

'Illegal Land, Illegal People'

The Chengara Land Struggle in Kerala

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Landless dalits and adivasis have occupied parts of a corporate rubber plantation at Chengara in Kerala for five years. Despite being pressurised in various ways, they have held out, sticking to their demand of land for them to pursue livelihoods. None of the agreements so far reached with the state government has been satisfactorily implemented. Yet, the issues raised by the Chengara struggle have a social and economic significance that no government can afford to ignore.

August 2012 marks five years of a land struggle where hundreds of landless families continue to occupy parts of a Harrisons Malayalam rubber plantation in Chengara in Pathanamthitta district of Kerala. An agreement between the leadership of the struggle and the Left Democratic Front (LDF) government in October 2009 offered land to all the landless occupants. It is yet to be fully implemented. The big challenge to both the struggle and the state government is finding a legal solution to this impasse.

Compared to other parts of India, the dalit community in Kerala has had some positive experiences in terms of social development. However, events in recent times have revealed that even after achieving progress on some fronts, there has been no fundamental change in their basic condition. The main reason for this is that the marginalised lack access to land and resources to earn a livelihood. This disadvantage has been attributed to the failure of Kerala's land reforms. Of late, the issue of landlessness has been aggravated by the processes of land acquisition. Critiques of land reforms from a dalit perspective cite the continuing existence of large plantations and private agriculturalists in a state that is small in size and big in population as the most important fallout of the failure of land reforms.

The combined dalit and adivasi population, including dalit Christians, in Kerala is between 65 and 70 lakh in a total of 333.87 lakh (Census 2011). They constitute more than 80% of Kerala's landless. The extent of landlessness among dalits is much above the all-India average. The proportion of landless dalits (households that do not own land other than their homestead) is the highest in Kerala, Punjab and Haryana. The National Federation for Dalit Land Rights Movements (NFDLRM) reports that the percentage of

dalit landless households in Kerala (including the near landless or those who own just their homestead) is more than 90%, which at the all-India level is next only to Punjab.

While historically the organised left in Kerala has addressed the dalit community mostly as "agricultural labourers", land reforms did not help change their status from labourers to landowning farmers. Even by the end of the land reforms era, governments were not committed to distributing the *michha bhoomi* (surplus land) to the landless. For decades now, the descendents of dalits and adivasis who were left out of the reforms have been living on *purambokku* (public) land on the outskirts of cities and towns, or in "one-lakh colonies".

The Tenancy Reforms Act of 1970 contributed to the process of creating dalit and adivasi colonies and recent studies show that there is a total of 12,500 dalit and 4,082 adivasi colonies in the state. What the Tenancy Act did for the dalit community is permit them to own the homestead they lived in or grant them three cents of land in a colony, merely saving them from the fear of getting displaced. In the absence of any agricultural land or means of subsistence, the creation of colonies instigated a process of ghettoisation of the community.

While the adivasi movement in Kerala in the recent past had demanded ownership of one to five acres of land whether by returning their alienated land or providing alternative land, such a demand was not seen as desirable by a majority of dalits till the Chengara movement. With increased landlessness and poverty, the dalit community has moved away from the left political parties in the state and formed new platforms where the landless marginalised have come together. It is in this context that one has to situate the significance of events in Chengara.¹

Ambedkar Nagar in Chengara

The land struggle in Chengara is a movement of the landless; they belong to many castes, religions and ideologies. A good majority of them are dalits (including dalit Christians) and the rest include adivasis and a small number of Muslims,

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upper caste Hindus and Christians. Unlike struggles opposing forcible displacement, the Chengara struggle is a direct claim on land by the landless. The struggle in Chengara was initiated by the Sadhu Jana Vimochana Samyuktha Vedi (sjvsv), a body that originated from many initiatives by the landless among dalits and others. Registered as an organisation in 2002, the sjvsv initiated many attempts towards acquiring land for the landless between 2001 and 2007. Each time, agreements with the government ended in failure in implementation.

As a response to these broken promises, in August 2007, the sjvsv led 300 landless families (which later grew into about 7,500 families) to the Chengara estate to claim and occupy land. Unprecedented in Kerala's history, the dalit landless demanded five acres of land and Rs 50,000 each from the government.

The Chengara estate is a rubber plantation of around 6,000 acres, which had been leased to Harrisons Malayalam by the Government of Kerala. This was a British company that became Malayalam Plantation India in 1978. Under the legal provisions of the land reforms, it would not have been possible to transfer the company's lease from the British administration to the Kerala government without entering into a new arrangement.

Although the company's right to transfer the land to others was curtailed by the Kerala Land Reforms Act, 1964, inadequacies in the Act allowed it to continue to hold the land under lease. In 1984, it registered itself as Harrisons Malayalam. Today, the company operates in many districts of Kerala and owns more than 30 estates of rubber and tea. A government enquiry into Harrisons land in 2007 showed that the company occupies 76,000 acres, of which 10,000 acres is illegally occupied. Reportedly, Harrisons sold more than 8,000 acres of land in different districts, including Wayanad, Kollam, Idukki and Pathanamthitta (John 2011).

At Chengara, Harrisons continues possession of land even after the land lease was exhausted and also occupies excess land; according to the lease Harrisons had only 1,048 hectares. The company has not paid the stipulated lease rent since 1996; its lease ended in 2009 with

a due of an accumulated rent of more than Rs 500 crore to the state government, which itself makes its possession of the land invalid. In effect, the landless at Chengara are occupying some land since five years, which has been illegally occupied by a company for decades.

The Blockade

On the first anniversary of the land struggle on 4 August 2008, the workers of the plantation, organised by trade unions, began a road blockade against the "illegal occupants". The workers, a total of around 70, claimed that they had lost jobs due to the occupation. The blockade isolated the occupants inside the plantation; their food and medical supplies were cut off. Far from reflecting any grievances the trade unions had, the blockade was, in real terms, criminal in nature.

In subsequent days, unlawful detention of people and violent intimidation by goons of the company became frequent. Men trying to go out of the plantation to seek work were attacked and beaten up. Women were threatened with sexual violence in overt and covert ways. Human rights activists were violently prevented from entering the area in full view of the police and government officials. People starved, some fell ill, but they refused to leave the site.

Even in the face of police violence, which reminded people what had happened in Muthanga in 2003, the sjvsv adopted a position of non-violence. The occupiers threatened to commit suicide if the police entered the site. They stood with ropes and kerosene bottles in their hands. The people survived this ordeal for two years with sheer will and the support of a few groups like Solidarity and the Socialist Unity Centre of India (suci). After several rounds of talks between the sjvsv and the Communist Party of India (Marxist) (CPI(M))-led LDF government, the two-year-old blockade was lifted, providing a breathing space for those in the struggle.

The participation of women in the struggle has been both visible and vibrant, though over a period of time their number in leadership has declined. Women sustained the struggle by doing daily wage work, facing the wrath of their opponents

during the blockade and resisting all forms of abuse. In August 2008, an incident of torture and rape of four women was reported in Chengara. The accused were workers in the trade unions affiliated to political parties and hired henchmen. The women testified that the attacks had taken place in the presence of police who remained onlookers. There was no response from the state machinery to redress the situation.

The women approached the media with the help of some activists and also appealed for justice to the National Commission for Women (ncw), the National Human Rights Commission (nhrc) and the National Commission for Scheduled Castes (ncsc). The many pleas made to these national bodies to visit the site of the struggle and initiate criminal proceedings against the perpetrators of the sexual assault proved to be in vain. The women concerned had failed to file first information reports (firs) and lack of adequate support and the reluctance of families meant no follow-up action was taken on their complaints.

The Agreement

On 5 October 2009, an agreement was reached by the leadership of sjvsv with the government. It stipulated that 1,495 of the 1,738 families who occupied the estate land in Chengara would be given land elsewhere in the state and assistance for building a house. As per the agreement, 27 landless adivasi families were to be given one acre of land and Rs 1.25 lakh each to build a house. Among the landless dalit families, 832 were to be given 75 cents of land and Rs 1 lakh each. Other 48 families were to be given 25 cents of land each, along with Rs 75,000 for building a house. The same benefit was to be given to 525 families who owned less than five cents of land. Unlike the totally landless, these were people who owned a place in the one lakh colonies. The land was to be made available to the beneficiaries within three months.

When the agreement was reached, sjvsv leader Laha Gopalan admitted that he had been forced to make this compromise (Suchitra 2011: 12). A few of the occupants welcomed the agreement and accepted the offer. But many refused to move out of the site because they were

sceptical of the agreement being implemented in full once the struggle was called off. Five years later now, the hundreds of families who remain are experiencing a reasonably “peaceful” time. Though the overall number of occupants has declined to around 1,500 families, those who remain continue to carry on the struggle with hard work and incomparable will.

Many families who left after the agreement in 2009 with the LDF government have tried to return to the site. Some were stopped or arrested. Of the many who were offered pattas (title deeds) for land by the government, more than half did not receive them. Those who were willing to leave after getting the pattas were sent to disparate and distant places such as Periya, Keezhanthur, Nilambur, and Attappadi. There were a number of complaints regarding the land distributed. For example, some adivasis who were not part of the Chengara struggle had received land in 2004, but not the proper papers. In the absence of these documents, they were offered land elsewhere. They complained that they were being displaced again because they were protesting against the lack of facilities in the rehabilitated area and the government was offering the same land to the people from Chengara.

There were also complaints that the land received was unfit for cultivation and even unlivable. These lands were in places far away from human habitation and the presence of wild animals made it impossible for people to continue to live there. According to Laha Gopalan, except a few families who were given land in Malappuram, Ernakulam and Kollam districts, the rest were cheated by the government and were forced to return to Chengara. Those who returned expressed deep regret for having trusted the government. A countable few stayed wherever they got new land and were hesitant to return because others at the site of the struggle had already warned them of this fate.

Responses, Challenges and Hope

The Chengara struggle has drawn spontaneous support and solidarity from various sections of Kerala society, including independent left activists, dalit intellectuals,

feminists, dalit women activists, students and activist groups like the Dalit Human Rights Movement (DHRM), the Panchami Dalit Feminist Collective, Solidarity, SUCI and others. Many democratic rights organisations and progressive groups from outside Kerala have also responded in support. The struggle has posed a real challenge to successive governments in Kerala. While the LDF government could not use force to evict people from the struggle site, it attempted many pressure tactics and also resorted to violence using party cadres and trade unions.

One of the accusations by the LDF was that many of the occupiers in Chengara were landowners; the party newspaper *Deshabhimani* alleged that the Central Intelligence Agency (CIA) funded them and that naxalites or other left extremists were behind them. The blockade was the ultimate strategy used against the struggle. There were also accusations of corruption and undemocratic behaviour against the leadership of the struggle. The Adivasi Gothra Maha Sabha (AGMS) and the SJVSV leaderships have expressed their differences about the struggle.

Attempts by the CPI(M) to prevent the dalits and adivasis from engaging in such independent initiatives by forming separate alliances like the Adivasi Kshema Samiti (AKS) and events like a scheduled castes/scheduled tribes (SC/ST) convention have sharpened conflicts within these communities. Even while both the dalit and adivasi communities have managed to rise above party politics and form independent, community or identity-based coalitions, they have not been successful in sorting out their differences. Laha Gopalan views the Muthanga struggle as misguided, violent and therefore unacceptable and for AGMS leader C K Janu, the depoliticisation of dalit movements and their willingness to accept just a few cents of land are issues of concern.

In recent times, the most important and striking change at the struggle site has been growing agricultural activity. Where the only vegetation was aged rubber trees, there are now a variety of crops. Today, more than 90% of the people at the site are engaged in agricultural activities. However, it will still take time for yields from the existing crops

to contribute enough for survival. So, people continue to rely on wage work outside the site.

On 21 July 2009, the Supreme Court directed the Kerala government to allot land that is fit for agricultural purposes to all landless people as soon as possible. As a result, there have been many offers and declarations made by the government on providing alternative agricultural land and free housing schemes. A Chengara Rehabilitation Package was also initiated. Many melas for distributing pattas to the landless have been organised by the government. Interestingly, there have also been attempts by the government to redefine landlessness. If people who live in the colonies on three to five cents of land are counted as “near landless” instead of “landless”, the total number of landless people will, in statistical terms, fall steeply. Such attempts might save the government face at the moment, but it is obvious that the issue of landlessness cannot be addressed by just redefining landlessness.

Among the many attempts to reach a compromise, a new agreement was proposed in August 2011 by the present United Democratic Front (UDF) government under Oommen Chandy, who was a staunch supporter of the Chengara struggle when he was the leader of the opposition. The UDF has promised to look into the complaints on the distribution of uninhabitable land and promised to distribute 25 cents each to 1,000 more families living at the site of the struggle. In response, the SJVSV has announced that those who are satisfied with the piece of land they receive will be ready to move out, while others will stay on. If its promise of support is to become reality, the UDF government should grant the people in Chengara a legal right to their land, followed by documents like ration cards and voter identity cards, along with access to electricity and water. The government could choose to support the “illegal people” living on “illegal land”.

Land struggles by the landless in Kerala should go beyond the solution offered by the creation of colonies or grant of homestead land. An important contribution of the Chengara land struggle is that it has brought to the limelight issues

surrounding the plantation sector in Kerala and also the hollowness of the official excuse that there is no land available for redistribution. Their experiences with evictions and rehabilitation and pattas for unproductive land have made the landless people suspicious of official processes. Therefore, occupying land that they themselves choose has become an option and a strategy, and in this sense Chengara is a significant step forward. The Chengara struggle is a

warning to the state and agribusiness companies that the issues involving plantation land in the state cannot be ignored. Nor can the questions posed by the Chengara struggle be buried anymore.

NOTE

- 1 I would particularly like to acknowledge the booklet "Kerala Bhooparishkaranam: Dalit Paksha Vimarshanavum Vibhavadhikara Prashnagalum" (Kerala Land Reforms: A Dalit Critique and Issues of Resource Ownership), Chengara Bhoosamara Aykyadardya Samiti (2008), from which I have benefited, both in terms of information and ideas.

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