
TRIBALS, STATE AND INDUSTRY

People's Struggle for Land-Based Resources in Santal Parganas, Jharkhand

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ABSTRACT ■

Recent decades witness growing number of legislations and instruments world over and in India that guarantee protection of tribal lands and their rights from alienation. Yet, the incidences of land alienation have increasingly become common in Third World including India. The state, as patron of state-industry confluence, unlike previously, began to come back from all accountabilities and mandatory obligations towards the people as enshrined in the Constitution and laws. Based on an empirical study covering 57 stone mines and associated stone factories in 3 villages of Dumka district, present paper examines the tribal lands alienation by mining industry (small scale) in Santal Pargana of Jharkhand¹ and the violation of rights of tribes over land and livelihood by the combine of state and industry. When the state patronized and promoted the land alienation and turned blind eye to the tribal rights, the people individually and collectively responded through petty struggles in order to address the intrusion of industry till their doorstep. Process of the manipulation of tribal land rights and the physiology of people's struggles is of special interests.

INTRODUCTION ■

Usually the tribes become victims of industrial enterprises despite the existence of state legislations expected to ensure the inalienability of tribal people's right over their land. Land has been considered the chief livelihood resource through which the ever-vulnerable tribal populations can only escape the onslaught of extinction. Paper focuses on tribal lands alienation by mining industry (small scale) in Santal Parganas² of Jharkhand and the violation of rights of tribes to land and livelihood by the state and industry. Responding to the infringement of land-based resources by the combine of industry and state, the tribal responses in the form of petty struggles have received centre-stage in the paper. Based on empirical study conducted by the author covering 57 stone quarries and associated stone factories in 3 villages of Dumka district, the paper addresses state's negligence when it needs to protect tribal rights against the vandalism of the industry, and how tribal people, in isolation of the intervention of all civil society actors, work out their strategies to successfully or unsuccessfully curb the threats for survival. Despite the existing stringent land laws in Santal Parganas and at national level ensuring tribes' claims over land, the district administration granted leases to private mine owners on tribal lands. Process of massive degradation has adversely affected the farming and other livelihood activities, water sources, habitats and the environment. At times when the state as well as industry failed to comply with the accountabilities to the people, the tribal people themselves have dealt with the mining industry, though weakly.

In Santal Parganas region of Jharkhand there are three main areas³ of stone mining from which one, located along Shikaripara-Rampurhat road, was selected for the study. In this pocket the mining operations have been done in about 9-10 villages, of which 3 villages — Chitragarhia, Sarasdangal and Makrapahari — were selected for intensive studies. The sample villages (Chitragarhia, Makrapahari and Sarasdangal) have 51 quarries covering 152.23 acres of cultivable land of 276 survey numbers⁴. The related investigations were made in all the existing mines in sample villages. Primarily the tools like semi-structured informal interviews, observation, group discussions, informal discussion, probes and secondary literature had been used for gathering the information on various attributes of research. This piece of work encompasses on the Santal and Paharia tribes of Jharkhand.

DISCUSSION & ANALYSIS ■

Arbitrator State, Tattered Tribals: Whose business is it anyway?

Field observations reveal that in the process of granting leases for mining on tribals' lands the local state has utterly flouted and violated the statutory provisions available at international, national and state level. While granting mining leases on tribal lands the government rarely referred the international conventions India ratified (Universal Declaration of Human Rights⁵, ILO Convention 107⁶ & 169⁷). Even great serious has been the ignorance of legal provisions provided by Indian state through Fifth Schedule⁸ of Constitution of India, Panchayat Provisions⁹ (Extension to Scheduled Areas) Act 1996, and landmark Samatha Judgment¹⁰ of Supreme Court, 1997. Meant for preservation of environment and habitat of tribal areas the mining related provisions in Environment (Protection) Act¹¹ 1986 are also routinely violated. In Santal Parganas a very stringent agrarian law, Santal Parganas Tenancy (Supplementary Provisions) Act 1949, exists, which has completely prohibited the transfer of tribal lands. Yet, the Deputy Commissioners of Dumka, and elsewhere in Santal Parganas, instead of protecting the tribal land rights had/ have themselves violated the strict legal provisions under Section-20 of Santal Parganas Tenancy (Supplementary Provisions) Act 1949, hereinafter known as SPTA, which is superseding legislation¹² over all existing law directly or indirectly dealing with land affairs including mining laws. Deputy Commissioners unanimously looked only at mining related laws [e.g. Mines and Minerals (Regulation and Development) Act 1957] and rules [e.g. Bihar Minor Mineral Concession Rules 1972] and granted the mining leases under section-46(i) of Bihar Act 1947 (which was considered *ultra vires* with the enactment of SPTA) while completely ignoring SPTA consciously. Section-20(1) of SPTA clearly prohibits the *raiyat*¹³ to transfer his land by sale, gift, 'lease' or any 'contract' or 'agreement'. Section-20(5) even instructs the Deputy Commissioner to recover and restore *raiyati* lands of STs transferred in contravention of Section-20(1)&(2) by any fraudulent method.

Under the patronage of state the mining industry in the studied area continues to deceive the tribal families. The person interested in lease on a tribals' land usually approaches the landowner family through a local fixer, the byproducts of capitalistic economy and external or internal colonialism. It is nothing but an irony that the landholder and leaseholder rarely come face to face, so many tribal families have even not yet seen the actual leaseholder or mine owner. The middlemen help the mine owners exploit the tribals by materializing the deal of the land. Land valuing Rs. 200,000 is taken away for merely Rs. 2,000. Bargaining for such a deal actually begins from Rs. 200 only. Tribals who never saw that much money easily get lured and become pray of unsustainable mineral excavation. Often a pressure is also mounted on the landholder through various means. With the threats that the investor has taken the permission of Deputy Commissioner or Superintendent of Police, the tribal families are forced to give up their lands. Intimidation and belligerent take over of lands thus is principal method that is practiced by the miners. Say, one family gave lands on lease to a mine owner, the adjacent landholder either spontaneously gets convinced that his land would later become unusable/waste if not given, or he is repeatedly reminded of the consequences of that sort. Ultimately, the landholder has to give up his land, and

wishes through negotiations to get as much amount as he can. In case the landholder denies initially giving lands on lease, his land is circumvented by various means. At the last the landholder surrenders and comes on to negotiation. In this case, naturally, the landholder receives lesser than what he might have received earlier. Sometimes, though rarely, a landholder outrightly denies to give lands, he then surely suffers all throughout as his lands are either forcibly occupied under mining operation or made totally unusable by way of throwing stone/boulders, debris, refuse, etc. or by damaging crops, or by discharging water into the plot. As has already mentioned the local fixers play catalytic role in the coercion process. So the mine having lease, say, on 2 plots is practically expanded on 5 plots.

An interesting process was noted down in Chitragarhia village that several mine owners got leases in the name of landholders by promising them to make the partners in the mining operation. Most of such landholders either work in the same mine as labourer or work in some other's quarry. But necessarily they are not mine owners. In Chitragarhia village it was also observed that as many as 6 mines have encroached upon grazing ground, the common property resource, and spoiled almost entire 69 bigha¹⁴ area of *gochar*¹⁵. Instead, quite many quarries either have taken *gair mazrooa khas*¹⁶ lands on lease from government or have just occupied without any lease. It is important to note that the *khas* lands in the villages are owned by the government and are usually settled to poor landless families by village headman. No person to whom the *khas* land is settled is permitted in SPTA 1949 to give such lands on lease or to transfer it to other person. Yet, the *khas* lands on which the leases are granted have been given on lease by the *patta*¹⁷ holders (to whom the lands were settled). Actually in about half of the cases the mine owners managed the village headman and got leases on the *khas* lands.

Summarily the grant of any kind of lease, mining operation, crusher installation, and allied activities on tribal lands are all illegal and against the provisions of SPTA, Fifth Schedule, PESA and Samatha Judgment and international legislations meant to protect the tribal land rights. And all this has been the manipulation and violation of the law and rules the state and the industry have committed deliberately.

Infringing tribal livelihoods

'Land is life' for the tribes. Land thus forms a major part of their being — food, water source, culture, religion, health, and everything. The tribes over last a century or two have learnt agriculture and have been growing food and staple crops in their lands. Domestic animals like cows, bullocks, goats, poultry birds and pigs have become the integral part of the local agrarian economy. Therefore, the subsistence economy of the tribal families had (has) to revolve around the pieces of cultivable lands or wastelands. For example, the grazing lands in Chitragarhia village were once full of seasonal grasses where the livestock of entire village had to graze. The individual lands of the families were plain and under cultivation of *khari*¹⁸ and *rabi*¹⁹ crops such as paddy, maize, beans, pulses, pigeon pea, oilseeds, vegetables, millets and other water-resistant crops. Every family had bullock(s) and had to grow sufficient food in the lands. The topography of the area supported the regeneration of groundwater aquifers that enriched the moisture contents in the soil. Otherwise too the irrigation sources like wells and ponds were plenty to fetch the crops. Paddy fields in the village had to yield even higher than the paddy yields in neighbouring West Bengal, where lands are supposed to be superior and well drained. In Makrapahari and Sarasdangal villages the situations of the cultivable

lands and farmer economies depending on them were identical to Chitragarhia. The village Sarasdangal still has maintained productivities of the cultivated lands in the area outside mining operations. The cultivated lands of Makrapahari were terraced and made fertile after long practices of local land management. However, some lands were standing waste with immense biomass for supporting livelihoods in the form of grazing, grasses, fuel, hutment material, and other household needs.

In addition to the individual land assets the community lands in the villages were subsistence resources of the poor. As the grazing grounds and other rangelands have been taken over by the mine owners the tribal families fall short of grazing spaces for their livestock, which contributes substantially to the household economy. The grazing lands have almost vanished in Chitragarhia and Makrapahari villages. People now tend to halve the number of grazing animals like cows, bullocks and goats, which is squarely affecting the livelihood base. For instance, the families of Makrapahari had once to rear 40-45 cows per family as because there was plenty of biomass to herd the cattle. Now since the hill has degraded as a result of mining a family hardly manages to rear 10 cows. So it is the remarkable loss the tribes of Makrapahari have to incur. Families, whose lands have been taken away either for excavation or dumping the debris, have lost the lands forever as it have completely spoiled and exhausted. Mining pits of 15-30 meters depth cannot be used for either purpose. They cannot be converted into water tanks even because of greater depth. Sliding/ slipping of the loosely piled debris into the adjacent plots of lands has further caused the additional lands unusable. Actually when it rains and the debris washes off into the croplands while silting, degrading and polluting the topsoil of the cultivated lands. Those neighbourer farmers who did not give lands for any type of mining activity are worse victims, as they even did not receive that meager money in replacement of alienation of their lands. Productivity of the neighbouring agricultural lands has decelerated considerably in consequence of the siltation/ pollution.

Stone quarrying in the studied villages has badly affected the surface and groundwater resources. Uninterrupted oozing in and pumping out of the water from the pit makes the groundwater level fall in the harvesting structures like wells. The explosions in the quarrying process have also harmed the open wells. As a result, Chitragarhia village has been facing acute shortage of water now. Village has been growing as the water deficient zone as the natural drainage of the water has totally dismantled and the runoff is heavy across remaining fallow/waste lands. Likewise, village pond near Sarasdangal has got drudged with the debris from the quarries. The pond was source of water for non-drinking household uses and cattle drinking and bathing. Moreover, the mining operations have adversely affected the water sources like the spring and streams meant for irrigation in Makrapahari and Sarasdangal villages. Makrapahari village lost 5 natural streams — Bhim nala, Tatko nala, Sinje nala, Dundu nala and Madai nala — in the hands of mines on the hill. They had to irrigate hundreds of acres of lands during *kharif* season. Similarly, quarries have destroyed the course of big perennial stream in Sarasdangal village that used to irrigate hundreds of acres of lands in both *kharif* and *rabi* seasons. Resultantly, the important irrigation sources of the villages have vanished forever as direct consequence of mining activity.

Thus, irrefutably, the degradation of the land-based resources is disinvestment in the stock of land. Perpetuation of this disinvestment would further threaten the livelihood security in the long run.

People's Struggle for Land-Based Resources: A Micro Analysis

History of Santal Parganas, and of Jharkhand for that matter, is full of struggles reflecting tribals' identity consciousness, political awakening and abilities of asserting for their rights. In response to the encroachments of their lands-based resources the people have struggled both individually and collectively. Nevertheless, the struggles of collective nature are worth noting and analyzing.

Chitragarhia

Tribals in Chitragarhia particularly reacted most on the illicit excavation²⁰ of the grazing ground, the ultimate community resource for grazing the livestock. Initially people attempted to stop the mining operation in the land, but when they could not succeed they resented heavily in 1997 and demanded immediate eviction of the miners. Four persons including three tribals led the struggle. In order to manage the struggle, the mine owners played cleverly and invoked the Muslims, co-inhabitant community of Chitragarhia, to convert the resistance into an inter-community conflict. As from the beginning the Muslims of the village have been engaged in the trading type of occupations and were in close contacts of the business people around. In continuation, with the sponsorship of the mining industry the Muslim community lodged an FIR in police against tribals mounting false charges against them. Thus the original struggle against the mining lobby turned into an inter-community quarrel, and failed to place the tribal assertiveness into a tangible success. Except one, all the struggle leaders were managed by mine owners through giving employment, middlemanship and petty cash. The tribal community then could not stand long in the fight and entered into a compromise with the Muslims. Noticeably, in the compromise papers signed in Dumka's SDO court it was mentioned that the mine owners would pay as penalty of encroaching the *gochar* to the *aam sabha*²¹ of the village. Communities would later decide the usage of the money in village's common fund. But, disappointingly, none of the mine owners counter signed such a settlement; hence they were totally unaccountable to decision of the communities and were free from any such obligation. Since then the entire *gochar* land has degraded by illegal mining with no upsurge of any resistance. In due course of time the mining lobby has also grown as huge power structures in Chitragarhia. Mining industry in Chitragarhia through variety of modes has manipulated in its favour the social, economic and political relations of the society. Those who did not succumb to manipulated situations or who did not negotiate with the industry in lieu of foregoing their lands have ended up into frustration.

Above struggle of Chitragarhia village was initially fierce capitalizing over few motivational factors such as strengthened social capital, committed and well-accepted leadership, collective perception of common livelihood interests at stake and least opportunity cost. Chitragarhia village traditionally is a tribal village, where Muslim community settled quite anew. Since the external colonizing forces (the commercial mineral exploiters) till then had not disorganized, disempowered and dismantled the tribal families, the tribals of the village were relatively united and conscious to their identity and resources. Informal institutions, lineage bonds, kinship, socio-religious structures, collectivism and secured livelihood base (of cultivated lands) formed the appreciable shape of social capital. Although the advent of Muslim community in the village and resulting gradual annihilation (not assimilation) of tribal culture from nuclear and

peripheral frontiers weakened the mass of social capital among the tribal people. Yet, it was adequately placed to spawn a struggle for protecting common livelihood resources.

This struggle around community land evolved was perhaps not because the tribals were heavily dependent on common grazing land, but because common land was the source of collectivity notions in the community, asserting customary tenure rights, symbol of cultural intactness, coming together of herders for interacting, conscience of social networks and, no doubt, belongingness feelings of individuals to the resource. Instead, the vast grazing ground was the 'critical link' in the whole ecosystemic make up of the village. People had the awareness of this sort in their conscious or subconscious mind. Moreover, comparing with today, the opportunity cost of struggling for the common property resource was considerably less at that time. Most of the families had cultivated farmlands and productive homesteads. Unlike today they were less dependent on quarries or had comparatively lesser economic interests in the mining operations. It all provided the tribal families a spatial base to rise against the mining industry. People's resistance in defense of their land rights took shape when it found appropriate leadership. Leadership is an important element of a struggle movement. No doubt the leaders in this struggle were more educated, informed and externally connected. Noteworthy, however, is that out of 4 leaders, only two were from within the tribal community of the same village. Two were outsiders, who had high degree of vested interests. They wanted through this struggle to personally attain favorable change in the power relations with the mining owners and to mobilize the accrual of personal benefits from mining activity. The same can also be interpreted from the fact that as soon as the struggle reached the climax, they sighted their aspirations fulfilled by way of achieving the bargaining capacity. Subsequently, they left the struggle and met with the mine owners. Though the struggle was one of the rare in the stone mining area of Dumka district, the weak and dubious leadership caused the struggle circumvented. Of the leaders, one was though committed and feisty, but the strategic pruning by industry of his powers and ability to lead also forced him ultimately to compromise. Muslim community, having quest of acquiring power, resources and recognition through the goodwill of industry owners and having stark desire to ensure dominance over village resources and affairs, acted as safety valve between the tribals and mine owners.

Consequences of the collapse of this struggle in Chitragarhia are of great significance from the viewpoint of deliberate disarray or disabling of the institutions likely to claim or enforce the accountability. Eventually the demoralization from previous defeat in the struggle, growing materialistic attitude towards the natural resources, unprecedented hammering on the traditional institutions, induced cleavage of families, imposition of liquor culture, decaying land based means of livelihood and rising dependence on the mining activity, weakened collectivism, withdrawing support institutions and structures and its shifting commitment from people to industry, and multiplying size and power of mining industry in the village led to no reappearance of people's struggle as yet.

State's response in this struggle for preserving tribal interests also needs little focus. In the case falsely lodged against the tribals, the state preferred to stay with the powerful and vested interest lobby. Neither police nor SDO inquired whether the framed charges against tribals were true or false. Rather under the influence of industry owners, the whole case was transformed into a case of inter-community rivalry and conflict, and the state directly/ indirectly supported it. Lastly, in the quest of quickly disposing off pending cases, the SDO did not seriously look into the implications and relevance of

language written in compromise deed. When there was a clear mention in the compromise deed that the mine owners, who encroached on *gochar* land, had to pay penalty for illegitimately excavating the *gochar* to *aam sabha* (village council), notice was not taken by SDO to hold industry owners accountable or at least he didn't call them for counter signatures on the inter-community compromise deed. Thus compromise was accepted for the sake of compromise. Besides, the struggle via proxy inter-community dispute, remarkably, brought in the knowledge of the state that *gochar* was encroached by the mining industry, the state, as it has legal obligations, did not act upon. All it reflects that the state had, and has, silent consent on the land alienation and encroachments of commons by the mining industry.

Makrapahari

Residents of Makrapahari only bemoan the loss of water sources to the mining, but they never acted upon this matter. It means that their resistance could not pool up and come out to prohibit the degradation of the natural resource. It also reflects that the villagers succumb to the situations and did not try to negotiate with the mine owners taking the matter of permanent damage of common ecological resource.

Even so, it cannot be mistaken that the tribal community showed neutrality to the concern of their communal resources. Community inaction in this case has to be discoursed in different dimensions. First of all, it is the industry's past experiences of dealing with tribal people elsewhere that essentially helped the mine owners to tackle the tribal families. A plethora of strategies and approaches was employed by the mine owners in this newer belt of quarrying to manage tribal resistance. For example, the mining activity did not attack *prima face* the core of the resources, but gradually moved in from periphery to the core. Actually, the resources at the periphery are generally of low value to the people and have least priority in the need of conserving/ sustaining them. As the journey of resource exploitation proceeds from periphery to the core, a sense of materialism develops among the non-monetized cultured tribes, who then begin to assign monetized economic value to the natural resources in their access/ control/ possession. In case if some vital resources like water stream does not have direct economic value in context of industrial expansion, hereinafter the mining, the people forego their stake in such resources for benefiting from other deals of economic activity. Similar happenings occurred in Makrapahari. In Makrapahari the people did not come forward to struggle for preservation of water streams or for at least holding the industry accountable for their rights over common water resource because they chose to forego the common resource vis-à-vis receiving employment in the mining operations. Another explanation of the passiveness of community also needs attention as it relates to the causative factors of mobilization. Geographically the hamlet of Makrapahari is located on north facing slopes of the hill. And north-facing slopes of the hills generally do have greater diversity and magnitude of resources including high moisture content in the soil, greater abundance of water sources and less evapotranspirational loss. Today the degraded water streams in the village do not seem to affecting much the village surface or groundwater aquifers meant for irrigation or potableness. The majority in the village does not visualize the farsighted impacts of this degradation. Moreover, the rate of engagement in the mining activity is such that pooling up of resistance is difficult today.

Sarasdangal

Unlike Makrapahari, the residents of Sarasdangal opposed several times the destruction of a big stream originating from hill of Makrapahari and flowing 2 km down towards Sarasdangal and neighboring villages. Encroachment of the water stream induced mobilization upto a level in the village. This struggle precipitated around the common minor water body needs to be explained from two prominent angles. In Sarasdangal a limited number of families have given up lands for mining, whereas the water stream had to irrigate lands of large number of families. So the majority had stake in that particular water resource. To claim their rights over the common water resource the majority organized that sidelined the vested interests of even those who co-opted the process of exploitation of minerals. Initially the people succeeded in their endeavor of claiming accountability of industry in that particular matter. But as the time passed by the mining industry in Sarasdangal agglomerated to overpower or to manage all existed community institutions likely demanding the accountability of the industry. In making the community institutions ineffective or weak, the non-tribals of Sarasdangal played active role. Industry also applied strategy of circumventing the tribal families as it did in Chitragarhia. Some tribals, as middleman or local fixers, including village headman started working in the very interests of the industry. It thus caused lastly the decay of institutions in Sarasdangal that rose to claim for tribal rights over the natural resources.

Another classical case of tribal resistance in Sarasdangal was the illegal construction of an explosive house of a quarry owner in the vicinity of Karbatola hamlet of Sarasdangal. At the time of construction when the box of explosive material was brought to fix in the masonry structure the local residents of hamlet objected heavily and disallowed the construction of explosive house in the vicinity of habitation. The tribals then called upon a meeting of tribal council²². People asserted their complete denial for such hazardous construction. The tribal council at the end decided not to allow building of any explosive house close to human habitation. Even when the tribals faced outrage of powerful lobby of miners and the police they are adamant for their rights. Now the mine owner has tried hard to coerce and negotiate through police, but the tribals have thoroughly resisted.

This struggle has though had evolved around an individual's land, but had been the consolidated body of mobilization of the entire community residing in particular hamlet. People have collectively taken a position. The goal of the struggle was quite clear: "no explosive house in the vicinity of habitation". Strategies of the struggle evolved in accordance of the situations the people confronted. In the beginning the tribals straight confronted the industry, but later they had to face both the industry and the state. People found the state more difficult to deal with than the industry. People posed tough, however, to the mine owner as they not only ceased the construction of explosive house but also brought the industry into tribal council, which ruled against the industry. When the industry used the state (the police) as shield as well as arbitrary appropriator, the tribals felt weaker. They knocked the higher police officers demanding justice and rights. Primarily they faced a challenge to shun off the fabricated charges falsely mounted on them. Simultaneously, the strategy the corporate employed for counter posing the tribal resistance at village level was that he employed the influential/ elite persons (such as village headman) from the community, who as usual acted as 'diluting agent' and 'informer'. Instead of protecting the interests of tribal community, the village headman supported the interests of miner by giving silent consent on illegal and arbitrary transfer of land for the construction of explosive house.

IMPORTANT EMERGING LESSONS ■

Lesson-I.

Tall claims of the state as custodian of poor and tribals go futile particularly when state deals with the tribals' land rights vis-à-vis the industrial demands for lands. Despite the enacted Constitutional safeguards and affirmed powers under PESA and SPTA to the tribals to veto the land transfer, the government did not attempt to invite 'participation' of the people while leasing out *raiyat* lands or *khas* lands to mining industry in Dumka. It seems the state, under the pressure to invite capital, is hell bent on suppressing the people's rights over livelihood resources while throwing away their Constitutional safeguards. If any voice is raised claiming the accountability of the state and corporate, it is silenced by applying brutal police force. In the scheduled area, the protection of the tribal people is the responsibility of President and Governor, as mandated in Indian Constitution, yet the innocent tribal people find themselves pitched against the might of the state or the industry or their combine. State is in fact graduating only to serve the interests of those 'haves' while ignoring 'have nots'. Notoriously incompetent state has entered into partnerships with organizations of market to effect the governance of globalization. Institutional changes making for an accountable and effective government do not seem to be forthcoming. Laws and policies are interpreted so as to enable this appropriation of the livelihood resources of local people and tribal communities. Political parties and bureaucrats make sure that corporate interests are not hampered by rules. So the state continues progressively to prefer taking side of market interests rather than disposing off its welfarist functions in the interests of people.

Lesson-II.

The state despite its welfarist role (though rhetorical) does not intentionally want to change the status quo. Experiences of most of development interventions indicate that the information, a critical element of modernist or post-modernist shape of world, determines the mobilization, power relations and change process. So far the tribal people in the studied villages do not know about their inalienable land rights, official tricks of alienating their lands, mechanisms that enable their claims for their rights and the underlying manipulative/ violative practices of industry. Had they been or get informed, their struggles would have surfaced more squarely.

Lesson-III.

Industry (market) no doubt has risen as parallel structure in governance system. It is partially because the industry, an integral unit of production system in larger domain of market, has got material resources, information or knowledge and power to subscribe the state's functions. Tribal communities, on the other hand, have been under constant onslaught. However, tribal struggle around land-based resources witness the presence of mobilization of the tribals for claiming their rights, which tends to challenge the power relations, inequalities and dominating institutions. Sporadic occurrence of resistance and struggles around the issue of land rights and accountability is the reflection of apparent or latent mobilization of the tribals.

Lesson-IV.

Tribals's petty struggles teach us to understand that the mobilization for claiming the rights originates when the state or industry infringes the constituency and its base of livelihood, liberty, dignity, security and, lastly, the survival. Assertion for citizenship rights, entitlements and accountability does not take shape until an individual or community crosses the resilience or until the external/ internal factors allow to respond. Sometimes the externalities of an economic activity either are not so intense or equate in value (though assessed conservatively or exaggeratedly) with the internalities (say, the personal economic benefits, collective incentives, or alike). Mobilization for struggle emanates only when the man's physical existence is threatened/ circumcised or self-esteem, if any, is not fulfilled. The non-appearance of struggle should not be confused with the non-existence of mobilization. It is revealed from above discussion that the mobilization for claiming the rights existed even if struggle was not apparent. The precipitation of mobilization into a form of struggle virtually depends on interacting and intervening factors.

NOTES ■

1. Jharkhand is the new state created from Bihar on 15 November 2000.
2. Santal Parganas is an important agro-climatic and socio-political region/ division of Jharkhand that comprises six districts namely Dumka, Jamtara, Sahebganj, Pakur, Deoghar and Godda. Dumka is divisional headquarter of the region.
3. Three belts of mining include: one along Pakur-Sahebganj railway line, one along Shikaripara-Rampurhat road, and other around Kulkulidangal area of Shikaripara block. First lies in Pakur and Sahebganj districts, and latter two exist in Shikaripara block of Dumka district.
4. The figures are based on the official data of Mining Department, Dumka consolidated in 2003.
5. Article-3 and Article-17(2) of Universal Declaration of Human Rights.
6. Article-11, 12(1,2,3), 13(1,2) of International Labour Organization Convention 107.
7. Article-13(1,2), 14(1,2,3), 15(1,2), 16(1,2,3,4,5), 17(1,2,3), 18 of International Labour Organization Convention 169.
8. Clause (a) and (b) of sub-section 2 of section 5 of Fifth Schedule under Article 244(1) of Constitution of India.
9. Clauses (d), (i), (j), (k), (l), and sub-clauses (iii), (vii) of clause (m) of The Provisions of Panchayats (Extension to Schedule Areas) Act, 1996, hereinafter known as PESA 1996.
10. Samatha, an NGO working in the scheduled area of Andhra Pradesh, filed a case against the Government of A.P for leasing tribal lands to private mining companies in the scheduled areas. The SLP [special leave petition] filed in the Supreme court led to a historic judgment in July 1997 by a three judge-bench which declared that government is also a 'person' and that all lands leased to private mining companies in the scheduled areas are null and void. Some relevant rulings of the judgment included enlisted as 110, 112, 114, 115, 116 and 117.
11. Clauses (i), (iii), (vi), (vii) and (ix) of Sub-Rule 1 of Rule-5 of Environment (Protection) Rules 1986, which were made under Environment (Protection) Act 1986.
12. The SPTA is superior legislation in Santal Pargana as it has repealed under its Section – 3 the various enactments including: (i) Santal Parganas Settlement Regulation III 1872 [section 27, 28], (ii) Santal Parganas Settlement (Amendment) Regulation 1934 [section 2], (iii) Santal Parganas Settlement (Amendment) Regulation 1944 [whole]. This law is also superior in the view that it provided with in Section – 72 (Saving of Special Enactments) that “.....*When the provisions of any other law are repugnant to, or inconsistent with, the provisions of this Act shall prevail.*”
13. *Raiyat* means the landholder having a record of right.
14. Bigha is the local unit for land measurement. 1 bigha = one-fifth of an acre.
15. *Gochar* is significant common property resource used for herding the animals and which also provides livelihood security to especially the poor of the village. The tenure is completely communal and even the state cannot settle this land to anyone.
16. A category of land existing as buffer in the village and *de facto* used as common property resource, but is owned by the state.
17. *Patta* is a kind of title released to a person for using the land. It cannot be sold off or transferred to other person.
18. Rainy season crops cultivated during June to September.
19. Winter season crops cultivated during November to March.
20. Quarrying in the grazing land was first time opened around 1966. After sometime the mining closed down in the land, but a decade past around 1976-77 the quarrying again started in the land.
21. General council of the village; *aam sabha* is interchangeably used also for *gram sabha*. Since Jharkhand has no elected gram panchayats the *gram sabha* does not exist in study area.
22. Tribal Council is the customary enforcement and judicial organization of the tribals in the village, and it is headed by *pradhan*, the village headman. It in the absence of elected panchayat bodies it has recognition of *gram sabha*, and its decisions have validity in Rule-26 of Santal Civil Rules 1946.

About the Author

Hasrat Arjjumend graduated in Science from Aligarh Muslim University and G. B. Pant University of Agri. & Tech. with Professional M.Phil in Resource Management from Indian Institute of Forest Management. He has also earned Masters of Communication & Journalism. Having over 14 years grassroots experience in development sector he in the past has served WWF-India, Wildlife Institute of India, Institute of Resource & Environmental Management, National Centre for Human Settlement & Environment and Participatory Research in Asia (PRIA). He has intensively worked in rural areas of 8 provinces of the country dealing with multiple areas of expertise such as natural resource management, governance and rural institutions, tribal self-governance, development communication, advocacy studies, process documentation, rural development and policy analysis. He also uses to be critic while writing in newspapers, magazines and journals. He taught development journalism, communication and reporting as guest faculty in M. C. National University of Journalism. He is alternative thinker and a critic since 1996 when he led people's movement for resource rights in Great Himalayan National Park in Himachal Pradesh. Currently, he is the *Director* of Grassroots Institute, New Delhi and *Managing Trustee* of Grassroots India Trust, New Delhi. He is now an established researcher, journalist and trainer. He can be contacted at: grassrootsinstitute@gmail.com, grassrootsindia@rediffmail.com, grassrootsindiatrust@gmail.com