fortune undermining tribal interests. Reeling under extreme acculturative stress, land is an important source of comfort and hope for the tribes. The identity of the tribes lies rooted in their ancestral lands. The STs of Attappady are socially and culturally very sensitive and wish to lead a life of dignity.

Severe life setting of tribals in Attappady

Land is an important anchor in the lives of the tribals. Weaned away from conventional agriculture for various reasons, the tribals have enlarged their own vulnerability to impoverishment, economic dependence and exploitation, malnutrition, weakness, ill health and disease. Empty calories from PDS rice devoid of their traditional home grown pulses, ragi, an immense diversity of greens and vegetables, over a long period of time would have cost them much. Supplying food, providing for shelter and with the governments playing host, a majority of the pampered tribals, with an assumed feel of sickness, have forgotten that they are capable of leading a life of their own. Communities cannot be perpetually hand-held by Governments in the long term. Land and profitable agriculture (with the requisite market tie-ups in the back drop of consumerism and rising food costs elsewhere) shall definitely make up for lost ground. The burden of migration, broken families and indebtedness in the social life of tribals can also be reduced considerably. Hence, land 'matters' here.

Details of Cases under Act in Attappady – Ottapalam Revenue division – Palakkad Dist. Kerala

Total applications received from Tribes for restoration of alienated land and its disposal under the KST Act 1975, are as stated below:

Table No: 3

Items	Cases	Applications
Total No. of Applications Received	N.A	2432
Disposed as per 1975 Act	2432	
Allowed in favour of STs	955	

As per 1999 Act legal transactions up to 2 Ha stands ratified (if transaction is before 24.1.1986). Hence, the 955 cases stood divided as follows. It is the liability of the Government to allot an equal extent of land to all STs where less than or up to 2 Ha of land is alienated prior to 24.01.1086

As per 1999 Act Cases divided as below.

Table No: 4

Area	Cases	Acres
Above 2 Ha	205	1633
Below 2 Ha	723	1763
Transfer after 24.1.1986	27	26
Total	955	3422

Alternate land U/s 6 of the KST Act, 1999 were allotted to 475 Tribes during 1999-2000. But due to dispute regarding excluded Tract and vesting as forest, land allotted at Sholayur to 361 individuals of Agali, Pudur and Sholayur were futile. In the rest of 114 cases where cases where excess land was allotted at Kottathara Village, no such dispute exists. But they have not occupied the land for want of meaningful rehabilitation. Details of land allotted U/s 6 are. Kottathara Village – (No dispute)

- Below 2 Ha.....114 cases.....290 Acres
- 76 STs of Kottathara Village233 Acres
 - 38 STs of Pudur Village57 Acres
 - i. Location & Sy No. Kottathara Village Sy 1819 Excess Land
 - ii. Govt. Order No.....G.O. (Ms) No. 261/99 dated 8.7.1999

Issued but in Dispute

1. Sholayur Village

Involved in Dispute regarding Vesting/Excluded Tract (allotted cases)

- 112 STs.....Sholayur289 Acres
 - 46 STs.....Pudur211 Acres
 - 203 STs.....Agali562 Acres
- Total 361 cases.....1062 Acres
- i. Location /Sy.No.....Sholayur.....Sy 1912, 1913, 1914, 1915,1916 & 1917
 - ii. Order No.....As per G.O.(Ms) 262/99/RD dated 8.7.1999

During 2011, 162 landless Tribes were assigned 145.72 Acres of land at Thathengalam since Sec. 10 of the Act says that all landless tribal families shall be assigned minimum of 1 Acre each. If a ST family holds less than 1 Acres the family shall be assigned the balance extent to bring the land holding (top up) to 1 acre = 40 acres. Details of assignment of land to land fewer people are as follows;

Land Assigned as per Sec 10 of the KST Act, 1999

- Landless.....162 persons145.73 Acres
- Location-Thathengalam VFC 38.....Mannarkkad Forest Division
- Order No. LRG6-2010/65282/9(1) dated 30.03.2011 of Dist. Collector

Proposal submitted for allotment under section 6 of KST act

- 84 cases – 240.8 Acres. District Collector approved the proposal, formalities as per assignment of land to scheduled tribe's rules 2000 is to be completed.

Fresh disposal of cases under the KST Act, 1999 are as follows

Above 2 Ha 180 out of 205 ... cases have been disposed.

Transfer after 24.1.1986 24 out of 27 cases

(Below 2 Ha (except encroachment cases if any?))

Land Requirement for the balance allotment u/s 6 is as follows

Out of 955 cases 27 cases are after 24.1.1986 transactions. No allotment is required in such cases. Hence, the rest of the cases are 928. Land has already been allotted to 114 persons included in below 2 Ha cases. 240.80 acres have been proposed for allotment to 84 STs under sec.6.

Conclusion

Tribal land issues are the most critical issue which tribal's ever face in their life. This is the issue of not only the tribal's in Kerala but also all sects of tribal's in India. Tribals are losing command over land because of inadequate appreciation by the administrative machinery of the man-land relationship in tribal areas, which is the quintessence of tribal life. Studies have revealed that when this man-land equation has been disturbed, it has proved to be disastrous to tribal economy and life, and they have been forced to quit their age-old habitat. Abandonment of the natural habitat has brought about a deleterious effect on the economy and life of the tribals. The tribals were in the primary sector of economy and pursued indifferent and diffused economic mode, but were forced either by the change of environment or by their migration to abandon it because of loss of control and traditional rights over the natural resources and Now they have taken to several non-traditional economic activities. Tribals lost their livelihood option because of the complete alienation of their land and the encroachment by the outsiders on their land.

References

Ananda Krishna Iyer, L.K, (1974), *"The Tribes and Castes of Cochin"*, in 3 volumes, Reprint 1981, P. 25.

Alaxander, K.C, Prasad R.R and Jahagirdar, M.P, (1984), *"Tribal Rehabilitation and Tribal Development"*, Rawat publications, New Delhi, PP.34-37.

Alexander T. K. Irulas, the Tribes of India Part 1, New Delhi, 1950. An urgent Appeal sent by the Adivasi Solidarity Forum in 1996.

Andrea M. Singh and Neera Burra, (1993), *"Women and -waste Land Development in India: An issue paper"*, Sage publishers, PP.34-48.

Anon, P, (1982), *"Forest Environment and Tribal Economy"* Concept publishers, New Delhi.

Basha and Chand, S, (1992), *"Impact of Forest Policies on Tribal Life in Encyclopedia of Dravidian Tribes"*, International school of Dravidian linguistics, Trivandrum, PP.45-50.

Bose, Tapan K. Indigenous Peoples Struggle for Rlight of Self-determination, Delhi: The Other Media. 1992.

Bejorn Johnson, (1997), *"Environment, Technology and Economic growth, Institutional Learning and Clean growth"* Literacy of congress catalogue-publication data.

Binay Kumar Ray,(1979), "Man and Forest in Chotanagpur", quoted in Horizons of Economic Anthropology in India, *Eastern Anthropologist*, Vol.32, No.4, Oct-Dec.

Bina Aggarwal, (1997), *"Gender, Environment and Poverty inter links: Regional variations and Temporal shifts in Rural India "*.World Development Report, Vol.25.

Blaikie,P and Brookfield, H, (1987), *"Land Degradation and Society"*, Methuen publishers, P.23

Budhadeb chaudhari, (1987), *"Contemporary Society in Tribal Studies"*, Concept publishing company, PP. 67-79.

Census Report, (1998), *Demographic Details"*, Census Survey, Attappady Hill Area Development Society, Agali.

Chathopadhyaya and Kamal Dev, (1978), *"Tribalism in India"*, Vikas publishing House, PvtLtd, New Delhi.

Joshi,S.C, (1987), "*Deforestation in Kerala, Causes and Consequences*", M.phil dissertation, Center for Development Studies, Trivandrum.

Joseph, K.V, (1988), "*Migration and Economic Development of Kerala*", Mittal publications, New Delhi

Kattakayam and John, (1983), "*Social Structure and the Changes among the Tribals-A study among the Uralis of Idukki District in Kerala*", D.K publishers, New Delhi. P.78

KAU, (1991), "*Package of Practices and Recommendations*", Directorate of Extension, Kerala Agricultural University, Mannuthy, Thrissur.

Khare, P.K, (1991), "*Social changes of Indian Tribes*" Deep and Deep publications, New Delhi.

KIRTADS, (1982), "*Evaluation Report on Integrated Tribal Development Project*", Kerala Institute for Research, Training and Development Studies of Scheduled Caste and Scheduled Tribes, Kozhikode, Kerala.

Mariamamma J Kalathil ,Withering Valli: Alienation, degradation, and enslavement of tribal women in Attappady Discussion Paper No. 66

Nair, Viswanathan,(1986), "*Land Alienation among the Tribes of Attappady*", Kerala Institute for Research, Training and Development Studies of Scheduled Caste and Scheduled Tribes (KIRTADS), Kozhikode, Kerala.

Patnaik, N, (1972), "*Tribals and their Development*", National Institute of Community Development, Hyderabad, PP.43-

Paul, C.T, (1988), "*Tribal Economy of the Hill Tribes with Special Reference to Way and*", Ph.d Thesis, Department of Economics, University of Calicut, Dr, Jhon Mathai Center, Thrissur.

Planning Report, (2001), "*Geology and Soil of Attappady*", *Block Development Journal Report*, Agali.

Sinha,V.P, (1967), "*Demographic profile of Tribal population in India*", International Institute for Population studies.

Survey Report, (2001), "*Forest and sources*", Forest Survey of India, Kerala Forest Research Institute, Peechi.

Survey Report, (2001), "*Hamlets Survey of Attappady*", Hamlet Survey, Attappady.

Vijayanand, S.M, (1996), "People's Participation in Poverty Reduction Programmes- A case Study of the Integrated Tribal Development Project,(ITDP), Attappady, Kerala, M.Phil diss., Center for Development Studies, Tiruvananthapuram.

Tribal Lands and Collection of Data of the Tribals at ITDP. Survey Report. Attappady. Vol. II. 1977.

Velappan K. Adivasikalam Adivasibhasakalum, Thiruvananthapuram: State Institute of Languages. 1994.