

Case study

INDIA

A village land dispute finds resolution as part of a National Land Reform Movement

By Ekta Parishad (EP)

In the early 1990s, the village of Amkuhi, which is located in Sagar district, in Madhya Pradesh, India, was home to many poor households, including 160 Kol, or tribal families, and 53 families belonging to backward castes. At the same time, 63 Brahmin households and 130 Patel households – or landowning farming families, lived in Amkuhi.

Between 1991 and 1992, six tribal women occupied 10 acres of government land in the village and began to cultivate it, growing dry crops like pulses. These women were Sundari Bai, Ram Kali, Meera Bai, Rainka Bai, Janki Bai, and Sunita Bai.

Lalit Pathak, the local Member of the Legislative Assembly (MLA), mobilized the police to force the women out of the occupied land.

The police and Pathak, accompanied by the Sub-Divisional Magistrate (SDM)¹ and forest officials, asked the women to vacate the land, saying that the latter had been earmarked for the establishment of a plantation.

The women, led by Sundari Bai, refused to leave. In response, the police and the forest officials verbally abused them and threatened to use force to evict them from the area.

The SDM, along with the police force, filed a case against the six women in the Gram Sachivalaya² (Village Secretariat), which imposed several fines on the women for

¹ The Sub Divisional Magistrate (SDM) is used in some States of India to refer to a government official who is responsible for revenue administration and other related functions at the sub-divisional level.

² Grama Sachivalayam (also known as Village Secretariats) are local government facilities set up in the Indian State of Andhra Pradesh to decentralize the administration by making services and welfare services of all government departments available at one place.

encroaching on government land. From August 2001 to November 2003, the women paid 1,140 Indian Rupees (13.77 US Dollars in 2024 prices) in fines.

The women appeared before the Gram Nyayalaya³ (village court) of Amkuhi on 13 May 2002 and on 26 July 2003, and before the Gram Sachivalaya on 12 September 2005. Each time, the women paid a court fee of 200 Indian Rupees — not a small amount for the poor tribal women.

On 11 August 2003, the women appeared before the tehsildar (chief official of the tehsil office, which exercises certain fiscal and administrative authority over the village) who noted in the revenue record that the women were encroachers.

Though their families stood by them, the six women could not count on the support of other tribal families in the village, who feared reprisals from the police.

Local land claim finds support from a National Land Reform Movement

The six women formed a self-help group (SHG) to help them earn a living while keeping up their land struggle. Their group was among the many women's mutual SHGs being supported by Ekta Parishad.

Ekta Parishad is a mass-based peoples' movement for land rights. It is regarded one of the biggest people's movements in India.

In the late 1990s, SHGs led by Ekta Parishad had been occupying forest and government land as a source of livelihood. This movement received a boost when Ekta Parishad decided to launch two movements at the end of the *Raigarh Padyatra* (see box story) in June 2000. These movements were called *Joto Jeeto Andolan* (Till-and-Win Movement) and *Janma Bhumi Vapsi* (Return to Native Land).

Women were at the forefront of these movements. Tribal women in particular showed extraordinary courage in facing off with landlords and other vested interests who did their best to harass and threaten them. In some villages, they secured *pattas* for revenue land, while in other villages, the women continued to occupy and cultivate land until they could get their *pattas*.

In Amkuhi, Ekta Parishad activists supported the six tribal women in their land struggle. Ekta Parishad activists took up residence in the village, in order to actively guide the women at every stage.

With the NGO's assistance, the women continued to withstand the combined pressure from landlords, the police, forest officials, and other vested interests. Ekta Parishad

³ Gram Nyayalayas are village courts in rural areas of India that provide quick and easy access to the legal system.

helped the women to reinforce their claim over the land by putting up boundary markers around it. Subsequently, the village authorities came to recognize the legitimacy of the women's occupation of the land.

The women continued to go to court, and have received an assurance from the District Collector that land would be allotted for them. The women felt assured that they will receive *pattas* for the land that they occupied.

They started to make the land productive by cultivating it collectively, and sharing the cost of inputs as well as the produce.

The land movement has proven that:

- Land rights and occupation of land by non-violent and peaceful means is possible;
- Protesting against the semi-feudal and hegemonic landlord-based power structure can be done through non-violent ways;
- Women can assert their right to land despite the patriarchal family structure; and,
- Collective and cooperative farming can be done successfully.

Lessons

- A long-term perspective on common property resources (CPRs) should evolve through the development of land use plans for each village, State and the country. CPRs should include cultivable wastes and fallows, besides common pastures and grazing land; protected and unclassified forests; barren, uncultivable, and other government wastelands that are being used for common purposes. It should be left to the States to decide which lands would be included under CPRs.
- For proper management of CPRs, the roles of user groups, the central and State governments, and community-based organizations, especially those working on them, are critical. The roles of each of these institutions should be laid out, properly outlining ownership, access, and rights and benefits.
- There should be a provision stipulating that a percentage of total land in a village should be classified as CPRs. The cap on the percentage of land should be decided by State governments.
- Based on the criticality of CPRs, a complete ban on diversion should be approved unless their conversion is in the larger interest of all the users and of ecology. The ban should be imposed in the capped CPR area.
- To identify and estimate the extent of CPRs in the country, the National Sample Survey Organization should enumerate this at every round.
- There should be disincentives against encroachments done by resource-rich farmers. At present, the penalty paid by encroachers is paltry which hardly discourages them from encroaching.
- It is high time to safeguard existing de jure CPRs. Funds should be made available and investment should be carried out for their development. Furthermore, diversion of existing de jure CPRs should be banned.

- Disputes over CPRs should be resolved as a matter of priority matter, and the central government should initiate fast-track and time-bound processes for resolving such disputes.
- Building greater public awareness is the need of the hour. More importantly, people's perspective on CPRs should be thoroughly understood and taken into consideration while designing public interventions.

Padyatra — a pivotal element of National Land Reform Movements

The *padyatra*, or journey by foot, is a potent tool in the arsenal of Ekta Parishad in its movement for land reform.

The Bhoomi Adhikar Satyagraha *padyatra* took place on 10 December 1999, on Human Rights Day, under the leadership of Sri. P.V Rajgopal. The *padyatra* made its way through the Chambal valley for almost 190 days, covering a total of 3,800 kilometers and 8,000 villages, and concluded on 19 June 2000, at Satya Bhama Nagar (Raigarh).

Aside from giving impetus to the land reform movement, the Satyagraha also aimed to instil confidence and unite vulnerable sections of the population. It institutionalized the "Land Capture Movement" in Chhattisgarh State, and to continue this, on 11 September 2000, the tribals of Jamania village launched Janma Bhumi Vapsi Andolan. Thousands of displaced persons occupied forest land and began cultivating it. The occupation and control over Government and forest land invited the wrath of the landlords, vested interests, and the Forest Department. However, every act of violence by the powerful was met with non-violence by the people.

The *padyatra* was followed by a personal contact campaign, rallies, public meetings, *adivasi* Maha Panchayat, Mahila Panchayat, and Kisan Panchayat, and public hearings, among others. It was almost as if the landless had decided to demolish the existing feudal social structure in the region.

The Joto Jeeto Andolan begun by Ekta Parishad in Madhya Pradesh during the 3000-kilometer *padyatra* for land rights was taken up in different regions of the State. As per the report of District Coordinators of Ekta Parishad, in July to August 2000, more than 1,202.50 acres (487 hectares) were tilled by 986 families in 28 villages, while for the entire State, the tilled area exceeded 10,000 acres (4,047 hectares).

Meanwhile, the Janma Bhoomi Vapasi Andolan was launched immediately after the Bhoomi Adhikar Satyagraha *padyatra*. This movement exhorted people displaced by large dams, National Parks, and Wildlife Sanctuaries to walk back to their natural abode. It also intended to draw the attention of the nation to the insurmountable problems faced by these communities because of either threat of displacement or displacement itself.

As discussions, agitations, and court processes failed to make a difference, civil disobedience and nonviolent direct action were resorted to. The Janma Bhoomi Vapasi Andolan started from villages displaced by the National Parks of Sanjay, Bandhavgarh and Kanha, and from the Wildlife Sanctuary of Seethanadi, and Kuno Palpur. Later on, the movement also included people displaced by dams.

Recommendations

- Develop a land knowledge institute or school where more people can understand the complex issues of land and its intersectionalities with vulnerable groups and communities;
- Strengthen the legal team and experts on land related issues. Many of the current lawyers focus on criminal or corporate law. However, the campaign needs lawyers with extensive knowledge on land conflicts;
- Help the government and its institutes to set-up conflict resolution models for land disputes. For example, Swabhumi Kendra is a center developed at the village level in Telangana State to resolve village land disputes with the help of government officials and NGOs;
- Strengthen the voices of the public for people-centered land governance through non-violent social movements. Social movements raised from the communities and grassroots can be mobilized together and have a larger impact; and,
- Create fact-finding teams composed of experts on land issues, lawyers, journalists, land rights defenders, and, if possible, government representatives, to document the issues and highlight them in a strategic and transformational manner. ■

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