

Land to the landless of Wayanad

An attempt to highlight the glaring land issues among the
tribes of Wayanad District

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Foreword

Neethi Vedhi is a human right organization providing legal support for the empowerment and protection of rights of Adivasis, women, children and other marginal groups. It is the tenth year of Neethi Vedhi which started functioning in 2003 after realizing the continuous and deliberate exploitation and torture by the government and mainstream communities against the Adivasis.

Adivasis are the sons of the soil in its true sense. Wayanad is the land of one third of tribes in Kerala. Of course, most of them never considered land as private property with measures and boundaries. Earth for them is the mother who provides whatever is necessary for our lives. Land for them is for everyone and Adivasis never prohibited anyone from occupying the land and cultivating in it. As everyone knows, majority of Adivasis gradually became landless and deprived of livelihood resources. The Forest Laws, large scale migration, eviction etc are mentioned as major reasons. Wayanad has also a long history of Adivasi land struggles which unfortunately did not yield expected result. Only Muthanga incident was highlighted by media and social activists. The legislations for reclamation of Adivasi alienated land did not bring out any result. The popular Adivasi Agreement of 2001 also remains only in the paper. The 1999 Act endorsed by the Supreme Court also was not implemented. But all the state governments- whether left or right- make lofty claims of land distribution to Adivasis.

This survey and analysis of the possession of land by Adivasis of Wayanad is an attempt to understand the genuineness of this claim and to bring into the notice of the authorities regarding their bounding duty to distribute land to Adivasis of Kerala. All the data were collected by Adivasi volunteers. More or less the same situation is applicable to all adivasis not only in Wayanad but all over Kerala. Therefore the study provides relevant impressions and conclusions regarding the land issue of Adivasis.

Let me wholeheartedly appreciate and congratulate Mr. Jaimon Uthup who has done serious hard work for the compilation and analysis of this survey.

**Adv. Fr. Stephen Mathew,
Director, Neethi Vedhi**

Backdrop

Adivasis, the indigenous communities of Kerala, has been living in the highlands of Kerala from the time since immemorial. The word 'adivasi', commonly used in all the Indian languages, originates from Sanskrit; adi meaning 'beginning' or 'earlier times' and vasi meaning 'resident of'. In another way it is similar to the word 'aborigine' or 'indigenous', meaning 'existed from the beginning' in a territory, landscape or geographical formation. Belonging to various clans and divisions the various indigenous tribes are often referred as Adivasis and are given the Status of Scheduled tribes. Adivasis in Kerala has a glorified past and than other communities and enjoys a historical importance in the history of Kerala. They used to live closely associated to forests and eventually they started to imitate the life of invaders. In the constitution they enjoy the rights of Scheduled Tribes and their association with the forest in a day to day life resulted in the forest rights act by Government of India. As per the provision every Adivasi families are entitled to get land from government but the process still is lagging and very much embarrassing.

Marginalization of the Adivasis started from the colonial period and is still continuing in Wayanad. Battle for the rights of tribes in the world was started in 1970 by North American Indians in their struggle for self reliance, access and control of natural resources¹. In Wayanad tribes being from heterogeneous groups had no collective effort of struggle for their rights till the mid of twentieth century. Land is a critical factor for development among any communities and hence Tribes of Wayanad also need land for the prosperity. Nearly 65-70% of the tribes in Wayanad are landless. An ignorable portion of the community only had land in these periods and this was either provided by the Janmis who used the tribes for cultivation. After this period a few more were provided with land by government and there is no clear cut documents proving the same. In this period, the settlers poured in and Wayanad, once the tribal kingdom, emerged as a minority land constituting 17% of the population as tribals.

In 1975, Government of India framed the Land Restoration Act for the welfare of these communities. And in 1986 Government of Kerala framed rules for the implementation of the act. But this never facilitated the restoration of the tribal land as tribes never had

¹ Gray, Andrew 1997. 'Who are Indigenous People?' In S. Buchi, C. Erni, L. Jurt, C. Ruegg (eds), *Indigenous Peoples, Environment and Development: Proceedings of the Conference, Zurich*.

any documents to showcase their possession. In 1993 a Public Interest Litigation was filed and the High Court directed the State to implement the 1975 act. State couldn't keep the promise and even in between they tried to amend the act. In 1996, State Government passed a new bill to hold all the transactions of Adivasi land during 1960 - 1986 as legally valid. But it was rejected by the President of India in 1998 on the ground that it was unconstitutional. In 1999 a new act was passed in Legislative Assembly of Kerala, but the High court of Kerala rejected it. In 2009, the Supreme Court approved the major portions of the Act and now it is in force.

Adivasis were fighting for the restoration of alienated land till then and from then onwards the focus of the struggle shifted to landlessness of Adivasis till the beginning of the twenty first century. Thus began the ongoing struggles from Adivasis and in 2001 government tried to settle the issue by agreeing that "subject to availability of land, all tribal families of Kerala will be given 1 to 5 acres of land. Subsequently a Tribal Land Mission was launched in November 2001. The mission recommended the Kerala Government to complete the land distribution in five years time. TRDM in 2001 has identified 14031 Adivasi families in Wayanad who are landless. In addition it has identified 12184 families in Wayanad whose landholding is less than one acre. As per the government agreement all the adivasi families whose land holding is less than one acre will be provided 1-5 acres of land, implying that out of the total 27000 tribal families in Wayanad, 26215 families would be given land².

However the attempts of Government to find land in the district failed as there were no enough land for the rehabilitation. Government was also not in a mood to disturb the estate owners who are illegally holding thousands of acres of land in Wayanad. Thus government started finding land in alien places which were not acceptable for the tribes. Adivasis having an attachment to the place never accepted the government offers for the relocation and this has ignited the activism among the Adivasis groups. Tribes consider their forefathers as Gods and they never preferred to leave the place of their forefathers. Apart from that tribes are proud of their participation in the struggles for independence such as Pazhassi battle and they don't want move away from the place where their communities have shed blood for the land. Promises by various governments for the

² Wayanad Initiative – A Situational Study and feasibility report for the comprehensive development of Adivasis in Wayanad; IIMK Kozhikode.

resettlement of Adivasis in Wayanad have never achieved the goal and this has resulted in the inglorious war of the tribes in the modern day.

Activism for the land began from the Independence and several political parties and groups tried to take advantage of the tribes in Wayanad. There were several movements for the restoration of Tribal land and some of them were those led by Wayanad Adivasi Swyam Sevak Sangam, Wayanad Adivasi Sangam, Kerala Karshaka Thozilali Union, Adivasi Gotra Mahasabha, Adivasi Shema Samithi etc... Ever since the formation of Neethivedhi, the only organization providing legal support to the Adivasis of Wayanad also took initiatives for the resettlement of tribes.

Executive Summary

Land to the Landless of Wayanad is an effort of Neethi Vedhi to study and identify the land issues of tribes of Wayanad. The survey was launched in October 2010 and it took nine months to complete the enumeration and data entry. Survey has covered the one fourth of the entire tribal households in Wayanad. Some of the main observations of the study are as follows;

- 13.4% of the tribal households in Wayanad don't have ration cards. This has resulted in these tribal families being left out in the various welfare mechanisms of the government.
- 20% of the tribes were placed in the Above Poverty Limit. Most of them complained that the procedure of placing them in the Above Poverty Limit is flawed as the glitches in the assessment only resulted in ending up in the APL list.
- Even though there is a scheme for Annapurna (ANP) scheme, none of the families have heard of this scheme and it seems that none of the tribal families are benefitting from this scheme.
- 42% of the Adivasi households in Wayanad don't have electricity connection. Non-completion of houses may be a reason for not getting connected to electricity.
- Joint family system among tribals has become extinct. Only 8.5% are practicing joint family system while 91.5% are nuclear families.
- Population of tribals are also declining. Earlier tribal families consisted of not less than ten members and now this has even declined up to an average of five and less than five members.
- 1.65% of the families under reference have only female members. Male-female ratio among the Adivasis is also dwindling.
- 51.72% of the households who have houses; responded that their construction is not yet over.
- Safe and secure housing is still a dream among tribes and most of them have changed the pattern of traditional housing to the modern concrete housing and tiled thatched houses. 13.36% of the households are staying in huts, sheds and temporary roofed houses.
- 46.3% of the households with tiled roof responded that their house construction is not over. 46.80% of the households who have concrete roof, responded that their house construction is not complete. 69.3% of the asbestos roofed households responded that their house construction is not over. 88.52% of the households who stay in huts responded that their huts are only temporary and

they are yet to construct safe and secure houses. 98% of those who stay in sheds responded that they don't consider it as an all weather option and hence they prefer for construction of safe houses.

- 87.5% of the households have sought assistance for construction either from government or non governmental organizations. Of which 87.09% took the financial assistance from Government sources.
- 40.7% of the tribal families in Wayanad have not got land. These tribal families are leaving in unauthorized lands without any title documents. Of those who have occupied the land is considering it as a temporary process.
- Land holding patterns among the tribes are too much fragmented resulting in breaking the equilibrium of food security among these families. 56.5% of the tribal households who have land range from one cent to twenty five cent of land.
- Land available for agriculture among tribal households gives the inference that availability is literally in fragmented nature. Only 10.48% of the tribal households have got land more than fifty cents.
- Availability of land for paddy cultivation in Wayanad among tribal households 9.63% has got land beyond 50 cent.
- Of those who have got land in Wayanad, 46.26% got it inherited from the family, 2.78% made it by possession, 7.53% got it allotted by government and 2.68% purchased the land.
- Ownership of land is mainly through inheritance and hence the availability of documents is low among tribes. 54.14% of the tribes don't have any ownership documents.
- Among those who have got land documents, Pattayam is the most common form of document. 17.81% of those who have land is having Pattayam, 12.55% Nikuthicheettu (tax receipts), 9.24% more than one document and 1.41% have got all the three documents. 6.26% of the respondents have got Title deed in their name. It can be presumed that only 6.26% of the tribal families in their life time could purchase land in Wayanad.
- Since the enactment of Forests Rights Act in India, only 2.20% of tribal households in Wayanad have got land allotted under the FRA act.
- As per the criteria of Forest Right Act land allotment, tribal households are supposed to get land from 1 acre to ten acres. Of the 223 families who got land under the FRA only 45% received land more than one acre.

Introduction

Wayanad has been inhabited for more than three thousand years. Wayanad has a powerful history. Historians are of the view that organized human life existed in this parts at least ten centuries before Christ. Countless evidence of new Stone Age can be seen on the hills of Wayanad. Recorded history in the 18th century shows that the land was ruled by Rajas of Veda tribe. In later days Wayanad came under the rule of Pazhassi Rajahs of Kottayam dynasty³. When Hyder Ali became the ruler of Mysore, he invaded Wayanad and brought it under his sway. In the days of Tipu, Wayanad was restored to the Kottayam royal dynasty. But Tipu handed over the entire Malabar region to the British, after the Sreerangapattanam truce, he made with them. This was followed by fierce and internecine encounters between the British and Kerala Varma Pazhassi Rajah of Kottayam. When the Rajah was driven to the wilderness of Wayanad, he organised the war-like Kurichiya tribals into a sort of people's militia and engaged the British in several guerrilla type encounters. In the end, the British could get only the dead body of the Rajah, who killed himself somewhere in the interior of the forest.

Wayanad fell into the hands of the British and with it came a new turn in the Home of this area. The British authorities opened up the plateau for cultivation of tea and other cash crops. Roads were laid across the dangerous slopes of Wayanad, from Kozhikode and Thalassery. These roads were extended to the cities of Mysore and Ooty through Gudalur. Through the roads poured in settlers from all parts of Kerala and the virgin forest lands proved a veritable goldmine with incredible yields of cash crops. When the State of Kerala came into being in November 1956, Wayanad was part of Kannur district. Later, south Wayanad was added to Kozhikode district. In order to fulfil the aspirations of the people of Wayanad for development, north Wayanad and South Wayanad were carved out and joined together to form the present district of Wayanad. This district came into being on November 1, 1980 as the 12 district of Kerala.

According to the 2011 census Wayanad district has a population of 816,558⁴. This gives it a ranking of 482nd in India. The district has a population density of 383 inhabitants per square kilometre (990 /sq mi). Its population growth rate over the decade 2001-

³ Official website of Wayanad- <http://wayanad.nic.in/index.htm>

⁴ Census 2011

2011 was 4.6 %. Wayanad has a sex ratio of 1035 females for every 1000 males, and a literacy rate of 89.32 %. Some of the major tribal populations (sects) include Paniyas, Adiyas, Kattunaykans, Kurumans and Kurichiyans. It is the district with the highest share in the adivasi population (about 36%) of Kerala. Wayanad also has a large settler population. The Jains from Karnataka came in the 13th century. The Hindu Nairs from Kottayam-Kurumbranadu, in Kannur district, made an entry in the 14th century and established their feudal system. They were followed by Muslims. There were large scale migrations from southern Kerala in the early 1940s. Christians came in the 1950s from Travancore region. In the last few decades there was a complete marginalisation of the indigenous people. Alienated from their land, exploited by the settlers and neglected by the state, their struggle for rights to the land began.

Majority of the Adivasis of Wayanad are agricultural labours or marginal farmers. They are heterogeneous in character and extremely diverse in socio economic stratifications. While negligible portion of the tribals are traditionally settled cultivators having considerable land holdings, majority of them are landless labours. In the middle of the 19th century tribals formed the majority of the population. In 1942 the tribal population was 61,000 out of 74,000⁵. For tribes, land was a community asset and hence most of them didn't have land in their name. By the time migration started the majority tribes were reduced to minority status. In the process of inward migration, significant portion of adivasis lost their land. Adivasis used to be cultivating agricultural crops only. But after migration traditional agricultural crops were replaced by high input cash crops, altering crop pattern. Gradual reduction of area under paddy cultivation since 1970s resulted in the drastic reduction of employment for both the landless as well as landed sections of the Adivasis. This coupled with crash of prices for hill produce has further reduced their opportunities.

⁵ Peoples Democracy, Vol XXXIV, No 11, March 14, 2010

Need for the research

Once again Adivasis are at cross roads. Land struggles of tribes are often misquoted as land encroachment. Before colonial period, tribes never had private ownership of land. Land used to be community asset. Displacement of tribes started from the colonial period. In this period, the British displaced tribes from their community land for creation of plantations and estates. Followed by this, the migration from middle land resulted in pure displacement of tribes from their land. As per the available data, there are around 8000 landless tribal families in the district. Another 15,000 have inadequate land for survival. However the real data will be many folds higher than this. Socio-economic conditions of tribals are very much pathetic. Vicious cycle of poverty is high with unemployment, substance abuse, diseases etc... The tale of Wayanad's tribals is one of betrayal and exploitation by settlers and successive governments.

The tribal peoples' demand for land rights in Wayanad has been a cry being never attended. For the last seven decades, adivasis are demanding the return of their alienated land. Now the tribes are more assertive about their rights. At times the nature of expressing their demands has undergone a subtle transformation. Land has been a major issue from fifties. Nearly two third of the tribal population in Wayanad are traditionally landless. A few of the tribal families were allotted a portion of land by their erstwhile Janmis. Also government provided some small holdings but most of the holding is not viable. Also many of them don't have proper titles. For the traditionally cultivating communities like Kurichian and Mullu Kuruman, land alienation was a key issue; a major portion of their land was alienated to settler farmers who migrated to Wayanad since 1940s. Land Restoration Act 1975 was passed by Government of India. However effectiveness of this act was limited owing to the fact that only a negligible section of the Adivasi population could give evidence regarding land alienation.

Though Adivasi communities were demanding restoration of alienated land, the focus however was shifted to landlessness of the Adivasis by 2001. Following agitations by Adivasi organizations, Government of Kerala reached an agreement with Adivasi organizations on 16 October 2001 saying, "subject to availability of land, all tribal families of Kerala will be given 1 to 5 acres of land .The land distribution will begin on 2002 January 1" As per the same agreement, a "Tribal Mission" was suggested by the

Government / Adivasi leaders to work on tribal land issues (for identifying land, designing resettlement measures etc). Subsequently government issued an order on 9 November 2001 forming a Tribal Resettlement and Development Mission (TRDM). TRDM on January 1, 2002 put before the government a set of proposals addressing land distribution related issues of the Adivasi of Kerala. TRDM has recommended to the Government of Kerala that land distribution have to be completed within a period of five years starting from January 1, 2002⁶.

TRDM in 2001 has identified 14031 Adivasi families in Wayanad who are landless. In addition it has identified 12184 families in Wayanad whose landholding is less than one acre. As per the government agreement all the adivasi families whose land holding is less than one acre will be provided 1-5 acres of land, implying that out of the total 27000 tribal families in Wayanad, 26215 families would be given land.

Tribes of Wayanad are listening to promises for several years but nothing has happened since. The present situation of tribes in Wayanad is pathetic as well as impalpable. The Hon. High Court of Kerala has given direction to the state government a number of times to accelerate the process of land distribution. The government is making a eye wash exercise by giving document to some tribals without properly identifying and measuring the land or handing over the actual possession. Even for those who got documents under Forest Rights Act, actual possession of land has not yet been taken place. The state government has begun the process of declaring the entire state as one without landless families for political mileage without actually distributing the Land promised to the Adivasis. There is also a false claim from the ruling parties that all the landless Adivasis have been given land by them. It is necessary to counter all these claims and evaluate the real situation of land distribution to Adivasis.

Hence Neethivedhi decided to conduct a survey to assess the real situation of land alienation as well as the socio-economic conditions of tribals in Wayanad.

⁶ Wayanad Initiative- A situational study on the comprehensive development of Adivasis Community-IIMK

Neethi Vedhi and the Tribal Welfare programmes

Neethi Vedhi is a charitable organisation established in 2003 having registered under Societies Registration Act of 1860 (Reg. No. 711/03). Neethi Vedhi is a voluntary, non-political, non profit making and secular programme adhering to the sublime ideals and the democratic values enshrined in the constitution of India. It stands for the defense of life, dignity, liberty and human rights of the marginalized group especially Tribals, Women, Children and marginal Farmers. Neethi Vedhi aims at radical changes in society that will enable the individuals and communities to become aware of their inherent human rights and civil liberties, so that they may live in dignity and freedom in its widest dimension.

Neethi Vedhi was a response to the untold miseries the tribals in Wayanad had to undergo after the Muthanga incident in 2003. The police, certain political party members and a good number of people made it a point to terrorize the tribals. Most of the tribals who were arrested or tortured brutally had never been part of the Muthanga struggle. It was the sincere efforts by the human right activists of Wayanad and neighboring districts that helped the tribals to come out and to lead normal life. Neethi Vedhi was registered as per Societies Registration Act to continue to help the marginalized groups when their human rights are denied. It was a deep conviction of Neethi Vedhi from the very beginning that the marginalized groups can be liberated only by themselves. Therefore we made it certain that representatives of these groups are in the decision making bodies of Neethi Vedhi.

Objectives

- To promote and propagate various legal literacy programmes at different levels, to create legal awareness among the public with regard to rights and benefits conferred on them by social welfare laws and government schemes.
- To provide legal aid to poor and needy people
- To protect and promote consumer interests of the general public and to conscientise the weaker sections of the society on consumer affairs.
- To organize seminars, training programmes, workshops, symposia etc... for creating awareness on laws and legal matters.

- To promote human rights and civil liberties of the poor and vulnerable sections.
- To conduct socio-legal researches and surveys on issues and problems affecting citizens and take follow up actions.
- To foster linkage and networking with among NGO's and to collaborate with Human Rights established by government at different levels.
- To promote justice, peace and co-operation among different section of people in the society.
- To build a strong nation, where all citizens, irrespective of caste, creed, race and sex can experience equality, liberty, justice, human dignity, fraternity and unity guaranteed by the constitution of India.

History of Tribals and Land issues in Wayanad

Backdrop

Tribals consider 'Forests' and the eco system as their mother. The wisdom of the tribesfolk tells that the earth meets the needs of not only humans but also the whole creation. Tribesfolk do not take from nature anything more than what is essential, an ethic of enough. They consider forest and nature as their mother. Their art, leisure, and entertainments are in partnership with the mother earth. Their bare-foot folk-dance is a life celebration of their oneness with nature, the peak moments in their life! Thus their folk dance, songs, play, and leisure are the expressions of their intimacy with nature. They perceive the divine and the sacred in the trees, mountains, streams, and animals and in all creation. Earth is mother God for them and god is not bought or sold. Hence they did not buy or sell the land (M. Kalathil, 1996).⁷

Adivasis of Wayanad owned the natural resources based on natural law and sustainable use of natural resources. 'Kadu' or the forest and its fertile land were for centuries their own. They never privatised them, nor did they destroy them in the name of development or whatever. Their lives were need-based and not greed-based. They did not feel the need to prove to anybody their wealth status. Even today they have not become money-minded. They go for work for two or three days a week and spend the rest of the days in total relaxation. When the money gets exhausted, they start working again. The so-called mainstream society may assess this behaviour as laziness, lack of farsightedness, and absence of planning. The way the values of basic-need oriented living and the 'spirituality' of 'enough' are integrated into their everyday life is what astounds mainstream people. In a consumerist society like Kerala, we need to learn this wisdom of the tribesfolk – in this sense a 'tribalisation' process is needed to our use-based, accumulation, and wealth-oriented society

The forest was the tribesfolk's home and not just their house. It was their religion, culture, values, life style, ethos, social norms, knowledge and associated sciences, technology, and skills. The tribes were integral to the forest eco-system. They faced a steady assault on their livelihoods when the British legislated on the control over India's forests in 1865; with this legislation the tribes became trespassers in their own home, the forests, and began to be victimised by externally motivated systems of forest management that directly violated various facets of their economic and cultural survival (W.Fernandes, 1996⁸).

Till about 1960 tribesfolk relied upon forest for food, fodder, fuel, and wood for agricultural implements and for construction and repair of their huts. The process of

⁷ Kalathil, Mariamma. "Empowering Tribal Women - Giving new birth to an Integrated Value based Eco-Feminist Culture", D.C. Despatch, Delhi: ISI. 1996.

⁸ Fernandes, Walter. Drafting a People's Forest Bill: The Forest Dweller-Social Activist Alternative, Delhi: ISI. 1996.

deforestation accelerated after 1960 particularly with the increase in wood-based industries such as paper and rayon. The Government of India also tried to convert natural forests into plantations of revenue yielding trees such as teak, pine, and eucalyptus. Gradually the subsistence base of the tribes was eroded and they began to encroach upon wastelands and to migrate seasonally to urban areas in search of work. Owing to forest privatisation the tribesfolk lost their opportunity to collect and sell forest products. Deforestation reduced their accessibility not only to forest sources of food, fuel and fodder, but also to certain essential things for daily life like twigs of Neem to clean teeth, leaves used to make disposable plates, bamboo used for constructing their huts, and weaving baskets, grass to make brooms and plants and their products for preparing their herbal medicines. Every change also changed their worldview. Deforestation caused the extinction of several species of medicinal plants. Roads were constructed by the intruders from outside to reach the interior of the forest. Roads enabled the outsiders to enter into the forest without difficulty. Their aim was felling down trees for their economic value. In the process, they also stole forest wealth such as honey, wild gooseberry, kadukka, animals, tusks, and nagaratnam.

Land Struggles in Wayanad

Land encroachments have become a catchphrase in the development arena of Wayanad. Land was community asset for tribals from the prehistoric period. The story of land alienation begins from the 14th and 15th century, when the tribal kingdom under the Vedar kings (Mullu Kurumar) was abolished by rajas of Kottayam, the neighbouring chiefdom⁹. The expansion of the Pazhassi kingdom to Wayanad resulted in more land alienation of tribals. Slowly the land ownerships were transferred to the influential invaders. Temple economy and village division of labour replaced tribal self governing. The aides of Rajas were appointed as the care takers and administrators of the region. Tribal folks were made as slaves of the upper caste landlords¹⁰.

For the creation of estates and farms, tribal households were evicted from their own land by invaders, both Indian and Colonial peoples. Large-scale dispossession of Wayanad's adivasis continued during colonial times, when the British imperial government introduced land titles and new concepts of ownership and property in resource use¹¹. In this period almost all the tribals lost their land and only a few got possession of land from their Janmis as a token of gratitude for the slavery. When the Wild Life Protection Act of 1972 came into effect, the partial rights of the traditional

9 In the Jungle of Law, Adivasi rights and Implementation of Forests Rights Act in Kerala: Urusula Munster and Suma Vishnudas, Economic & Political Weekly, May 2012.

10 Kjosavik, Darley Jose and N Shanmugaratnam (2007): "Property Rights Dynamics and Indigenous Communities in Highland Kerala", South India, An Institutional-Historical Perspective, Modern Asian Studies, 41(6): 1183-260.

11 Kurup, K K N (2010): Waynad Through Ages (Calicut: Calicut University Press).

forest dwellers were challenged. Later on when the Indian Forest Act was implemented in 1982, the forest land was surveyed and ownership rights were taken over by the government. Forests from where the tribals used to find the resources became national asset and thus they were denied of access to these resources. All those forests which used to be source of food for the tribals became reserved forest and the access were denied.

In the wake of food crisis in the low lands, the inward migration of farming communities from 70's resulted in another shock to the tribal communities. Encroachment of land by illegal means by transfers and customary leases became rampant and the resulting loss was vided. Most of these land owners became the agrarian labours under the invaders. These landless tribals are now living in slums which they have never ever faced in their life time. Thus Tribes once the Lord of the Jungle became the refugees on their own land. Land alienation in the worst form resulted in uprising among the tribal folk of Wayanad. Encroachments and uproars started in the paradise of Kerala. Tribes started organized and unorganized protests for their land titles.

Land Struggles of Tribes in Wayanad

Kerala was a land of unknown land struggles till the historic land agreement in 2001 October was signed between the protesting Adivasis of Kerala and the State government. Since then adivasi land struggles in Kerala attained a new order of practice. First ever, large scale mass reclamation of land happened in Muthanga, which also proved that the state response to militant struggles for land rights leads to extreme forms of state violence in Kerala like in other states in India. After that arrays of incidents have occurred in the heart of Wayanad and the following timeline depicts the history of tribal unrest for the land from the beginning of last century.

Table 1: Timeline showing the tribal movements in Wayanad

| Timeline | Activity |
|-----------------|-------------------------------------------------------------|
| 5 May 1993 | Protest march by South Zone Adivasi Forum |
| December 1993 | Struggle of Kurichia women Mananthavady |
| 12 January 1995 | Chockadan Girijan Colony Hunger strike |
| 26 January 1994 | Protest march by Adivasi Samyuktha Samara Samithy, Kalpetta |
| 1994 | Kolikkampatti protest |
| 6 March 1994 | Rally at Mananthavady |
| 26 January 1995 | Cheengery Struggle |
| 5 March 1995 | Panavally struggle |

| | |
|------------------------------|---------------------------------------|
| June 1995 | Protest at Kartikulam, Mananthavady |
| 21 June 1995 | Yedayoor colony, Kartikulam march |
| 18 December 1995 | Karimam Colony Burial ground struggle |
| 13 September to October 1995 | Panavalli to Trivandram Vahana Jatha |
| 2001 September to October | Secretariat March |
| 2003 | Muthanga struggle |
| 2004 | Appad land struggle |

After Muthanga incident various tribal wings of political parties like AKS, Adivasi Congress, Adivasi Sangh, Adivasi Mahasabha etc have organized various protest marches and forest land encroachments at different times.

Synopsis

Introduction

Land forms the basis of any economic development and it is the first step for the tribals to enter into development arena. Land was a community asset in prehistoric times among tribals and later on they were displaced from their land in various periods. Adivasis communities form 17% of population in Wayanad District. Tribal communities of Wayanad are the most underdeveloped in terms of health, education, standard of living etc... The Forest Rights Act was a landmark forest law in the history of India. FRA aims to recognize people's ownership and land use rights at the individual and community level and at the same time to integrate conservation. However after several years of implementation it is found that there are serious deficits in the implementation of the act in Wayanad. It is heard that the most benefitted from the FRA act is not the traditional forest dwellers. The struggle of Adivasis continues. Several land struggles got ignited in this decade and the same is going on. The tribal people's demand for land rights in Kerala has been a cry in the wilderness. Neethi Vedhi makes a bold attempt to identify the present situation of landlessness among the tribals of Wayanad through the Study "Land for Landless".

Title of the Survey

"Land for the Landless"; an attempt to highlight the glaring land issues among the tribes of Wayanad District.

Objectives

- To identify the impact of Forest Rights Act implementation in Wayanad among the tribal households.
- To identify the issues of tribals regarding land availability, procession of documents etc...
- To study the socio-economic conditions of tribals in Wayanad and the factors interconnected with the progress of tribals.
- To study the living standards of tribal households in Wayanad such as housing pattern, availability of electricity etc...
- To access the volume of land allotted under the Forest Rights Act and its nature of usage in Wayanad

- To study the availability of Ration Cards among the tribal households.

Hypothesis of the Survey

It is assumed that the implementation of Forests Rights Act in Wayanad where the land allocation as a criteria for relocation of tribal households is a failure.

Tools for Data Collection

Survey using pre determined Questionnaire was the tool adopted for the data collection.

Unit of Study

Tribal households are the units of the Study. Tribal families from the various clans are the respondents of the survey.

Universe of the Study

Twenty five Gram Panchayaths and One Municipality in the district of Wayanad is the universe of the Study.

Samplings

Random sampling is used in the selection of tribal households in Wayanad. Of the forty thousand plus tribal households in Wayanad it was decided to collect data from one fourth of tribal households.

Analysis & Interpretations

Survey was coded and entered into Statistical Software for Social Sciences 13.0. Analysis and interpretations were done by deriving tables and cross tables using SPS software.

Chapterization of the Study

The Chapterization of the study is as follows;

- Foreword
- Backdrop
- Executive Summary
- Introduction
- Need for the Research
- Neethivedhi and tribal welfare programmes
- History of Tribals and land issues in Wayanad
- Synopsis of the research
- Analysis and Interpretations
- Findings & Recommendations
- Conclusion

Analysis & Interpretations

Introduction

Tribes of Wayanad, the real lord of the land now faces plethora of problems related to land in their own domiciles. The survey covered the entire area of Wayanad and sampling was based on the density of tribal households in each PRI's. A total of 13,050 households were surveyed of which after combing the uncompleted survey forms a total of 10,208 survey formats were considered for the research. This forms 25% of the tribal households in Wayanad district. Panchayath wise details of data collected is annexed at Tables.

1. Socio Economic Conditions

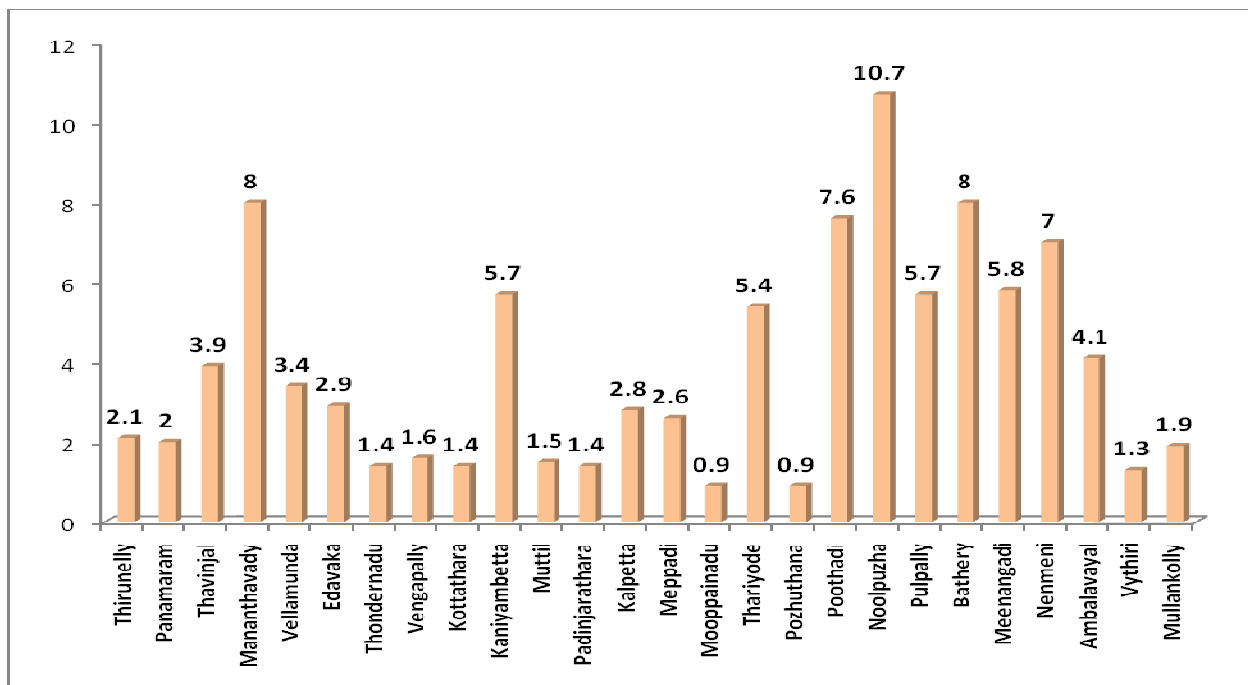
A total of 10,208 households were interviewed as a part of the survey. The survey covered the entire Gram Panchayath and the municipality in Wayanad District. A total of 100 enumerators were pressed into service. The enumeration took nine months time to cover the entire Wayanad. The team could cover one fourth of the entire households in Wayanad.

1.1. Gender of the Respondents:

72.3% of the respondents were the male heads of the family and 27.7% were female heads.

1.2. Panchayath wise Data Collection Details

All the twenty five Gram Panchayaths and One Municipality in Wayanad District was covered in the data collection process.



1.3. Tribes of Wayanad

| Item | Frequency |
|-------------------|-----------|
| Paniya | 4792 |
| Oorali | 456 |
| Thachanad Mooppan | 116 |
| Adiyar | 579 |
| Kattunaykkar | 1045 |
| Kurichiyar' | 1176 |
| Kurumar | 2003 |
| Kadar | 35 |
| Malayaraya | 6 |

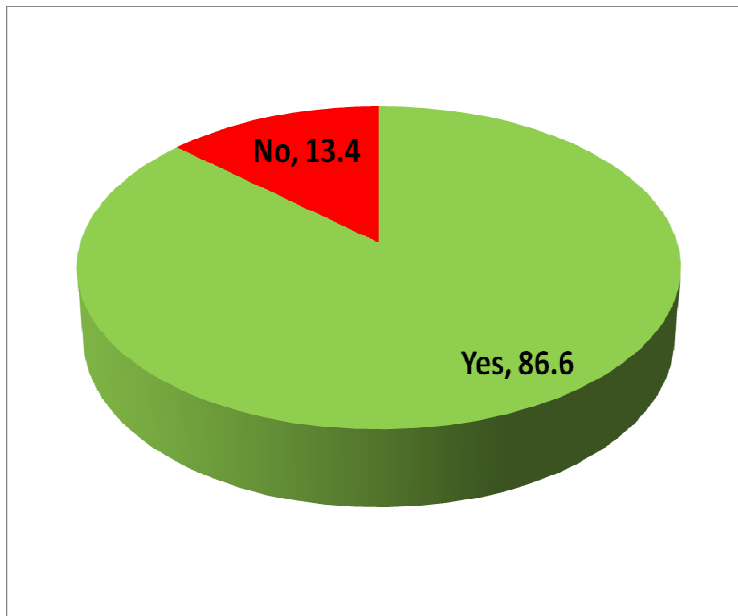
Classification of the tribes surveyed is as follows; Paniya 46.9%, Oorali 4.46%, Thachanad Mooppan 1.14%, Mullukurumar 0.4%, Mooppan 0.1%, Adiyar 5.7%, Kattunaykkar 10.23%, Kurichiyar 11.5%, Kurumar 19.62%, Kadar 0.3%, Malayaraya 0.1% and Naykkar 1.7%. Paniya community became the major participants in

this interview also. The surveyed could ensure participation all tribal groups in the Wayanad District. Analysis of the tribes and family structure gives the inference that Paniya and Adiyar families have tried to keep the tradition of joint family system.

2. Procession of Welfare documents & Measures

2.1. Ration Cards

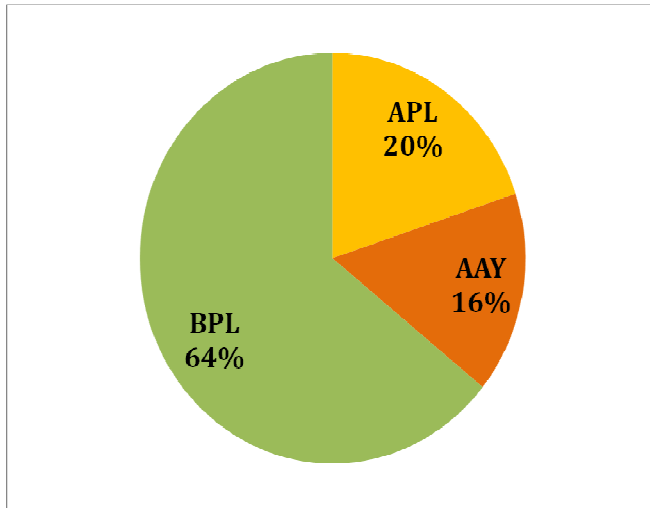
Chart- Possession of Ration cards



Out of households surveyed, 8839 (86.6%) of the households possess Ration cards. 1369 (13.4%) of the respondents shared that they don't have Ration Cards. Of the 8839 Ration card holders, 99.30% of the respondents shared that the nature of their ration card is permanent. Only 61(0.69%) households shared that they have got temporary Ration cards. Temporary ration cards are issued to those who are temporarily staying

in these Gram Panchayaths. Those who doesn't have ration cards claimed that they have applied for the same and it is pending for long while. Few of them informed that they haven't applied because they are ignorant about the process as well as they will face lot of difficulties in getting the same. Another fact is that there were no ANP (Annappurna Scheme) holders even though there were significant percent elders above the age of 65. This scheme entitles the elders to receive 10 Kg of rice per month free of cost.

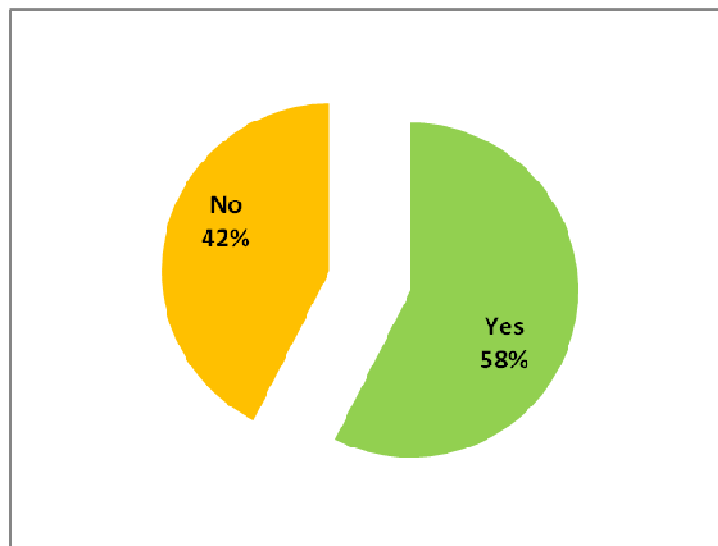
2.2. Type of Ration Card



Out of the total respondent's possessing ration cards, 20% are having Above Poverty Level Cards, 16% are having Anthyodaya Anna Yojana Cards and 64% have Below Poverty Line Cards. In the survey process most of the APL card holders complained that they are not satisfied with the APL card as their true status is BPL. It was found true by the enumerators by verifying the status of life and house. It is a fact for discussion that

even though most of the tribal families are below poverty level; criteria's set by the government resulted in making a portion of the 20% in the APL list.

2.3. Electricity connection



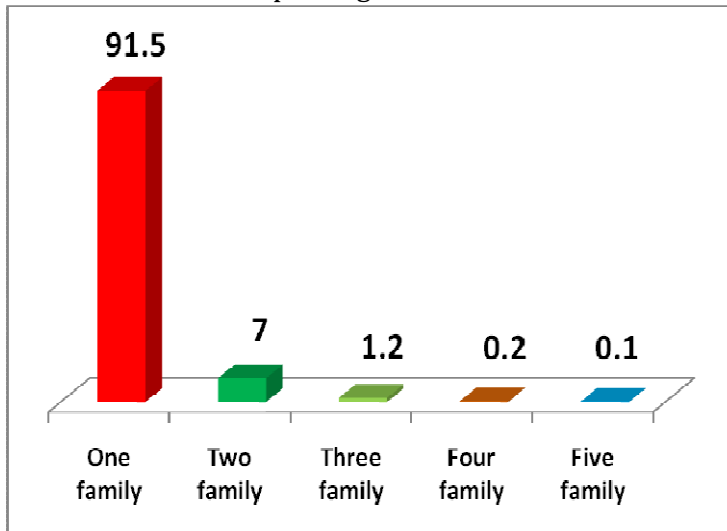
57.5% of the households have electricity connection. 42% of the households don't have electricity connection. Of the household who doesn't have electricity, 63.69 haven't completed their house construction and that may be the reason for not applying for the connection or not being granted with electricity connection. Cross tabling of electricity connection with types of housing gives us the

reasons behind non availability of the electricity connection. 81.39% of the households who stays in shed haven't got electricity. 85.6% of households who stays in hut haven't got electricity. 48.7% of the households who stays in Asbestos roofed houses haven't got electricity. 44.73% of the households who stay in Concrete houses haven't got electricity connection. 31.11% of the households who stay in house thatched with tiles haven't got electricity connection. Households who haven't got electricity connection are mainly from those who haven't completed house construction as well as staying in sheds and huts.

3. Demographics of Tribal Households

3.1. Family system

Tribal culture is in a paradigm shift and it can be noticed from the demographic aspects

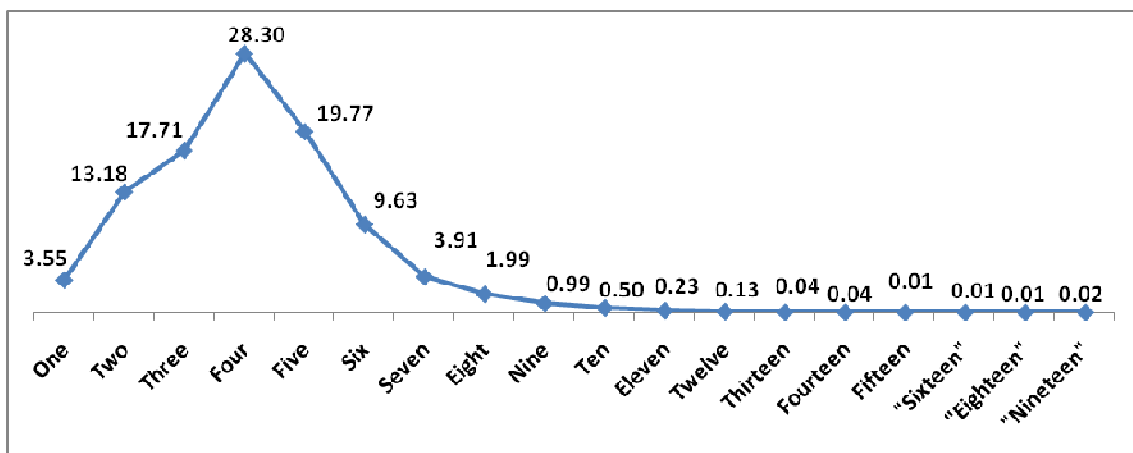


of the survey. Kurichias used to stay in the Joint Family System. The other Tribals used to stay in conjoined families. Conjoined families are formed when as son or daughter marry and doesn't have land to build houses, they prefer to stay in their own house with the father and mother. Even though they stay in the same house, they will be counted as new

family. But the present survey gives the inference that the conjoint family structure has perished in Wayanad and now all of them have imitated the nuclear family Structure. Of the total families surveyed, 91.5% have nuclear family structure and 7% have two families in single house. Another 1.2% has three families staying together and 0.2% having four families staying together. It is disheartening to see that only 0.1% have five families staying together. Analysis of family nature of the households with availability of ration card shows that joint families have accessed ration cards and the nuclear families are having problems in accessing the same. 100% households with five families have got Ration Cards, 100% of households with four families have got ration card, 92.02% of the households with three families have got ration card, 91.5% of the households with two families have got ration card and 86.11% of nuclear families could only access ration cards.

3.2. No of family members

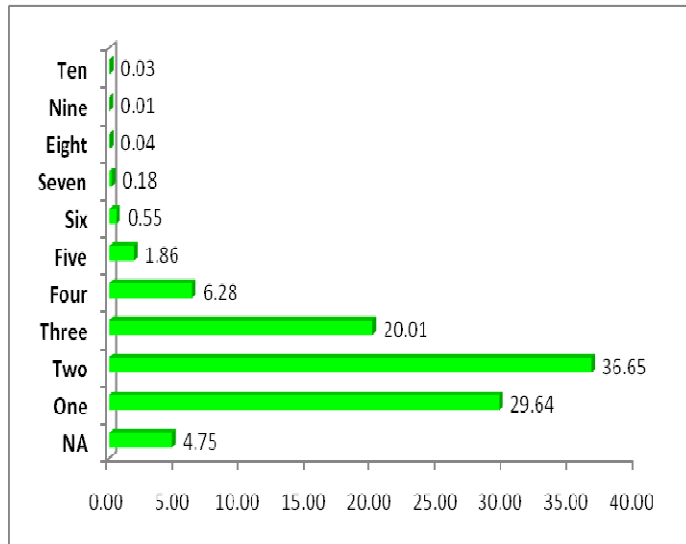
Analysis of demographics gives the inference that no of family members is also declining drastically. A tribal family used to be consisting atleast ten of members and this has kept



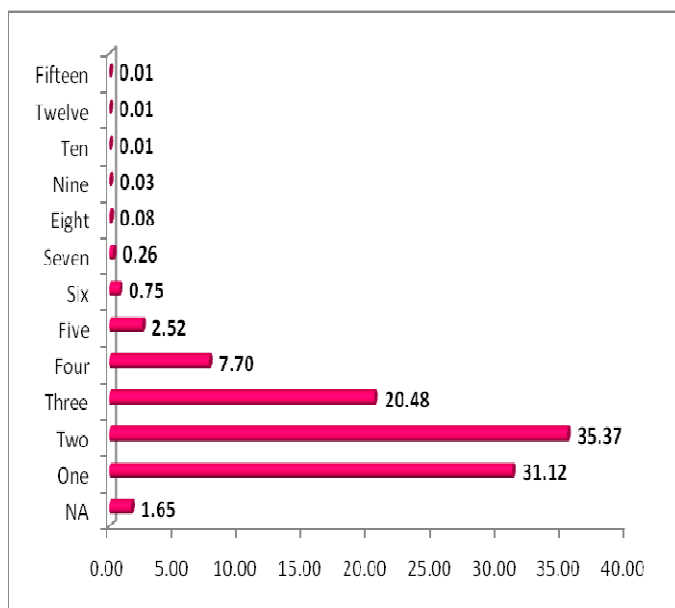
declining. Now a family consists of three to six members. Of the total families surveyed, 28.30% are four member families, 19.77% are five member families, 17.71% are three member families, 13.8% are two member family, 3.91% are seven member family, 3.5% are single member family, and 1.99% are eight member families. From the survey it can be said that, the tribal culture has changed to nuclear family consisting of father, mother and two children. The ongoing population control measures of the government are also a contributing factor to the decline in the population.

3.3. No of Male members in the family

Of the total surveyed families, 95.2% of the families have male members. 29.64% of the families are with one male member, 36.65% are with two male members, 20.01% are with three male members, 6.28% are with four male members, 1.86% with five male members, 0.55% with six male members, 0.18% with seven male members, 0.04% with eight male members, 0.01% with nine male members and 0.03% with ten male members.



3.4. No of Female members in the family

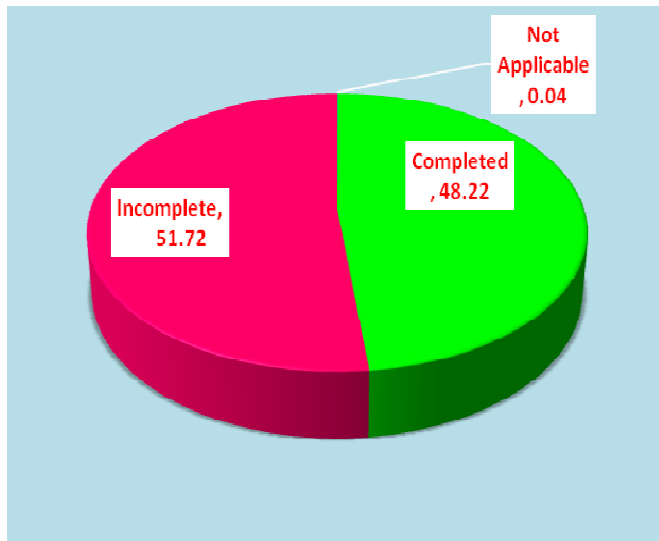


Female population among tribals outnumbers the male population in Wayanad. Around 31% of the respondent families have one female number in the family, 35.37% has two female members in the family, 20.48% have three female numbers in the family, 7.70% have four female members in the family, 2.52% has five female numbers in the family, 0.75% has six female numbers in the family, 0.26% has seven female numbers in the family, 0.08% has eight female members

in the family, 0.03% has nine family members in the family and 0.01% have ten members, another 0.01% have twelve and another 0.01% has fifteen female members in ten family.

4. Status of Housing

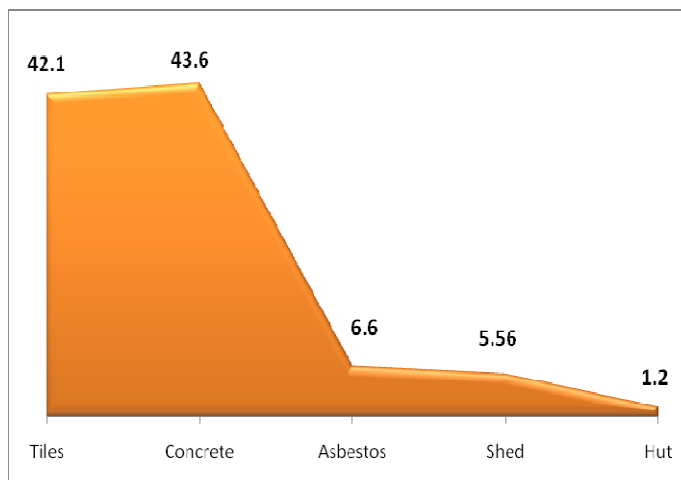
4.1. Status of house construction



Of the total surveyed, 48.22% has got houses completed construction and 51.72% are yet to complete the construction. It is a great revealing that even though there are several numbers of schemes for housing to tribal families in Wayanad, around 52% do not have a completed house. A negligible portion 0.04% didn't respond to the question as they may be migrants from some other parts of the State.

4.2. Type of housing

Housing pattern of tribes are also having paradigm shift. They used to stay in huts and tiled houses. But this has given way to concrete houses. In other words it can be said that

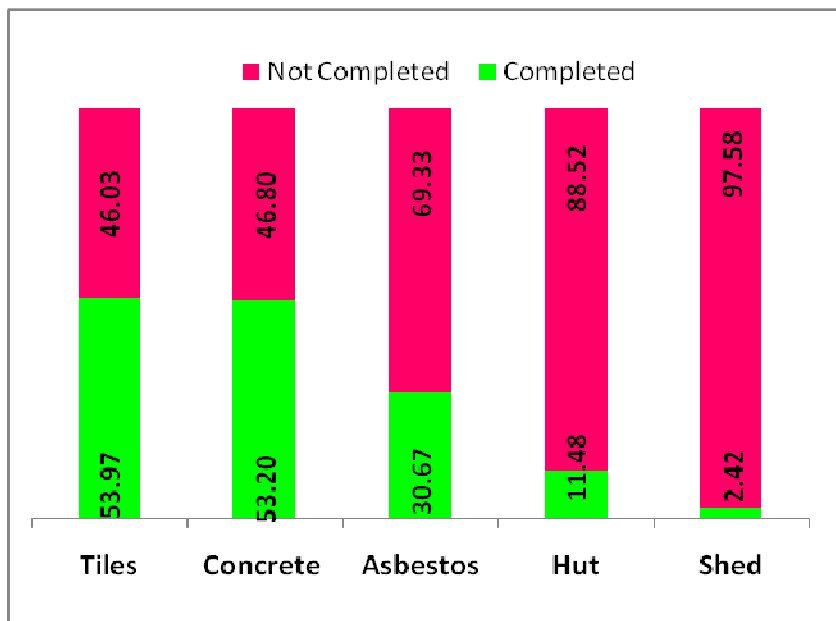


preference is more to safe houses which can ward all weathers. This culture is actually a by product of the housing stipulations by the Gram Panchayaths which has put norms for the concrete houses. Now only 1.2% is staying in huts. 5.56% of the households are staying in sheds, are staying in Asbestos roofed house. But majority are now interested in safe and secure houses. A total of

42.1% staying in houses thatched with tiles and another 43.6% are staying in Concrete houses. Most of the household complained that those completed houses built by the Gram Panchayaths are facing leakages as well as cracks due to the low quality of materials used.

4.3. Cross tabling of Status of completion of houses vs type of houses

Cross tabling of the status of completion of houses gives the following inferences. Of the total households who responded for the type of housing; the scenario of completion of the houses is in the following manner. Out of the households who lives in houses



thatched with tiles, 46.03% remarked that the construction is not yet over and the rest 53.97 remarked that the status of house construction is complete. Among the households with concrete houses, 53.20% responded that their status of house construction is complete and the rest 46.80%

responded that their construction is not complete. Among those who responded their type of house with asbestos roof, 69.23% responded that their construction of houses is temporary/not completed and only 30.67% responded that their construction is over. Among those who responded for Huts, 88.52% responded that their house construction is not complete. Almost all, 97.58% of those staying in sheds added that their construction of house is not yet over.

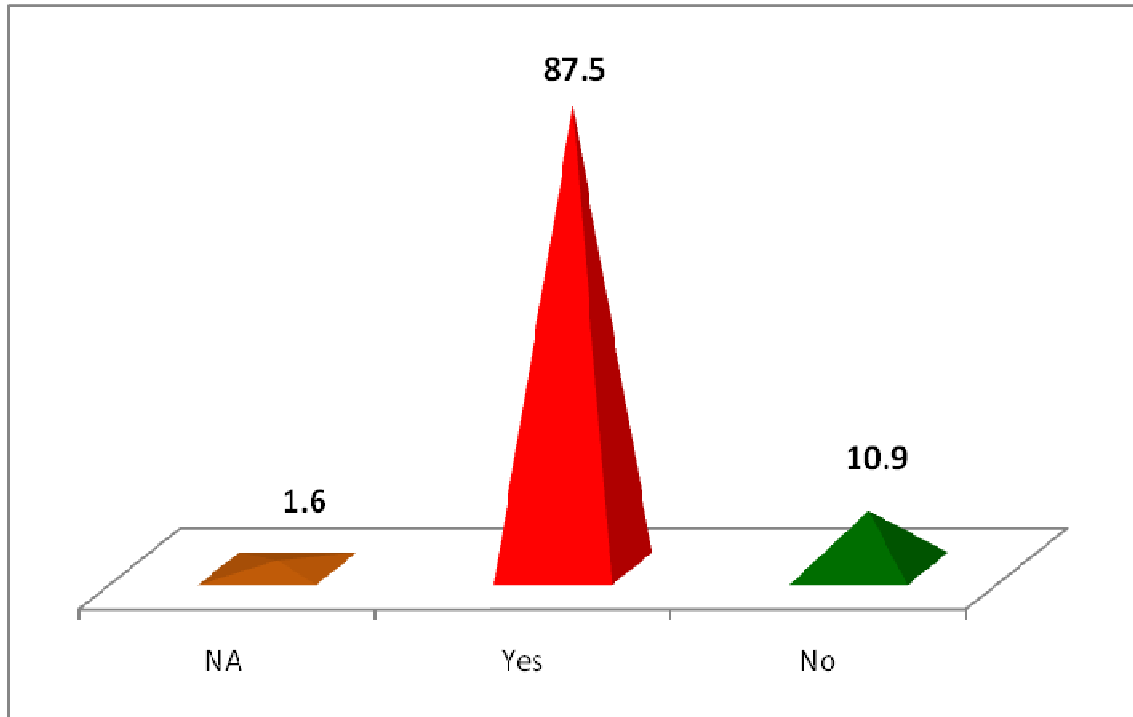
4.4. Caste-wise Status of completion of houses

| | | Status of house | | | Total |
|-------|--------------|-----------------|----------|------------|-------|
| | | NA | Complete | Incomplete | |
| Caste | Paniya | 5 | 2097 | 2688 | 4790 |
| | Kurumar | 0 | 1085 | 918 | 2003 |
| | Kurichiyar' | 0 | 592 | 584 | 1176 |
| | Kattunaykkar | 0 | 442 | 603 | 1045 |
| | Adiyar | 0 | 400 | 179 | 579 |
| | Oorali | 0 | 243 | 215 | 456 |
| | Moopan | 0 | 45 | 71 | 116 |
| | Kadar | 0 | 17 | 18 | 35 |
| | Malayaraya | 0 | 2 | 4 | 6 |
| Total | | 5 | 4923 | 5279 | 10208 |

The Caste wise cross tabling with the status of completion of houses gives the inference that some tribal communities are being neglected from the basic right of housing.

Among Paniya families, only 43.7% have completed houses and the rest 56.22% doesn't have a completed house. Among Kurumar; 54.16% have completed houses and the rest 45.83% doesn't have completed houses. Among the Kurichiya families; 50.34% have completed houses and the rest 49.65% doesn't have completed houses. Of the total Kattunaickar families under reference; around 42.29% have completed houses while the rest 57.70% doesn't have completed houses. 69.08 % of the Adiyar families have got completed houses and only 30.91% are yet to complete their housing. Among the Oorali families, 53.28% have got their house completed; while 46.71% are yet to complete the housing construction. 51.42% of the Kadar, 30% of the Moopans and 66.66% of the Malayaraya tribes doesn't have completed house. From this cross tabling it can be seen that more than 50% of the all tribes don't have a decent house to live in. Some tribes such as Adiyar, Paniyar, Naykkar, Mullukurumar etc... are the most affected ones in the indicator of housing for a decent living.

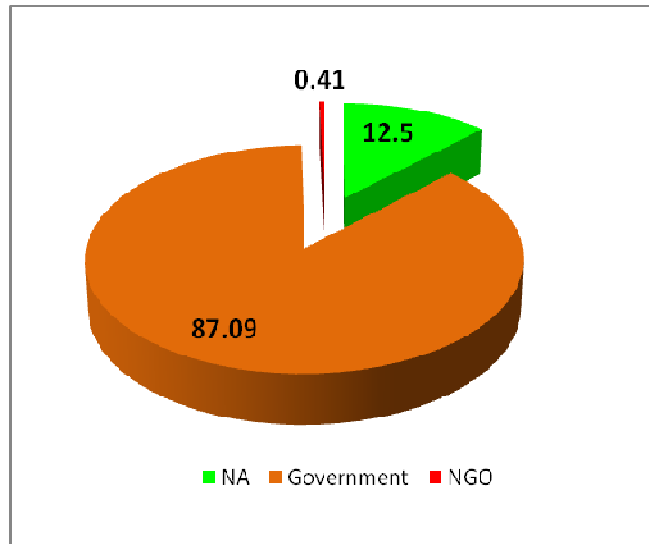
4.5. Assistance of housing



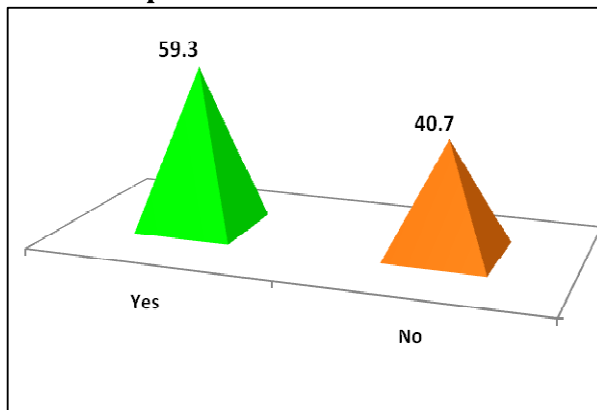
Assistance for housing is common among tribes as without assistance tribes will not be able to construct by their own. Of the total households surveyed, 87.5% responded that they have sought assistance for construction of houses. 10.9% of the households remarked that they haven't sought assistance for construction of house. 1.6% of them responded that they are not in a position to reply for this question. It may be because they are not interested in revealing their loan status.

4.6. Source of Financial Assistance for housing

Financial assistance is mainly from two sources; Government of Kerala through the tribal welfare department or Panchayaths and Non Governmental Organizations. 87.09% of those who took financial assistances; got it from Government of Kerala and 0.41% got it from Non Governmental Organizations working in the arena of Wayanad. 12.5% of the respondents didn't respond to the question as they didn't accept loans for housing.



5. Ownership of land



Land for tribals in Wayanad is a burning issue and the survey reveals the fact that only 59.3% of them have land ownership. 40.7% doesn't have land in their name.

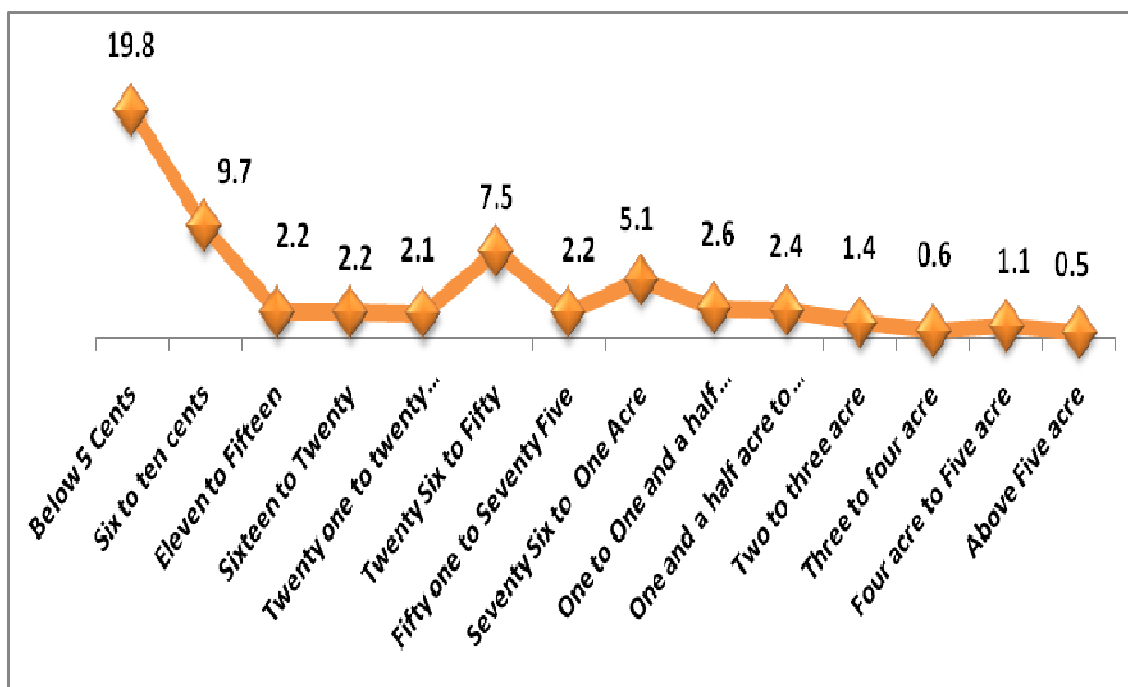
5.1. Tribe wise ownership of Land

Ownership of land is a burning issue in Wayanad and this has resulted in several struggles by the Tribes. While we compare the caste wise availability of land, the picture portrays the glaring issues of ownership of land among some tribes. The most common form of ownership of land among the tribes in historic times was community level ownership and this has now way led to individual ownerships. 53.30% of the Naykkars don't have their own land. 52.92% of the Paniya families whom constitute the majority of the Wayanad tribal population also don't have their own land. 41.56% of the Kurumar, 14.37% of the Kurichiyar, 5.71% of the Adiyar, 7.76% of the Moopan, and 5.71% of the Kadar tribes do not have own land. Malayaraya tribe seems to be the only tribe in Wayanad having own land. It can be seen that those tribes, which have the form the majority of the tribal population are the most affected in the land ownership.

| Table showing the percentage of families status on land | | |
|---------------------------------------------------------|-------------------------------|--------------------------------------|
| Tribes | % of families having own land | % of families who dont have own land |
| Kattunaykkar | 46.70 | 53.30 |
| Paniya | 47.08 | 52.92 |
| Oorali | 58.33 | 41.67 |
| Kurumar | 58.44 | 41.56 |
| Kurichiyar' | 85.63 | 14.37 |
| Adiyar | 91.02 | 8.98 |
| Moopan | 92.24 | 7.76 |
| Kadar | 94.29 | 5.71 |
| Malayaraya | 100.00 | 0.00 |

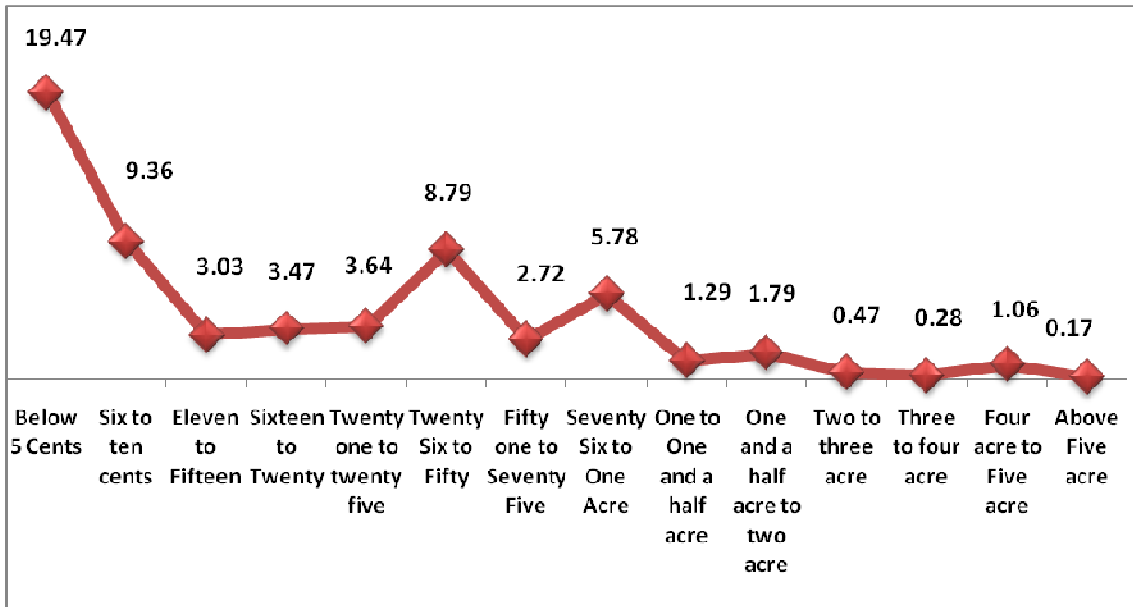
5.2. Volume of land(In acre)

Fragmented holdings are general among the tribals who used to be the lord of the jungle. 19.8% of the respondents shared that they have land below five cent, 9.7% of them shared that have six to ten cents of land, 2.2% of have eleven to fifteen cents, another 2.2% have sixteen to twenty cent of land, 2.1% have twenty to twenty five cent of land, 7.5% have twenty five to fifty cents of land, 2.2% have fifty one to seventy five cent of land, 5.1% of them have seventy six to one acre of land, 2.6% have one to one and a half acre of land, 1.4% have two to three acre of land, 0.6% have three to four acre of land, 1.1% of land have four to five acre of land and 0.5% of them have land above five acre.



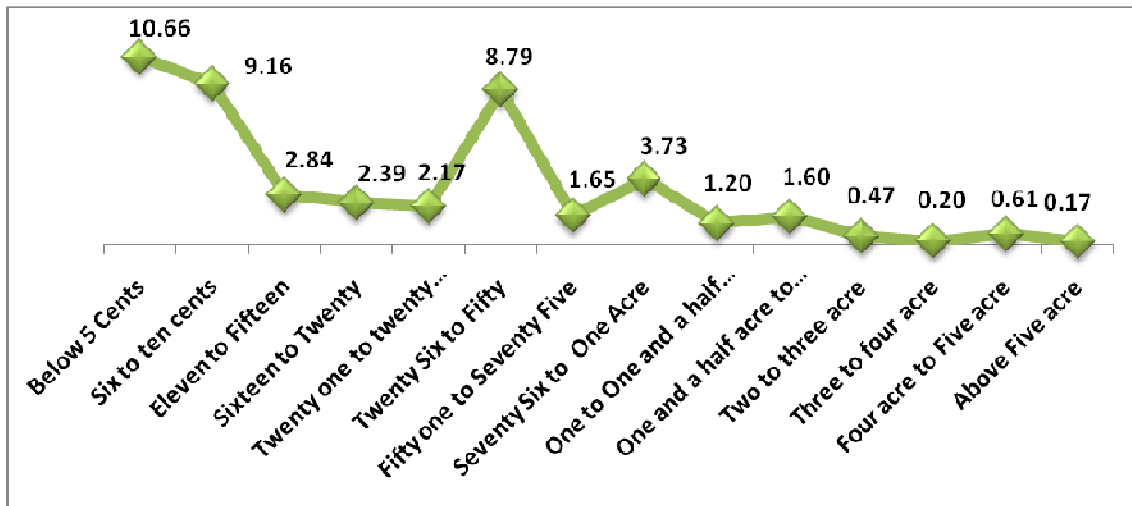
40.7% of the respondents doesnt have land available either for land cultivation or paddy cultivation.

5.3. Volume of land available for cultivation



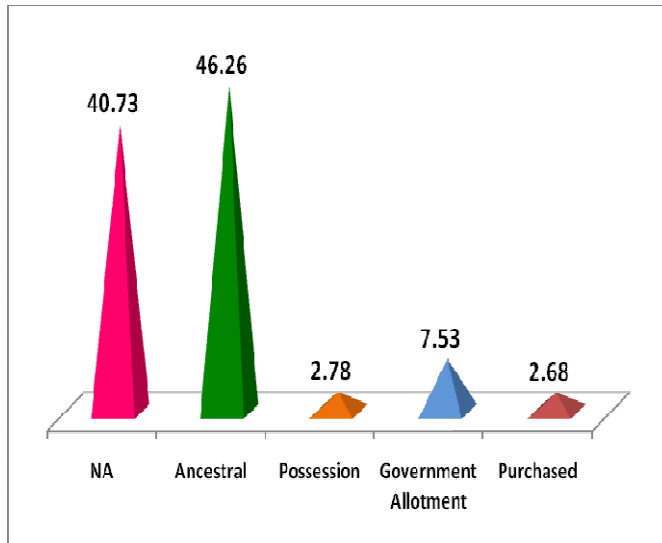
Land available for cultivation is mainly of fragmented nature. Only a few have got land from one acre to five acre; 5.06%. Fragmented holdings of land are 19.47% have below five cent, 9.36% have six to ten cents, 3.03% have eleven to fifteen cents, 3.47% have sixteen to twenty cents, 3.64% have twenty one to twenty five cents, 8.79% have twenty six to fifty cents, 2.72% have fifty to seventy five cents, 5.78% have seventy six to one acre, 1.29% have one to one and a half acre of land, 0.47% have two to three acre, 0.28 have three to four acre, 1.06% have four acre to five acre of land and 0.17% have five acre of land.

5.4. Volume of land available for paddy cultivation



Of the households who responded that they have land available for paddy cultivation, 10.66% responded that land below five cent, 9.16% have six to ten cents, 2.84% have eleven to fifteen cents of 2.39% have sixteen to twenty cents, 2.17% have twenty to fifty five cents, 8.79% have twenty five to fifty cents, 1.65% have fifty one to seventy five cents, 3.73% have seventy six to one acre, 1.20% have one to one and a half acre, 1.60% have one and a half acre to two acre, 0.47% have two to three acre, 0.20% have three to four acre, 0.61% have four acre to five acre and 0.17% have land abve five acre.

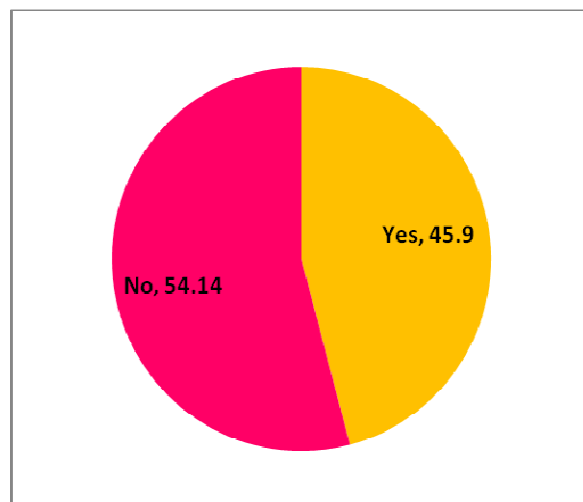
5.5. Inheritance of land



46.26% of the households who possess land responded that they got it as ancestral, 2.78% added that they possessed it, 7.53% got land allotted by government and 2.68% purchased their land. 40.27% of the households who doesn't have cultivable land didn't respond to the question.

5.6. Availability of ownership documents

Ownership of land is a matter of concern in the tribal inhabited district of Wayanad. Around 51.49% of the households remarked that they don't have proper land documents. Around 45.9% responded that they have proper land documents available with them.

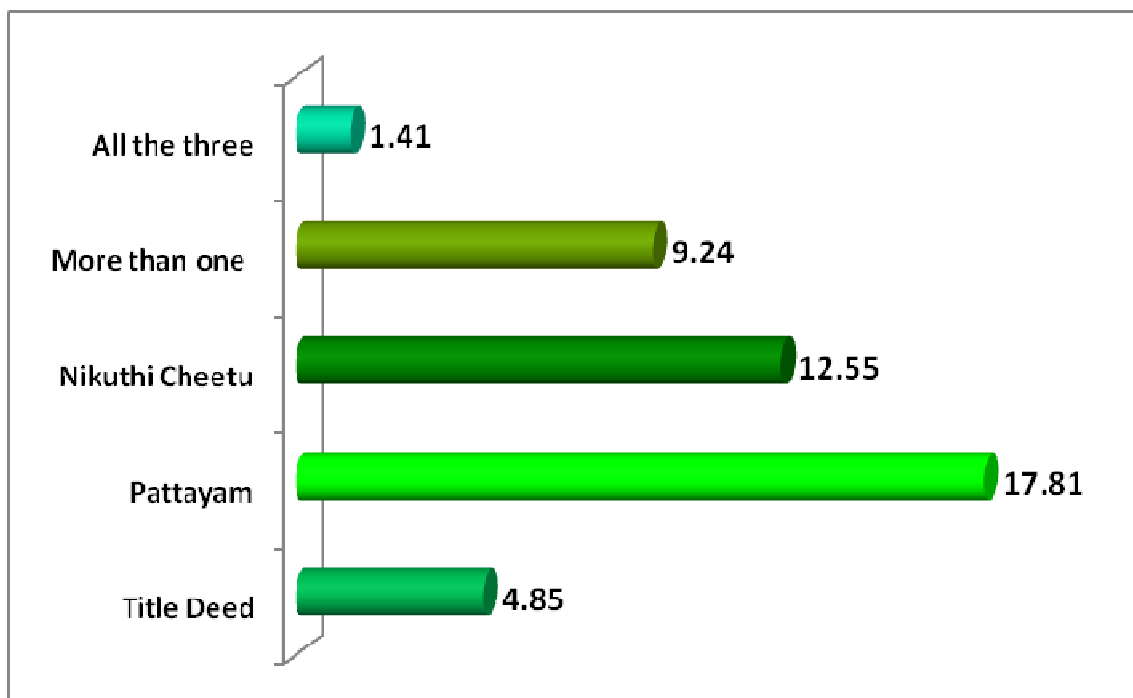


Availability of Ownership documents among the different tribes gives the inference as given in the availability of land cross tabling with the tribes. Malayaraya families rank the highest in non availability of land documents with 87.21%.

Non availability of land documents among the tribes of Wayanad is; 65.82% among Paniya, 61.82% among Kattu Naykkar, 54.17% among Oorali, 47.84% among Adiyar, 42.19% Kurumar, Moopan 33.62%, Kuruchiyar 26.62 and Kadar 11.43.

| Tribe | Availability of Documents | Non Availability of Documents |
|--------------|---------------------------|-------------------------------|
| Paniya | 34.18 | 65.82 |
| Kattunaykkar | 38.18 | 61.82 |
| Oorali | 45.83 | 54.17 |
| Adiyar | 52.16 | 47.84 |
| Kurumar | 57.81 | 42.19 |
| Moopan | 66.38 | 33.62 |
| Kurichiyar' | 73.38 | 26.62 |
| Kadar | 88.57 | 11.43 |
| Malayaraya | 100.00 | 0.00 |

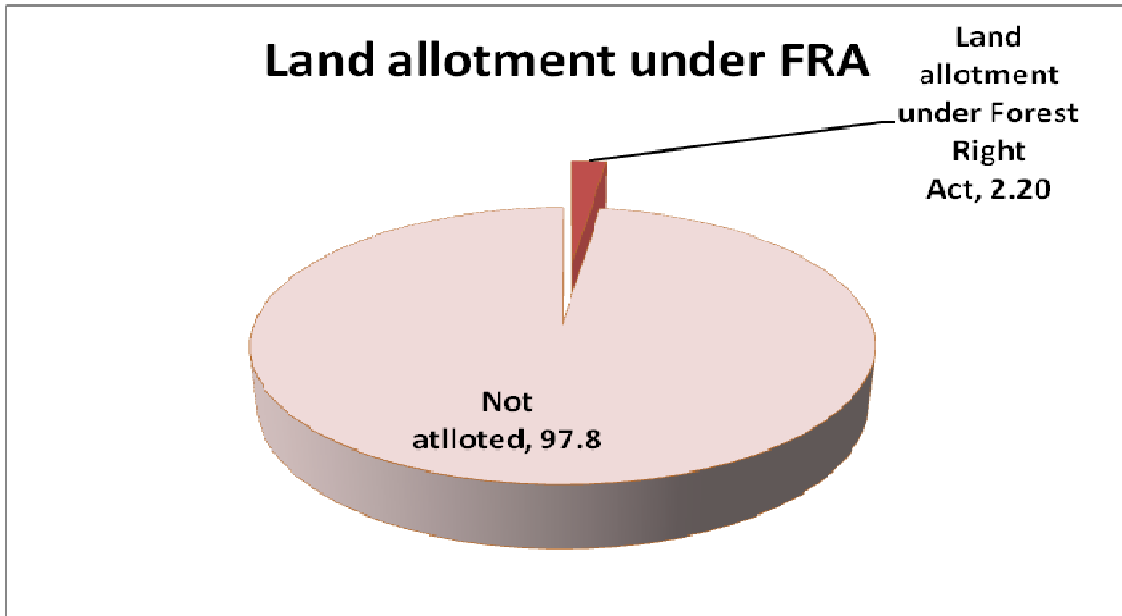
5.7. Types of documents available



Analysis of the availability of documents gives the inference that most common document is Pattayam. 17.81% of the respondents hold Pattayam as the document for ownership, 12.55% holds Nikuthi Cheetu (tax receipt), 4.85% holds Title deed. 9.24% responded that they have got more than one document for ownership and another 1.41% responded that they have all the three valid documents for ownership. 54.14% couldn't respond to the question as they didn't have any valid documents for ownership.

5.8. Availability of land under Forest Rights Act

FRA aims to recognise people’s ownership and land-use rights at the individual and



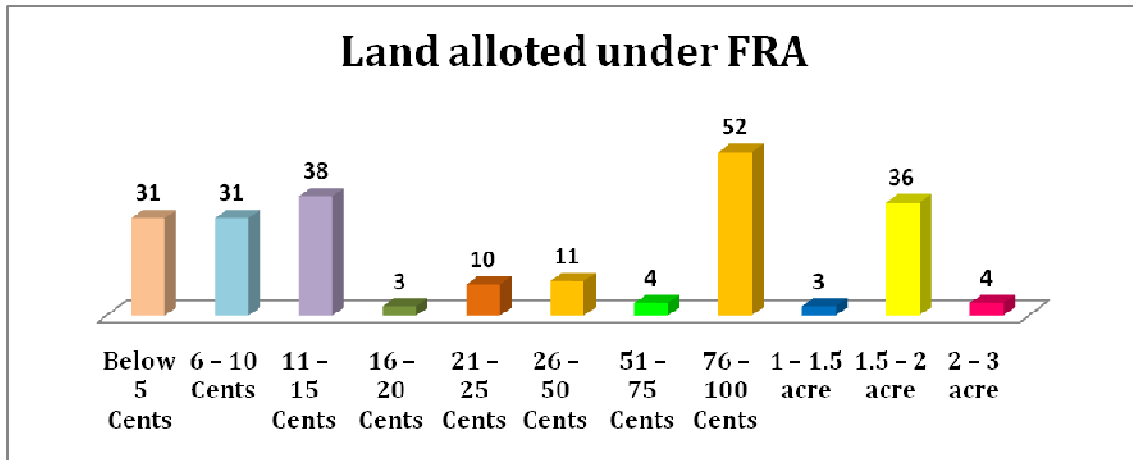
community level and, at the same time, to integrate conservation. Out of the total 10208 interviewed, only 223 (2.20%) families got land under the Forest Right Act.

Of the 2.20% of tribal families, who got land under FRA allotment, the tribe wise classifications is as follows; Mullukurumar, Moopan, Vettukurmar, Cherumar, Kadar, Malayaraya etc... were completely ignored in the present allotement of FRA land. Oorali tribe forms 0.45% of the families under the present FRA allotment followed by Oorali 0.45%, Naykkar 4.93%, Adiyar 4.93%, Kurichiyar 11.66%, Kurumar 13%, Thachand Mooppan 16.14% and Paniya tribe 38.12

| Tribe | FRA land allotment Percentage |
|--------------|-------------------------------|
| Kadar | 0.00 |
| Malayaraya | 0.00 |
| Oorali | 0.90 |
| Adiyar | 4.93 |
| Kurichiyar' | 11.66 |
| Kurumar | 13.00 |
| Moopan | 13.45 |
| Kattunaykkar | 17.94 |
| Paniya | 38.12 |

5.9. Volume of land granted

Land allotted to the 223 families under the Forest Right Act is as follows. Of the 223 respondents, 31 households got land Below 5 Cents, 31 households got 6 – 10 Cents, 38 households 11 – 15 Cents, 3 households got 16 – 20 Cents, 10 households got 21 – 25 Cents, 11 households got 26 – 50 Cents, 4 households got 51 – 75 Cents, 52 households got 76 – 100 Cents, 3 households got 1 – 1.5 acre, 36 households got 1.5 – 2 acre and 4 households got 2 – 3 acre.



Cross tabling of households who got land under Forest Right Act and Status of houses gives the impression that, majority of those who were allotted land are yet to complete their houses. A total of 123 (55.15%) responded that their house construction is yet to finish and 100 (44.84%) responded that their house construction is over. Another analysis of FRA land holders and type of house construction is as follows. Of the 223 households 34.52% preferred house with tile thatching, 36.77% preferred concrete houses, 7.6% preferred Asbestos house, 1.34% preferred Huts, 19.73% preferred Sheds. The preference pattern also gives us the inference that safety and security of house is a concern among the households and this led 71.29% to prefer concrete and tile thatched houses.

Cross tabling of caste of respondents with the land allocation gives glaring inequalities. Of those who got land, 85 were from Paniya followed by 40 from Kattunaykkar, 30 from Moopan, 29 Kurumar, 26 Kurichiyar, 11 Adiyar, and two from Oorali. The other tribes were never considered in the process of FRA allotment.

Analysis of the documents of land allotment under Forest Rights Act shows that 72.64% has got Pattayam, 4.93% has got Title Deeds, 7.17% has got Nikuthi Cheetu, and 8.96% has got all the three valid documents. 6.27% of them don't have any documents available with them. Of the households who got land under FRA; 83.85% got assistance for the construction of house. Of those who got assistance for housing, 83.40% got assistance from Government of Kerala.

Findings & Recommendations

1. 13.4% of the tribes in Wayanad are yet to own a Ration Card. 20% of the Ration Card holders are having APL card and majority of them complained that they are entitled for BPL cards but were denied of the same. It was found that none of the families' possess the Annapoorna Scheme Card that entitles the family to get additional benefits for the elderly population.
2. 42% of the households don't have electricity connection; majority (62.69%) of them hasn't completed the construction of houses. Electricity connection has connection with the nature of the house as majority of them 81.39% in sheds, 48.7% in Asbestos roofed house, 31.11% in Thatched roof and 44.7% in under construction concrete roofed houses are yet to get the electricity connection.
3. There is a paradigm shift in the demographic aspects of the tribal families. Earlier tribe's preferred the joint family system in tribal hamlets where as now 91.5% of the tribal families are nuclear families. Number of members in the families also has come down and now 28.30% of the families under survey are having four members and 80% of the families under reference have members below six.
4. Male population among the tribal families shows a declining trend. In 29.4% of the families there is only one male member, 36.65% of the families have only two male members, 20.01% of the families have three male members and the rest scattered from four to ten male members. Female population among the tribes outnumbers male population. Around 31% of the respondent families have one female number in the family, 35.37% has two female members in the family, 20.48% have three female numbers in the family, and 7.70% have four female members in the family.
5. 51.72% of the tribal families responded that their house construction is incomplete. Pattern of construction of houses is also undergoing wide changes. Families prefer the safe and secure concrete and tiled houses instead of the temporary huts and sheds. 43.6% of the tribal families' preferred/have/is constructing concrete houses and 42.1% tile thatched houses. Cross tabling of completion of the houses with type of houses gives the picture that most of the

families are moving towards the safe and all-weather house and that is the reason why completion of houses are pending.

6. 87.5% of those who have constructed/under construction houses sought assistance for the same. 87.09% of the assistance for construction of house was from the Government of Kerala.
7. 40.7% of the tribal families under reference shared that they don't have own land. Tribe wise classification of the ownership of land shows that there is some relation between tribes and the ownership of land also. Kattu Nayykaras, Paniya, Kurumar, Oorali are the most deprived tribes in the ownership of land.
8. Land holdings among the tribes give the inference that fragmented holdings are the present pattern among tribes. This ranges from below five cent to fifty cent of land. Only 8.6 % of the tribal families in this survey have a land holding of an acre of more than one acre. Of this the land available for shows the widening fragmentation of agriculture land in Wayanad. Agriculture land above one acre is only 5.06% land available. Paddy land also is fragmented and only a mere 5% have land have more than fifty cent of land available.
9. Inheritance of land is most commonly ancestral. Only 7.53% have got land allotted from the Government. 2.78% shared that they possess the land without any allotment and another 2.68% shared that they have bought the land.
10. 54.14% of the tribal families don't have valid documents of ownership. There is a relation between the availability of land documents and tribes. 65.82% of the Paniyas, 61.82% of of the Kattu Naykkars, 54.17% of the Oorali, 42.19% of the Kurumar, 33.62% of the Moopan, 26.62% of the Kurichiyar and 11.43% of the Kadar don't have ownership documents. Most common form of land document is Pattayam.
11. Only 2.20% of the respondents of the survey have got land under FRA act. Most of the tribes such as Mullukurumar, Moopan, Vettakurumar, Cherumar, Kadar, Malayaraya etc... are completely ignored in this land allotment process. Land allotment under FRA act is also very much fragmented. Most of them got land under 25 cent in the land allotment under FRA.

Conclusion

The popular Adivasi agreement between the state government and adivasi leaders promised one to five acres to all the tribal families in Kerala. The 1999 Act which is in force now after the Supreme Court Judgement of 2009, also ensures a minimum of one acre of land to all tribal families in Kerala. The land possession of Adivasis in Wayanad district, which has the largest concentration of Adivasis in Kerala, is a clear manifestation of the situation in Kerala as a whole. The study explicitly shows that only a handful of Adivasis are having more than one acre of land. They are also from one or two communities who have gone up considerably in all fields, especially in education and government employment. Land as a means of safe livelihood is inevitable for Adivasis as they have no other source.

Though we have not included an authoritative list of available land for distribution to Adivasis, it is crystal clear that if the Government has the will, sufficient land can be identified from Wayanad district itself for distributing to all Adivasis. The project lands, the vested forest land, the excess land with the plantations, the plantation lands of which the lease period is over etc are certain examples. But no government till now has shown the option for Adivasis or to fulfil the Adivasi agreement or the 1999 Act which they all passed unanimously. It justifies the continuous struggle by the Adivasis for ownership of the land.

Forest Rights Act was a great hope. But the politicians and the Forest department have defeated the very spirit of the Act. Community right of forest which is the soul of the Act has not been respected anywhere in Kerala. The politicians and the aristocratic forest officials want to keep the Adivasis as their slaves always. More concerted efforts for meaningful implementation of Forest Rights are necessary.

The major hurdle is the lack of unity and cordiality among the tribals. Neither the tribal department nor the NGOs in this district were able to bring all Adivasis beyond political or community lineages as one force to demand their rights. As Adivasis have not developed their vote bank yet, the bargaining force is at the minimum. It is important to work earnestly for bringing such unity and eventually making them a political force in the state.

Annexure 1 - Questionnaire

നീതിവേദി

സിവിൽ സ്റ്റേഷൻ, കൽപ്പറ്റ 673 122

ആദിവാസി ഭൂമി സർവ്വേ

വിട്ട് നമ്പർ

1. കുടുംബനാമ/ന്റെ പേര് :

പുരുഷൻ

സ്ത്രീ

2. സമുദായത്തിന്റെ പേര് :

3. താമസസ്ഥലം:

| ഊർ | വില്ലേജ് | പഞ്ചായത്ത് |
|----|----------|------------|
| | | |

4. റേഷൻ കാർഡ് ഉണ്ടോ?

ഉണ്ട്

ഇല്ല

5. ഉണ്ടെങ്കിൽ നിജസ്ഥിതി :

സ്ഥിരം

താൽക്കാലികം

6. ഏതുതരം റേഷൻ കാർഡ് :

| APL | BPL | AAV | കാർഡ് നമ്പർ |
|-----|-----|-----|-------------|
| 1 | 2 | 3 | |

7. വൈദ്യുതി ഉണ്ടോ? :

ഉണ്ട്

ഇല്ല

8. വീട്ടിലെ അംഗങ്ങളുടെ എണ്ണം :

| ആൺ | പെൺ |
|----|-----|
| | |

9. ഈ വീട്ടിൽ എത്ര കുടുംബങ്ങൾ താമസിക്കുന്നുണ്ട്?

10. ഏതുതരം വീടാണുള്ളത് :

ഓക്

വാർക്ക

ആസ്ബസ്റ്റോസ്

പൂജ്

ഷെഡ്

11. വീടിന്റെ അവസ്ഥ :

പണിപൂർത്തിയായത്

പണിപൂർത്തിയാകാത്തത്

12. വീട് നിർമ്മാണത്തിന് സാമ്പത്തിക സഹായം ലഭിച്ചിട്ടുണ്ടോ?

ഉണ്ട്

ഇല്ല

13. ഉണ്ടെങ്കിൽ, എവിടെ നിന്നാണ്? :

സർക്കാർ

സന്നദ്ധസംഘടന

14. സ്വന്തമായി ഭൂമി ഉണ്ടോ?

ഉണ്ട്

ഇല്ല

15. ഉണ്ടെങ്കിൽ എത്ര?

കര

വയൽ

16. ഭൂമി ലഭിച്ച രീതി :

പാരമ്പര്യം

കൈയ്യേറ്റം

സർക്കാർ നൽകിയത്

വിലയ്ക്ക് വാങ്ങിയത്

17. ഭൂമിയ്ക്ക് രേഖകൾ ഉണ്ടോ? :

ഉണ്ട്

ഇല്ല

18. ഉണ്ടെങ്കിൽ ഏതുതരം രേഖകൾ? :

ആധാരം

പട്ടയം

നികുതിച്ചീട്ട്

19. വനാവകാശ നിയമപ്രകാരം ഭൂമി ലഭിച്ചിട്ടുണ്ടോ? :

ഉണ്ട്

ഇല്ല

20. ഉണ്ടെങ്കിൽ, എത്ര? :

ഏക്കർ

സെന്റ്

തിയതി:

വിവരം ശേഖരിച്ച ആളുടെ പേരും ഒപ്പും

Annexure II

Additional Charts and Tables

Table 1 - Gender of Households surveyed

| Sex | Frequency | Percentage |
|--------|-----------|------------|
| Male | 7380 | 72.3 |
| Female | 2828 | 27.7 |
| Total | 10208 | 100.00 |

Table 2 - Panchayath wise households surveyed

| Panchayaths | House hold survey conducted | Valid Data forms selected Frequency |
|----------------|-----------------------------|-------------------------------------|
| Thirunelly | 300 | 216 |
| Panamaram | 250 | 203 |
| Thavinjal | 450 | 402 |
| Mananthavady | 1000 | 818 |
| Vellamunda | 400 | 351 |
| Edavaka | 400 | 294 |
| Thondernadu | 200 | 143 |
| Vengapally | 200 | 161 |
| Kottathara | 200 | 144 |
| Kaniyambetta | 700 | 578 |
| Muttil | 250 | 150 |
| Padinjarathara | 200 | 148 |
| Kalpetta | 400 | 288 |
| Meppadi | 400 | 265 |
| Mooppainadu | 150 | 89 |
| Thariyode | 700 | 556 |
| Pozhuthana | 150 | 87 |
| Poothadi | 1000 | 780 |
| Noolpuzha | 1250 | 1091 |
| Pulpally | 700 | 577 |
| Bathery | 1000 | 818 |
| Meenangadi | 700 | 591 |
| Nenmeni | 900 | 712 |
| Ambalavayal | 600 | 423 |
| Vythiri | 250 | 133 |
| Mullankolly | 300 | 190 |
| Total | | 10208 |

Table 3 - Classification of Tribes surveyed

| Item | Frequency | Percentage |
|--------------|--------------|---------------|
| Adiyar | 579 | 5.67 |
| Kadar | 35 | 0.34 |
| Kattunaykkar | 1045 | 10.24 |
| Kurichiyar' | 1176 | 11.52 |
| Kurumar | 2003 | 19.62 |
| Malayaraya | 6 | 0.06 |
| Moopan | 116 | 1.14 |
| Oorali | 456 | 4.47 |
| Paniya | 4792 | 46.94 |
| Total | 10208 | 100.00 |

Table 4 - Cross tabling with Caste and number of families

| | | No of families | | | | | Total |
|-------|--------------|----------------|-------------|------------|------------|-----------|----------|
| | | One | Two | Three | Four | Five | |
| Caste | Paniya | 4313 | 379 | 83 | 12 | 5 | 4790 |
| | Oorali | 434 | 20 | 1 | 1 | 0 | 456 |
| | Mooppan | 98 | 17 | 1 | 0 | 0 | 116 |
| | Mullukurumar | 26 | 10 | 0 | 0 | 0 | 36 |
| | Cherumar | 1 | 0 | 0 | 0 | 0 | 1 |
| | Adiyar | 502 | 57 | 15 | 2 | 3 | 579 |
| | Kattunaykkar | 999 | 40 | 4 | 2 | 0 | 1045 |
| | Kurichiyar' | 1055 | 101 | 17 | 3 | 0 | 1176 |
| | Kurumar | 1868 | 94 | 5 | 0 | 0 | 1967 |
| | Kadar | 35 | 0 | 0 | 0 | 0 | 35 |
| | Malayaraya | 6 | 0 | 0 | 0 | 0 | 6 |
| | | Total | 9337 | 718 | 126 | 20 | 8 |

Table 5 - Proportion of Ration Cards

| Item | Frequency | Percentage |
|-------|-----------|------------|
| Yes | 8839 | 86.6 |
| No | 1369 | 13.4 |
| Total | 10208 | 100.00 |

Table 6 – Nature of Ration Cards

| Item | Frequency | Percentage |
|----------------|-----------|------------|
| Not applicable | 1369 | 13.4 |
| Permanent | 8778 | 85.99 |
| Temporary | 61 | 0.61 |
| Total | 10208 | 100.00 |

Table 7 – Type of Ration Cards

| Item | Frequency | Percentage |
|---------------------|-----------|------------|
| Not applicable | 1369 | 13.4 |
| Above Poverty Limit | 1759 | 17.23 |
| AAY | 1405 | 13.76 |
| Below Poverty Limit | 5675 | 55.59 |
| Total | 10208 | 100.00 |

Table 8 - Cross tabling of Ration Cards with number of families in the house

| | | Ration Cards | | Total |
|----------------|-------|--------------|------|-------|
| | | Yes | No | |
| No of families | One | 8040 | 1296 | 9336 |
| | Two | 657 | 61 | 718 |
| | Three | 116 | 10 | 126 |
| | Four | 20 | 0 | 20 |
| | Five | 8 | 0 | 8 |
| | Total | 8841 | 1367 | 10208 |

Table 9 – Electricity Connection

| Item | Frequency | Percentage |
|-------|-----------|------------|
| Yes | 5870 | 57.5 |
| No | 4338 | 42.5 |
| Total | 10208 | 100.00 |

Table 10 – Cross tabling of Electricity Connection with Status of Housing

| | | Status of Houses | | | Total |
|------------------------|-------|------------------|----------|--------------|-------|
| | | NA | Complete | Not Complete | |
| Electricity connection | Yes | 0 | 3352 | 2529 | 5881 |
| | No | 0 | 1571 | 2756 | 4327 |
| | Total | 0 | 4923 | 5285 | 10208 |

Table 11 - Cross tabling of Electricity Connection with Type of Housing

| | | Type of Houses | | | | | Total |
|---------------------------|--------------|----------------|-----------------|-----------------|------------|-------------|--------------|
| | | Tiles | Concrete | Asbestos | Hut | Shed | |
| Electricity Connection | Yes | 2930 | 2461 | 346 | 18 | 123 | 5870 |
| | No | 1366 | 1992 | 329 | 107 | 538 | 4332 |
| | Total | 4294 | 4453 | 675 | 125 | 661 | 10208 |

Table 12 - No of families

| Item | Frequency | Percentage |
|--------------|------------------|-------------------|
| One family | 9336 | 91.5 |
| Two family | 718 | 7.0 |
| Three family | 126 | 1.2 |
| Four family | 20 | 0.2 |
| Five family | 8 | 0.1 |
| Total | 10208 | 100.00 |

Table 13 - No of family members

| Item | Frequency | Percentage |
|--------------|------------------|-------------------|
| One | 362 | 3.5 |
| Two | 1345 | 13.2 |
| Three | 1808 | 17.7 |
| Four | 2889 | 28.3 |
| Five | 2018 | 19.8 |
| Six | 983 | 9.6 |
| Seven | 399 | 3.9 |
| Eight | 203 | 2.0 |
| Nine | 101 | 1.0 |
| Ten | 51 | 0.5 |
| Eleven | 23 | 0.2 |
| Twelve | 13 | 0.1 |
| Thirteen | 4 | 0.0 |
| Fourteen | 4 | 0.0 |
| Fifteen | 1 | 0.0 |
| "Sixteen" | 1 | 0.0 |
| "Eighteen" | 1 | 0.0 |
| "Nineteen" | 2 | 0.0 |
| Total | 10208 | 100.00 |

Table 14 - No of male family members

| Item | Frequency | Percentage |
|--------------|------------------|-------------------|
| NA | 485 | 4.75 |
| One | 3026 | 29.64 |
| Two | 3741 | 36.65 |
| Three | 2043 | 20.01 |
| Four | 641 | 6.28 |
| Five | 190 | 1.86 |
| Six | 56 | 0.55 |
| Seven | 18 | 0.18 |
| Eight | 4 | 0.04 |
| Nine | 1 | 0.01 |
| Ten | 3 | 0.03 |
| Total | 10208 | 100.00 |

Table 15 - No of female family members

| Item | Frequency | Percentage |
|--------------|------------------|-------------------|
| NA | 168 | 1.65 |
| One | 3177 | 31.12 |
| Two | 3611 | 35.37 |
| Three | 2091 | 20.48 |
| Four | 786 | 7.70 |
| Five | 257 | 2.52 |
| Six | 77 | 0.75 |
| Seven | 27 | 0.26 |
| Eight | 8 | 0.08 |
| Nine | 3 | 0.03 |
| Ten | 1 | 0.01 |
| Twelve | 1 | 0.01 |
| Fifteen | 1 | 0.01 |
| Total | 10208 | 100.00 |

Table 16 - Status of houses

| Item | Frequency | Percentage |
|----------------|------------------|-------------------|
| Not Applicable | 5 | 0.04 |
| Completed | 4923 | 48.22 |
| Incomplete | 5280 | 51.72 |
| Total | 10208 | 100.00 |

Table - 17 Cross tabling of Caste-wise Status of houses

| | | Status of house | | | Total |
|--------------|--------------|-----------------|----------|------------|-------|
| | | NA | Complete | Incomplete | |
| Caste | Paniya | 5 | 2097 | 2688 | 4790 |
| | Kurumar | 0 | 1085 | 918 | 2003 |
| | Kurichiyar' | 0 | 592 | 584 | 1176 |
| | Kattunaykkar | 0 | 442 | 603 | 1045 |
| | Adiyar | 0 | 400 | 179 | 579 |
| | Oorali | 0 | 243 | 215 | 456 |
| | Moopan | 0 | 45 | 71 | 116 |
| | Kadar | 0 | 17 | 18 | 35 |
| | Malayaraya | 0 | 2 | 4 | 6 |
| Total | | 5 | 4923 | 5279 | 10208 |

Table 18 - Type of housing

| Item | Frequency | Percentage |
|--------------|--------------|---------------|
| NA | 5 | 0.04 |
| Tiles | 4294 | 42.1 |
| Concrete | 4452 | 43.6 |
| Asbestos | 674 | 6.6 |
| Hut | 125 | 1.2 |
| Shed | 568 | 5.56 |
| Total | 10208 | 100.00 |

Table 19 - Cross Tabling of Status of House and Type of House

| | | Status of Houses | | | Total |
|-------------------|--------------|------------------|----------|--------------|-------|
| | | NA | Complete | Not Complete | |
| Type of thatching | Tiles | 0 | 2317 | 1976 | 4293 |
| | Concrete | 0 | 2369 | 2084 | 4453 |
| | Asbestos | 0 | 207 | 468 | 675 |
| | Hut | 0 | 14 | 108 | 122 |
| | Shed | 5 | 16 | 644 | 665 |
| | Total | 5 | 4923 | 5280 | 10208 |

Table 20 - Financial assistance for housing

| Item | Frequency | Percentage |
|--------------|--------------|---------------|
| NA | 163 | 1.6 |
| Yes | 8932 | 87.5 |
| No | 1113 | 10.9 |
| Total | 10208 | 100.00 |

Table 21 – Source of financial assistance

| Item | Frequency | Percentage |
|------------|-----------|------------|
| NA | 1276 | 12.5 |
| Government | 8890 | 87.08 |
| NGO | 42 | 0.41 |
| Total | 10208 | 100.00 |

Table 22 – Ownership of Land

| Item | Frequency | Percentage |
|-------|-----------|------------|
| Yes | 6050 | 59.3 |
| No | 4158 | 40.7 |
| Total | 10208 | 100.00 |

Table 23 Tribe wise ownership of Land

| Tribes | % of families having own land | % of families who dont have own land |
|--------------|-------------------------------|--------------------------------------|
| Kattunaykkar | 46.70 | 53.30 |
| Paniya | 47.08 | 52.92 |
| Oorali | 58.33 | 41.67 |
| Kurumar | 58.44 | 41.56 |
| Kurichiyar' | 85.63 | 14.37 |
| Adiyar | 91.02 | 8.98 |
| Moopan | 92.24 | 7.76 |
| Kadar | 94.29 | 5.71 |
| Malayaraya | 100.00 | 0.00 |

Table 24 – Volume of total land available

| Item | Frequency | Percentage |
|---------------------------------|-----------|------------|
| Not Applicable | 4158 | 40.7 |
| Below 5 Cents | 2022 | 19.8 |
| Six to ten cents | 992 | 9.7 |
| Eleven to Fifteen | 229 | 2.2 |
| Sixteen to Twenty | 221 | 2.2 |
| Twenty one to twenty five | 214 | 2.1 |
| Twenty Six to Fifty | 761 | 7.5 |
| Fifty one to Seventy Five | 226 | 2.2 |
| Seventy Six to One Acre | 523 | 5.1 |
| One to One and a half acre | 261 | 2.6 |
| One and a half acre to two acre | 240 | 2.4 |

| | | |
|------------------------|--------------|---------------|
| Two to three acre | 139 | 1.4 |
| Three to four acre | 60 | 0.6 |
| Four acre to Five acre | 116 | 1.1 |
| Above Five acre | 46 | 0.5 |
| Total | 10208 | 100.00 |

Table 25 - Volume of land for cultivation

| Item | Frequency | Percentage |
|---------------------------------|------------------|-------------------|
| Not Applicable | 3948 | 38.68 |
| Below 5 Cents | 1988 | 19.47 |
| Six to ten cents | 955 | 9.36 |
| Eleven to Fifteen | 309 | 3.03 |
| Sixteen to Twenty | 354 | 3.47 |
| Twenty one to twenty five | 372 | 3.64 |
| Twenty Six to Fifty | 897 | 8.79 |
| Fifty one to Seventy Five | 278 | 2.72 |
| Seventy Six to One Acre | 590 | 5.78 |
| One to One and a half acre | 132 | 1.29 |
| One and a half acre to two acre | 183 | 1.79 |
| Two to three acre | 48 | 0.47 |
| Three to four acre | 29 | 0.28 |
| Four acre to Five acre | 108 | 1.06 |
| Above Five acre | 17 | 0.17 |
| Total | 10208 | 100.00 |

Table 26 - Volume of land for sowing

| Item | Frequency | Percentage |
|---------------------------------|------------------|-------------------|
| Not Applicable | 5551 | 54.38 |
| Below 5 Cents | 1088 | 10.66 |
| Six to ten cents | 935 | 9.16 |
| Eleven to Fifteen | 290 | 2.84 |
| Sixteen to Twenty | 244 | 2.39 |
| Twenty one to twenty five | 222 | 2.17 |
| Twenty Six to Fifty | 897 | 8.79 |
| Fifty one to Seventy Five | 168 | 1.65 |
| Seventy Six to One Acre | 381 | 3.73 |
| One to One and a half acre | 122 | 1.20 |
| One and a half acre to two acre | 163 | 1.60 |
| Two to three acre | 48 | 0.47 |
| Three to four acre | 20 | 0.20 |

| | | |
|------------------------|--------------|---------------|
| Four acre to Five acre | 62 | 0.61 |
| Above Five acre | 17 | 0.17 |
| Total | 10208 | 100.00 |

Table 27 – Inheritance of land

| Item | Frequency | Percentage |
|----------------------|--------------|---------------|
| NA | 4158 | 40.73 |
| Ancestral | 4723 | 46.26 |
| Possession | 284 | 2.78 |
| Government Allotment | 769 | 7.53 |
| Purchased | 274 | 2.68 |
| Total | 10208 | 100.00 |

Table 28 – Documents available

| Item | Frequency | Percentage |
|--------------|--------------|---------------|
| Yes | 4681 | 45.9 |
| No | 5527 | 54.14 |
| Total | 10208 | 100.00 |

Table 29 Tribe wise Availability of Documents

| Tribe | Availability of Documents | Non Availability of Documents |
|--------------|---------------------------|-------------------------------|
| Paniya | 34.18 | 65.82 |
| Kattunaykkar | 38.18 | 61.82 |
| Oorali | 45.83 | 54.17 |
| Adiyar | 52.16 | 47.84 |
| Kurumar | 57.81 | 42.19 |
| Moopan | 66.38 | 33.62 |
| Kurichiyar' | 73.38 | 26.62 |
| Kadar | 88.57 | 11.43 |
| Malayaraya | 100.00 | 0.00 |

Table 30 – Type of document available

| Item | Frequency | Percentage |
|----------------|-----------|------------|
| NA | 5527 | 54.14 |
| Title Deed | 495 | 4.85 |
| Pattayam | 1818 | 17.81 |
| Nikuthi Cheetu | 1281 | 12.55 |
| More than one | 943 | 9.24 |

| | | |
|---------------|--------------|---------------|
| All the three | 144 | 1.41 |
| Total | 10208 | 100.00 |

Table 31 - Allotment of land under Forest Right Act

| Item | Frequency | Percentage |
|--------------|--------------|---------------|
| Yes | 223 | 2.2 |
| No | 9985 | 97.8 |
| Total | 10208 | 100.00 |

Table 32 - Volume of Land under Forest Rights Act

| Item | Frequency | Percentage |
|----------------|--------------|---------------|
| Not Applicable | 9985 | 97.81 |
| Below 5 Cents | 31 | 0.3 |
| 6 - 10 Cents | 31 | 0.3 |
| 11 - 15 Cents | 38 | 0.4 |
| 16 - 20 Cents | 3 | 0.0 |
| 21 - 25 Cents | 10 | 0.1 |
| 26 - 50 Cents | 11 | 0.1 |
| 51 - 75 Cents | 4 | 0.0 |
| 76 - 100 Cents | 52 | 0.5 |
| 1 - 1.5 acre | 3 | 0.0 |
| 1.5 - 2 acre | 36 | 0.4 |
| 2 - 3 acre | 4 | 0.0 |
| Total | 10208 | 100.00 |

Table 33 - Cross tabling of Land allotment under FRA * Status of Houses

| | | Status of Houses | | | Total |
|---------------------------------------|-------|------------------|----------|--------------|-------|
| | | NA | Complete | Not Complete | |
| Land allotment under Forest Right Act | Yes | 0 | 100 | 123 | 223 |
| | No | 5 | 4824 | 5156 | 9985 |
| | Total | 5 | 4924 | 5279 | 10208 |

Table 34 - Cross tabling of land allotment under FRA and Type of Houses

| | | Type of Houses | | | | | Total |
|---------------------------------------|-------|----------------|----------|----------|-----|------|-------|
| | | Tiles | Concrete | Asbestos | Hut | Shed | |
| Land allotment under Forest Right Act | Yes | 77 | 82 | 17 | 3 | 44 | 223 |
| | No | 4217 | 4371 | 658 | 122 | 617 | 9985 |
| | Total | 4294 | 4453 | 675 | 125 | 661 | 10208 |

Table 35 – Cross tabling of Land allotment under FRA and documents available

| | | Documents available | | | | | | |
|---------------------------------------|-------|---------------------|------------|----------|----------------|-----------|---------------|-------|
| | | NA | Title deed | Pattayam | Nikuthi Cheetu | All Three | More than one | |
| Land allotment under Forest Right Act | Yes | 14 | 11 | 162 | 16 | 0 | 20 | 223 |
| | No | 5632 | 484 | 1756 | 1265 | 144 | 704 | 9985 |
| | Total | 5646 | 495 | 1918 | 1281 | 144 | 724 | 10208 |

Table 36 – Cross tabling of Land allotment under FRA and Assistance for Housing

| | | Assistance for construction of house | | | Total |
|---------------------------------------|-------|--------------------------------------|------|------|-------|
| | | NA | Yes | No | |
| Land allotment under Forest Right Act | Yes | 1 | 187 | 35 | 223 |
| | No | 162 | 8745 | 1078 | 9985 |
| | Total | 163 | 8932 | 1113 | 10208 |

Table 37 – Cross tabling of Land allotment under FRA and Source of Assistance for Housing

| | | Source of Assistance | | | Total |
|---------------------------------------|-------|----------------------|------------|-----|-------|
| | | NA | Government | NGO | |
| Land allotment under Forest Right Act | Yes | 36 | 186 | 1 | 223 |
| | No | 1250 | 8704 | 31 | 9985 |
| | Total | 1286 | 8890 | 32 | 10208 |

Annexure III

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, is a key piece of forest legislation passed in India on December 18, 2006. It is also called as the Forest Rights Act. The law concerns the rights of forest-dwelling communities to land and other resources, denied to them over decades as a result of the continuance of colonial forest laws in India. The act claims that it will redress the "historical injustice" committed against forest dwellers, while including provisions for making conservation more effective and more transparent. The Forest Rights Act is currently undergoing amendments. Ministry of Tribal affairs has called for suggestions from the general public for the amendments. The Act was notified into force on December 31, 2007. On January 1, 2008, this was followed by the notification of the Rules framed by the Ministry of Tribal Affairs to supplement the procedural aspects of the Act.

Background

India's forests are home to millions of people, including many Scheduled Tribes, who live in or near the forest areas of the country. Forests provide sustenance in the form of minor forest produce, water, grazing grounds and habitat for shifting cultivation. Moreover, vast areas of land that may or may not be forests are classified as "forest" under India's forest laws, and those cultivating these lands are technically cultivating "forest land". The reason for this latter phenomenon is India's forest laws. India's forests are governed by two main laws, the Indian Forest Act, 1927 and the Wild Life (Protection) Act, 1972. The former empowers the government to declare any area to be a reserved forest, protected forest or village forest. The latter allows any area to be constituted as a "protected area", namely a national park, wildlife sanctuary, tiger reserve or community conservation area.

Under these laws, the rights of people living in or depending on the area to be declared as a forest or protected area are to be "settled" by a "forest settlement officer." This basically requires that officer to enquire into the claims of people to land, minor forest

produce, etc., and, in the case of claims found to be valid, to allow them to continue or to extinguish them by paying compensation. Those whose rights are not recorded during the settlement process are susceptible to eviction at any time. This "legal twilight zone" leads to harassment, evictions, extortion of money and sexual molestation of forest dwellers by forest officials, who wield absolute authority over forest dwellers' livelihoods and daily lives.

The Statement of Objects and Reasons of the Forest Rights Act describes it as a law intended to correct the "historical injustice" done to forest dwellers by the failure to recognize their rights.

Types of rights

The rights which are included in section 3(1) of the Act are:

1. Right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;
2. Community rights such as nistar, by whatever name called, including those used in erstwhile Princely states, Zamindari or such intermediary regimes;
3. Right of ownership, access to collect, use, and dispose of minor forest produce(includes all non-timber forest produce of plant origin) which has been traditionally collected within or outside village boundaries;
4. Other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
5. Rights including community tenures of habitat and habitation for primitive tribal groups and pre-agriculture communities;
6. Rights in or over disputed lands under any nomenclature in any State where claims are disputed;
7. Rights for conversion of Pattas or leases or grants issued by any local authority or any State Govt. on forest lands to titles;

8. Rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forest, whether recorded, notified or not into revenue villages;
9. Right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;
10. Rights which are recognized under any State law or laws of any Autonomous Dist. Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;
11. Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
12. Any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses-1 to 11, but excluding the traditional right of hunting or trapping extracting a part of the body of any species of wild animal

These can be summarized as:

- *Title rights* - i.e. ownership - to land that is being farmed by tribals or forest dwellers as on December 13, 2005, subject to a maximum of 4 hectares; ownership is only for land that is actually being cultivated by the concerned family as on that date, meaning that no new lands are granted.
- *Use rights* - to minor forest produce (also including ownership), to grazing areas, to pastoralist routes, etc.
- *Relief and development rights* - to rehabilitation in case of illegal eviction or forced displacement; and to basic amenities, subject to restrictions for forest protection
- *Forest management rights* - to protect forests and wildlife

Eligibility criteria

Eligibility to get rights under the Act is confined to those who "primarily reside in forests" and who depend on forests and forest land for a livelihood. Further, either the claimant must be a member of the Scheduled Tribes scheduled in that area or must have been residing in the forest for 75 years.

Process of recognition of rights

Section 6(1) of the Act provides that the gram sabha, or village assembly, will initially pass a resolution recommending whose rights to which resources should be recognised (i.e. which lands belong to whom, how much land was under the cultivation of each person as on Dec 13, 2005, etc.). This resolution is then screened and approved at the level of the sub-division (or taluka) and subsequently at the district level. The screening committees consist of three government officials (Forest, Revenue and Tribal Welfare departments) and three elected members of the local body at that level. These committees also hear appeals.

Resettlement for wildlife conservation

Section 4(2) of the Act lays out a procedure by which people can be resettled from areas if it is found to be necessary for wildlife conservation. The first step is to show that relocation is scientifically necessary and no other alternative is available; this has to be done through a process of public consultation. The second step is that the local community must consent to the resettlement. Finally, the resettlement must provide not only compensation but a secure livelihood.

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