‘Jal, Jangal aur Jameen:’ the Pathalgadi Movement and Adivasi Rights

EPW ENGAGE

The Pathalgadi movement questions who benefits from inclusion in the normative modern nation-state, and instead calls for autonomy to protect tribal interests.

Heterogenous Adivasi groups in India have led movements to maintain connections to their land, the environment, and cultural practices and to secure stable livelihoods during both colonial and postcolonial times. One such movement, the Pathalgadi, gained popularity in several villages of Jharkhand’s Khunti district in late 2016. The district is widely known for being the birthplace of tribal freedom fighter and folk hero Birsa Munda. Since 2016, the movement has gained popularity in Chhattisgarh, Odisha, other districts of Jharkhand and parts of West Bengal and Madhya Pradesh.

Historically, the word ‘Pathalgadi’ comes from a tribal custom of positioning a stone on a dead person’s tomb. According to Virginius Xaxa, the custom is more frequently practised among tribes from the “Austro-Asiatic linguistic family such as the Mundas, Khasis, etc.” Contemporarily, drawing from this custom, Adivasi communities display messages on large stones—known locally as Pathalgadi—that are painted green and measure about 15 ft by 4 ft. The movement seeks to replace the power of the central and state government with that of the local gram sabha. Thus, the messages they display include excerpts from the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) as well as warnings to outsiders that inform them not to enter the villages.

This reading list explores the history of the Pathalgadi movement and examines the laws
that influence the movement’s demands and desires.

**1) Historical Precedents for Adivasis’s Land Alienation**

Virginius Xaxa argues that while the state government and mainstream media have labelled the Pathalgadi movement "anti-national" and "Maoist-driven," it brings to the fore long-standing issues Adivasis face, particularly that of land alienation. Xaxa details how this process was institutionalised during colonial rule.

> What is happening today in the tribal areas in the heart of India, reminds one of the early phase of the British rule in these areas. The British brought tribes under the same rule and administration as others, once the territories they inhabited were incorporated into British India. There was an imposition of laws, rules, regulation and administration that were alien to the tribes. The new land and revenue settlements resulting in the introduction of private property in land along with written documents in support of it, was one such instance that played havoc in tribal areas. This was the beginning of the alienation of tribal land to non-tribes.

Even after specific legal provisions were made in the Constitution to safeguard tribal rights, the people and institutions that were given the responsibility to administer them often had little knowledge and understanding of the provisions and laws themselves.

**2) All in the Name of Development**

Drawing on fieldwork from four villages in Jharkhand’s Khunti district and analysis of media reports, Anjana Singh details the most recent trigger for the Pathalgadi movement.

> Grounds for the Pathalgadi movement were laid when the Jharkhand government organised a global investors’ summit titled “Momentum Jharkhand” in Ranchi on 16–17 February 2017. Replenishing the colonial tradition, it aimed at making the state a hub for investments in mining and industries and a number of memoranda of understanding (MoUs) were signed (Mukherjee 2017)... The government started a “land bank” policy in which it included thousands of acres of noncultivable land, to be given away to the companies for “development purposes” (Parashar and Toppo 2018).

Given that Adivasi people had experienced land alienation and displacement at the hands of the colonial and Indian government, they saw these announcements as renewed attempts to take away their land.
3) Restoration of Tribal Land in Jharkhand

Ramesh Sharan offers a thorough account of how Adivasis in Jharkhand were and continue to be alienated from their land, despite legal provisions designed to address the multiple problems they face. Sharan provides a comprehensive 12-point strategy to restore the relationship both Adivasis and non-Adivasis have with their land. One component of this strategy seeks to address the issue of acquiring land for public purposes.

The largest amount of land has been acquired for public purpose and practically half of this has been taken from Adivasis. In comparison, only 25 per cent per cent of Adivasis were rehabilitated. In a large number of instances no compensation was paid for decades. The use of the principle of eminent domain to acquire land thus seems to many to be grossly unjust... There should be no displacement without prior acquisition; the resettlement and rehabilitation should be for the entire population living within the ecosystem acquired and not just the losers of private land; the area requisitioned should be subjected to social audit; rehabilitation should cover social, religious, economic and psychological aspects; and the land losers should be given a stake in the command areas and the industries created.

4) Forms of Landholding and Safeguards for Adivasis

Two acts—the Chotanagpur Tenancy Act (CNT) enacted by the British in 1908 in response to the Birsa Movement and the Santhal Parganas Tenancy Act (SPTA) passed in 1949—regulate and largely prohibit the transfer of tribal land to non-tribals and protect community ownership. As a result, Nitya Rao writes that most Santhals have some landholding, albeit often small due to division and sub-division over generations. A range of tenancy and sharecropping arrangements have emerged.

The most common form is land mortgage, locally termed “bhorna” or “miyad”. In this form, grain or money is borrowed during times of need, and a proportionate amount of land given for the crop season. Linked to poverty and indebtedness, bhorna is widespread in most villages.

Under Chief Minister Raghubar Das’s leadership, the Jharkhand assembly passed amendments to both acts in late 2016 to be able to acquire tribal land for “development projects.” While wide-spread protests compelled the government to withdraw the bills, Nitya Rao’s research found that loopholes and infringements of the acts allowed for the transfer of land.
In the last four years [2001-5], however, there has been considerable transfer of land through privately negotiated, temporary lease arrangements for stone quarrying and crushing, from adivasis to outside contractors. This has no doubt helped generate local employment, yet has raised issues in relation to the terms of employment, health hazards, the destruction of common property and the long-term implications in terms of the sustainability of local livelihoods. Rather than regulating such mining, in line with its new industrial policy and Vision 2010, the government is supporting such initiatives [Rao 2003].

5) Conceiving and Implementing the PESA Act

The Pathalgadis display excerpts from the PESA Act, an act that Nandini Sundar argues was designed to encourage a form of governance that built on local traditions of participatory democracy. The act was passed in 1996 largely based on the recommendations of the Bhuria committee. The recommendations sought to build upon local customary laws and indigenous structures, and to empower Adivasis against displacement and exploitation by equipping the gram sabha with various powers.

The committee envisaged a four-tier structure (rather than the usual three) consisting of gram sabhas with traditional village councils or nominated heads, village panchayats, intermediate panchayats and district councils: “the Committee felt that while shaping the new Panchayat Raj structure in tribal areas, it is desirable to blend the traditional with the modern by treating the traditional institutions as the foundation on which the modern supra-structure should be built.” (Summary, para 2)... [The act’s] watered down requirement of consultation before land is acquired (as against the consent that the Bhuria committee had recommended), the absence of any structure that could include traditional supra-village levels like the pargana or “parha”, or the absence of any effective mechanism to override the forest and police departments. On the positive front, PESA gives the gram sabhas (or panchayat at the appropriate level) a number of specific powers. Three that are significant are the ownership of minor forest produce, the power to prevent land alienation and restore land to scheduled tribes, and the power to control money lending.

Read More:

- How Many People Will We Continue to Displace In the Name of Development? | EPW Engage, 2019
- How Did 'Development' Come to Stand for Everything Ideal? | EPW Engage, 2018
• Nationhood and Displacement in Indian Subcontinent | Sajal Nag, 2001

• What Vadodara's Slum Displacement Reveals: Case of Kalyannagar and Kamatipura | Lancy Lobo, 2015

• Counting Conflict-induced Internally Displaced Persons in India | Madhulika Sahoo, Jalandhar Pradhan, 2016

• The Multiple Displacements of Mangalore Special Economic Zone | Ian Cook, Ramachandra Bhatta and Vidya Dinker, 2013

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