

Chambal Region: brief overview on land issues September 2007

1. Introduction

During the promotional campaign of *Janadesh*, Ekta Parishad contacted several organisations based in New Delhi to create an additional local support group. PRAXIS¹ was among those which responded. The voluntary contribution of PRAXIS Team to *Janadesh* has taken different forms. The present documentation and analysis of part of the land issues in Chambal Region (Madhya Pradesh) is one.

Janadesh (People's Verdict) is a non-violent direct action of around 25,000 landless, deprived people who have decided to march from Gwalior to Delhi to demand their rights to land and livelihood². They come from different parts of India and have been grouped into 5 regions, named after the main river: Ganga (Bihar, Uttar Pradesh and Jharkhand State), Kaveri (Kerala and Tamil Nadu), Narmada (Gujarat), Mahanadi (Orissa and Chhattisgarh) and Chambal (Madhya Pradesh). Each cluster gathers/accounts for 5,000 individuals who, over the last 2 years, have been submitting their land demands (written applications) to Ekta Parishad.

As earlier said, this document is just a partial analysis of those applications. It is partial for two reasons. Firstly, it relates to Chambal Region exclusively and secondly, it only covers a portion of all 5,000 expected demands. When PRAXIS team visited Ekta Parishad office in Gwalior, on September 3, 2007, a total of 1,226 applications had been entered in its database, which is what this analysis draws from. This brief document, therefore, is merely intended to portray part of the land reality in India today and let to readers draw their own conclusions.

2. Land-related issues in context³

Land is probably one of the most pressing and challenging dilemmas that India is facing today. On one side is the irreversible process of economic growth, which has come as a result of India embracing liberalising policies. On the other end is the encroachment of this growth on the basic rights of the poor and the marginalised, something that the Government is duty-bound to safeguard.

Legal Framework

Soon after its independence, India embarked on a Land Reform process which was aimed at redistributing land in a fair and equitable manner, ultimately providing land to landless. Following are some of the legal steps taken in this direction. Unfortunately, till today, some of these laws have not been enforced, hence remaining mere promises.

- ✍ Abolition of the *Zamindari* system. During the British colony, "*Zamindaar*" (landlords) were entrusted with the collection of revenue from cultivators, mediating between the latter and the British Government. The elimination of such system preceded the rationale of the Land Reform Act.

¹ At Praxis we see a world in which every woman and man has the right to participate in decision-making processes, and to a life with dignity and choices. Our mission is to strive for the democratisation of development processes and institutions to ensure that the voices of poor women, men, girls and boys are heard and acted upon.

² The decision of organising a non-violent *Satyagrah*, named "*Janadesh 2007*", was taken at the Assembly (*Sansad*) of deprived people that was convened in Gwalior on the 10th December 2005.

³ This paragraph draws from Ekta Parishad publications, mainly, and is simply intended to recap the most salient legal and factual aspects which relate to land issues in India.

- ✍ Land Reform Act. It is centred on the recognition of ownership rights to the tiller of the soil ("*Land belongs to the tiller of the soil*") and commitment to protect them against potential withdrawal.
- ✍ Land Ceiling Act. In order to prioritise the agricultural use of land and to prevent land monopolies, this law was enacted, establishing a limit to the amount of land that each individual may possess.
- ✍ Creation of the *Chakbandi* system. Under this system, peasants possessing scattered pieces of land were encouraged to exchange their ownership titles in a way to get hold of larger single plots.
- ✍ Review of land records to update and consolidate the information about farmers and landowners countrywide.
- ✍ The Scheduled Tribes (Recognition of Forest Rights) Bill, which seeks to recognise forest rights of forest dwelling Scheduled Tribes and reasserts the inheritable right of tribals to forest land⁴.
- ✍ Introduction of joint land entitlement to include women in the ownership of lands redistributed.

This outline of legal framework⁵ wouldn't be complete without mentioning that the Indian policy priorities are also gradually changing. If land reform was once seen as the *conditio sine qua non* to reach an equitable and just economic development of the country, that is not anymore nowadays. This task has now been left to markets, relying on that the "*invisible hand*" of Adam Smith will evenly distribute the wealth and benefits of the economic growth. With this in mind, the Government has started acquiring land from people to be given to companies or multinationals. This is not only unfair but also illegal. As per the Land Acquisition Act, in fact, the Government is allowed to acquire any land in the country but only for public purpose⁶.

Another similar recent phenomenon is the conversion of agricultural land into land for non-agricultural use.

Factual Framework

Following are some of the latest figures on land distribution and land reform to help put things in perspective:

- ✍ According to the Agriculture statistics of 2006, out of the total 120.822.000 farming land owners, 63% are marginal farmers (owning 0.4 hectares in average) and 18.9% are small farmers (1.41 hectares is the average size of their plots)⁷.
- ✍ 64.33% of small and marginal farmers possess only 31.80% of the whole farm land in country while 41.57% of the same is concentrated in the hands of 7.43% of large farmers⁸.

⁴ In this regard, the 5th Schedule of the Constitution of India prohibits sale of tribal land to non-tribals. Similar provision is included in the Madhya Pradesh Land Revenue Act.

⁵ See also, "*Towards a people's land policy*" produced by CCDS for Ekta Parishad (2007) and "*A journey towards people's verdict*" by A. Gupta, Ekta Parishad, 2007.

⁶ A recent policy stipulates that the Government can only acquire up to 30% of land for private entities. This, too, only after the private parties have directly acquired 70% of the same.

⁷ Per definition, marginal farmers are those whose land size is inferior to 1 hectare while small farmers own between 1 and 2 hectares of land.

⁸ A. Gupta, "*A journey towards people's verdict*", p. 13, Ekta Parishad Publication, 2007.

- ✍ 78% of the large farmers are upper caste while 83% of the marginal farmers belong to Adivasi and Dalit groups⁹.
- ✍ 77% of Dalits and 90% of Adivasis are either fully or partial landless (9th Five Year Plan, 1997-2002)
- ✍ Since its inception, the Land Reform in India has generated 272 Acts and 13 Constitutional Amendments. However, in the same period, the number of landless farmers has increased of seven times, moving from 50 million to 350 million¹⁰.
- ✍ 74% of the allocated plots haven't been demarcated yet. As a result, the owners are still not able to enjoy their right¹¹.
- ✍ Land reforms are also being implemented in other countries, with much more satisfactory results. China reallocated 43% of agricultural land, Taiwan 37%, South Korea 32%, and Japan 33% whereas India has only redistributing 1.25% of its operational area over the last 35 years¹².

3. Madhya Pradesh: general picture

Agriculture is a key sector in the economy of MP. Not surprisingly, in fact, about 74% of the population is classified as rural which means that, over 44 millions of people depend on land resource, directly or indirectly¹³.

Divided in 48 districts, this state occupies a total surface of 30,82 million hectares (2004-05) of which land accounts for 30.75 million hectares. However, only 49% is under cultivation as 28% is forest, 11% is not available for agrarian purposes and 12% is fallow land.

4. Chambal Region: profile emerging from Janadesh applications

Ekta Parishad has been assiduously working in Chambal region for the last three decades. Efforts have been made to address land issues and enhance people's right to livelihoods (as per Indian Constitution, Art 39)¹⁴. In these terms, Datia, Gwalior, Morena, Sheopur and Shivpuri are among the most vulnerable districts in MP.

Certainly, there are several factors responsible for poverty in these areas like poor delivery of basic services, disparities in the distribution of productive resources and poor physical infrastructure. However, land is quite a critical issue. Rigid social structures, in fact, force most schedule castes and schedule tribes to live in underprivileged situations and rely on daily wages either because they are landless or their land is disputed. In addition, despite the MP Land Revenue Act, which is intended to protect tribal land, tribals are dispossessed by non-tribal people who act in collusion with a corrupted bureaucracy.

As of the beginning of September 2007, four main land situations emerge from the people's applications received by Ekta Parishad:

1. *Absolute landlessness*, in which people (mainly tribal) are left with nothing either because their land is illegally occupied by someone in a stronger position

⁹ Above mentioned source, p. 12.

¹⁰ Above mentioned source, p. 10 and 12.

¹¹ Above mentioned source, p. 11.

¹² S.R. Sankran, "*Land Reforms in India*", Introduction, B.N. Yugandhar Edition.

¹³ According to the Census 2001, MP has a total population of 60.348.000 (Source: 11th Five Year Plan 2007-2012, Draft, Government of Madhya Pradesh).

¹⁴ "All citizens, men and women equally, have the right to an adequate means of livelihood. The ownership and control of the material resources of the community are so distributed as best to serve the common good. The operation of the economic system does not result in the concentration of wealth and means of production to the common detriment [...]."

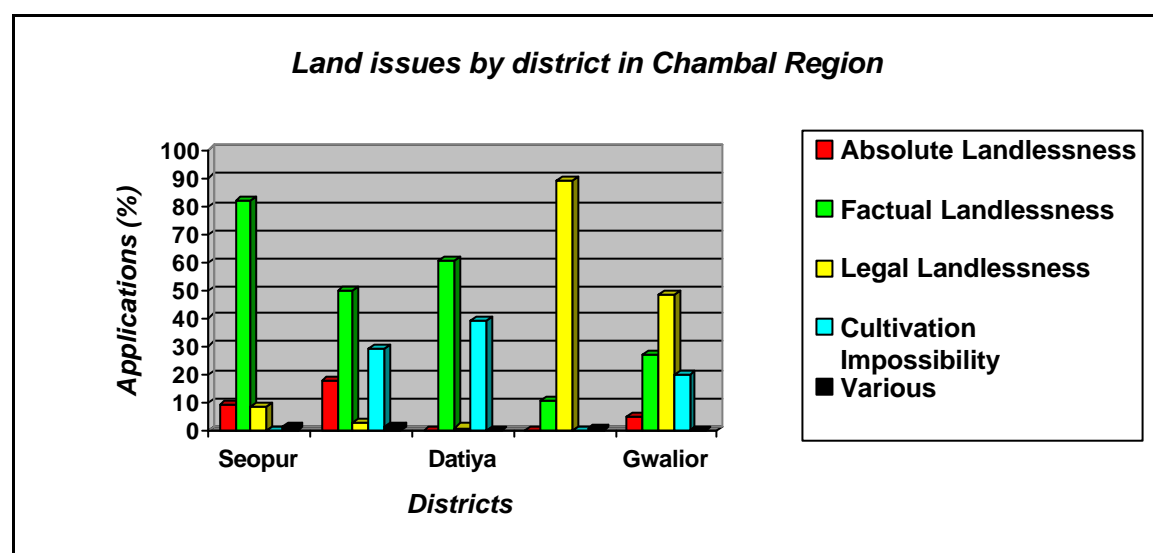
(socially or politically) or as a result of government acquisition. In this last case, no fair compensation (if at all) is usually provided by authorities.

2. *Factual landlessness* implies that land ownership is a mere situation *de iure*, lacking of physical possession. To enable people's rights, land allocation and demarcation is also needed.

3. *Legal landlessness*, when people possess land *de facto* but lack of the legal document that recognises it (*patta*)

4. *Cultivation impossibility*, in this situation, though people have both legal title and concrete access to land, their livelihood is equally compromised either because their land is infertile (rocky or barren land) or cultivation is obstructed by authorities (usually Forest Department).

The presence and occurrence of the above mentioned situations vary according to the district and its social and physical context, as illustrated by the following graph and table:



Source: Ekta Parishad Database as of September 3, 2007

LAND APPLICATIONS IN CHAMBAL REGION

(As of September 3, 2007)

Issue Type	District	SHEOPUR		SHIVPURI		MORENA		DATIA		GWALIOR	
	Applications	622	%	124		272	%	148	%	60	%
1	Illegal occupation of tribal land by non-tribal people	30	4.82	1	0.81					1	1.67
	Land has been forcibly and illegally captured	3	0.48	1	0.81					2	3.33
	<i>Patta</i> has been withdrawn by the Government			2	1.61						
	Tribal claim of forest land of which they have deprived of	24	3.86	18	14.52						

	Sub Tot	57	9.16	22	17.74	0	0.00	0	0.00	3	5.00
2	Demanding physical possession of land	394	63.34	32	25.81	112	41.18	15	10.14	1	1.67
	Demanding demarcation of plots	45	7.23	14	11.29	51	18.75			6	10.00
	Demanding land demarcation and physical possession	68	10.93	15	12.10	1	0.37			7	11.67
	Demanding possession of land earlier possessed	2	0.32	1	0.81					2	3.33
	Sub Tot	509	81.83	62	50.00	164	60.29	15	10.14	16	26.67
3	Demanding <i>patta</i>	36	5.79	3	2.42	2	0.74	132	89.19	29	48.33
	Demanding <i>patta</i> of land already possessed since long	15	2.41								
	Sub Tot	51	8.20	3	2.42	2	0.74	132	89.19	29	48.33
4	Need to change rocky/barren land			35	28.23	106	38.97			12	20.00
	Forest Department doesn't allow cultivation/Harassment			1	0.81						
	Sub Tot	0	0.00	36	29.03	106	38.97	0	0.00	12	20.00
5	Living in forest land and afraid to be displaced (protection of tribal land rights)	2	0.32								
	Demanding exchange of ownership			1	0.81						
	Sub Tot	2	0.32	1	0.81	0	0.00	0	0.00	0	0.00
	Tot Answer	619	99.52	124	100.00	272	100.00	147	99.32	60	100.00
	No Answer	3	0.48	0	0.00	0	0	1	0.68	0	0
	Tot	622	100.00	124	100.00	272	100.00	148	100.00	60	100.00
	Grand Tot										1226

In **Sheopur district**, the main land issue is the factual access to land (i.e. land allocation/possession and demarcation). Almost 82% (509 out of 622) of applications are from people who have their land titles (legal document called *patta*) but land has not been allocated or demarcated yet, which concretely means for them no livelihoods and hence no food.

Land title vs. land ownership

Name: Kuki Bewa
 Father: Late Guman Patelia
 Caste: Tribal
 Village: Gothra
 Tehsil: Karahal
 District: Sheopur
 State: Madhya Pradesh

In 1998, Kuki got hold of her land title but till date she hasn't been able to exercise her ownership as no land demarcation has been done. In concrete terms, she has no land even though she has a title. She is a widow and has no other sources of revenue. Only if she gets her land, she will be able to foster her children. Kukki went several times to Tehsil demanding land demarcation but all resulted in a waste of time and money. She then decided to submit an application to the District Officer but till now no reply has come back to her.

Second major problem in this district is about tribal people (9.16%) having neither a title nor factual possession of land. 4.82% of applicants, in fact, claim that their land has been illegally occupied by non-tribal people while 4.34% have lost their land titles due to government acquisition.

Illegal appropriation of tribal registered land

Village: Binaika
Subdivision: Vijaypur
District: Sheopur

In 2002, the brothers Prakash and Bharosi received land and started cultivating it. Their hard work bore fruits and their land gradually became more fertile. Once the harvesting time came, *Suggali Rawat* (relative of a former minister) forcibly occupied their land and snatched their crops.

In this village, *Rawat* family's domination is very strong and many tribals lost their lands because of members of this family. Victims, all belonging to Sahariya tribes, submitted legal complaints to revenue officers both at subdivision and district level. However, no land has been returned as the Government has ignored their claims. The saddest part of this story is that land was the only source of income for these tribes who, as legal owners of that lost land, are still paying taxes.

Another important group of applications (8.20%) demand for the legal recognition (*patta*) of land already possessed (Unique to Sheopur (as it doesn't emerge in any other district) is the request of some tribal people (2, representing 0.32% of the total) for their land rights over the forest to be protected. In the applications submitted they express their fear of being displaced as it happened in other cases.

Forest Department's illegal acquisition of land distributed by Revenue Department

Village: Pipal Khadi;
Tehsil: Karera;
District: Shivpuri;
State: Madhya Pradesh;
Victim: Jeeva;
Husband of victim: Dayali Gdaria;
Age: over 70 years

Jeeva, wife of the self-surrendered dacoit Dayali Gdaria, got 22 *bigha* (local measure) of land to feed her family in 1977. The quality of the land received was not very good therefore both husband and wife had to work hard and spend lot of money to make it fit for cultivation. On the 14th May 1983, following the collector's order, the *Patwari* defined the land boundaries. However, Forest Department officers used to trouble them by saying that their land belonged to the Forest Department and their earning was therefore illegal.

Dayali wrote many letters to the concerned departments. He also went to meet officers personally so as to put an end to this injustice, till he decided to recur to the judicial system. In 1995, the court pronounced its final order recognizing the complainant as the only owner of the disputed land. It also requested the opposite party not to obstruct the ownership of this person either directly or indirectly and to cover all the legal expenses.

Nowadays, Jeeva and Dayali are over 70 and they have been fighting for the last

30 years to get their right to livelihood fulfilled.

Like in the previous district, the main land issue in **Shivpuri** is about possessing land *de facto*. Fifty percent of applications, in fact, demand for land allocation and demarcation to enable farmers to concretely access land and cultivating it. This status of things is particularly bad in *dalit* areas where, title holders belonging to lower castes have often taken legal action to assert their rights only to discover, midway, that their documents have little value. *Patwaris*, in fact, often play with the records under the pressure of influential people or for a bribe.

Very important is also the question of infertile land. More than 28% of applicants ask for change of their plots of land as these are in a rocky area and therefore of no use for their livelihood.

A significant part of applications comes from tribal people having nothing (land title or possession). Most of them (around 16%) have been deprived of their lands both *de facto* and *de jure*. The Forest Department has cancelled their *pattas* in favour of other public projects (like Madhav National Park, Son-Chiriyia Sanctuary and construction of dams). In 1970, for instance, due to creation of the Madhav National Park, 70 to 80 villages were displaced and received only a patch of land for building houses but none to cultivate. As a consequence, their living is now jeopardised as it depends on daily wages. Some villagers still collect forest produce, but because of the middle man they manage to earn only about a fourth of the market rate

The Case of Thakurpara Village (Madhav National Park)

As part of the Madhav National Park Project, in the village of Thakurpara (Shivpuri District), 40 families of Shahariya tribes have been displaced from the forest to the foothill. These families are now struggling to meet their basic needs. Every day, it is a challenge for them to get some drinking water from the upper caste colony given that no water connection is available in their area and the Government hasn't done anything about it yet. But this is only half their trouble. *Thakurpara*, which is close to Shivpuri city, will soon fall under this municipality. All these families have ration cards of the earlier Panchayat, which has not issued 'no dues' certificates therefore these families are not allowed to access PDS (Public Distribution System) facilities of the Municipality. However, they are still paying revenue tax under the Panchayat.

The Panchayat is refusing to help them in any way. Additionally, their basic right to living off the forest has also been impeached upon by the Forest Department.

The picture that emerges in this **Morena district** looks very similar to the one of Shivpuri. The two main issues related to land are (in order of importance) lack of concrete access to land (60.29%) and possession of rocky or barren lands (39%). Regarding to the latter, it must be said that most of these plots were allocated during *Bhoodan*¹⁵.

From landless to land owners of rocky plots

Village: Berkhera
Sub division: Sabalgad
District: Morena

It was a surprising day for the tribals of Berkhera village, when the *Patwari* (official who keeps land records of the villagers) informed them that they had been given land from the Government. They got even more surprised when they discovered that this was all rocky land which couldn't be cultivated or used for

¹⁵ *Bhoodan* was a voluntary land reform movement initiated by Acharya Vinoda Bhave in 1951.

any other purpose. The irony is that on paper these poor landless tribals are now land owners though this land is good for nothing. They submitted many applications to the *Patwari* and *Revenue Inspector* but no action has followed.

In **Datia**, tribal people are mainly asking for their legal titles over forest land (89%). The remaining applications are about factual landlessness, i.e. need for possession and demarcation of land already owned legally.

In **Gwalior district**, similarly to *Datia*, the main problem that appears is of legal nature. Twenty-nine applicants (over 48%), in fact, ask for their *pattas*. Other relevant questions are land allocation (27%) and rocky land (20%)

Forest Department captured people's registered land

Village: Karoli Barai,
Sub division: Ghatigaon
District: Gwalior

Hotam lives in the *Karoli Barai* village. Few years ago, he managed to register some forest land at the Revenue Ministry of Madhya Pradesh. Since then, he has been cultivating this land which is the only source of income for his family. Recently, the Forest Department has forcibly captured this land without giving any explanation. This plot is still in the name of *Hotam*, hence he complained to both subdivision and district level but none of them have listened to him. He is still waiting for justice.