

## **Understanding adivasiness as caste expression and land rights claim in central-eastern India**

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### **Abstract**

The adivasi population represents a special case in India's new land wars. Strong individual and community rights to agricultural and forest lands, while existent, have been enacted based on notions of adivasi identities as primeval, without linking these to economic and political influence. This article interrogates the adivasi land question seen through a caste lens. It does so via case studies in two states to understand the ways in which adivasi identity is mobilised for its instrumental value and used to demand land rights. In Andhra Pradesh, the Supreme Court's Samatha Judgement has prevented virtually all private mining activities. In Jharkhand, however, a similar Act is seen to be trumped by the national Coal Bearing Areas Act, as well as by former and current land acquisition acts that allow industrial land claims to take precedence over identity-based ones. Available evidence indicates the challenges involved in bringing support for land rights that are premised on the supposedly unchanging identity of adivasis when these go against dominant interests. This circumstance serves to highlight how equable the plight of adivasis is in some regards to that of caste groups, despite their usually distinct treatment in scholarly analyses.

Keywords: Adivasi land rights; caste; identity politics; affirmative action; sub-national regions

## Introduction

Adivasi<sup>1</sup> issues in relation to land have been overlooked in caste scholarship, but share many similarities. Steur (2017) has demonstrated that indigeneity can be a strategic identity many adivasis turn to for its instrumental value in their efforts to secure rights such as land ownership. ‘Adivasiness’ provides an identity to cohere around both for social movements and political mobilisation based on citizenship claims. Yet an adivasi identity differs from a caste identity in two key respects: first, it is essentialised as being accompanied by a ‘backward’ trope tied to nature. Second, this identity of backwardness has become firmly established as a basis for numerous pieces of potentially powerful legislation aimed at securing land control and other citizenship rights for culturally-stereotypic adivasis, but only in ways that strictly define and limit the meaning of ownership and control over resources.

These developments have come about because agricultural and forest land rights accorded to adivasis based on state definitions of their backwardness have rarely resulted in ownership on terms comparable to those of the wider economy (Baviskar 2005). In fact, existing legislation in certain cases completely bans the sale of adivasi land to non-adivasis as part of a protective ambit purportedly intended to protect against exploitation by non-adivasis. Land that cannot be sold or mortgaged lacks meaningful economic value if it is forcefully taken away for ‘development’ projects, or needs to be sold on other grounds, including a potential need to generate funds for non-farming reasons (Balagopal 2007b). Recent forest legislation proceeds along a similar line of thought when providing community and individual rights to forest without actual ownership (Kumar and Kerr 2012, Lele 2017). The lack of land value, in a capitalist market sense, does not only yield inadequate compensation for displacement. It also leads to a lack of political clout in a democracy where money is closely linked with democratic influence – a circumstance hardly unique to India (Fuentes-Nieva and Galasso 2014; Kitchelt and Wilkinson 2007).

As land has come to be a defining matter of social and political controversy in present day India (Jenkins et al. 2014; Levien 2013; Chakravorty 2013), adivasi dependence on land is often foregrounded in environmental movements and as part of displacement struggles (Arnold 1984; Balagopal 2007b; Steur 2017; Padel and Das 2010). Whereas land in adivasi

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<sup>1</sup> Adivasis, the original people, is a collective name for a group of approximately 100 million people identified in the Indian Constitution as Scheduled Tribes. They are also referred to as tribals.

legislation refers to two separate bodies, where agricultural land and forests are treated as separate entities, this distinction is not as easily made ‘on the ground’, where resource use boundaries are often unclear and porous in practice. The evolution of land legislation can be traced, we argue, in relation to expressions of adivasiness, and follows a parallel, though often diametrically oppositional, trajectory.

Frequent rebellions from colonial times, running well into the independence era, and with significant resonance in present-day Maoist insurgency operations, have resulted in wide-ranging rights to agricultural land for adivasis across federal states in central-eastern India (Bates and Shah 2014; Pati 2013). While varying across states, and in the case of Jharkhand state also between territories within the state, the focus of such legislation is to prevent any land alienation, whether by sale, mortgage, lease, inheritance or other means, from adivasis to other groups (Balagopal 2007b; Rao 2008). In certain cases, the state itself has also come to be identified as non-*adivasi* to prevent it from alienating land (Oskarsson 2013). Crucial in these initial land legislations was the sole focus on agricultural land in tribal areas, which left large swathes of forests firmly under state control.

The existing tribal land transfer legislation which protects agricultural land may be used in occasional court battles<sup>2</sup> aimed at stopping mines or hydro dams but is not made to concur with forest legislation, and may often not lead to actual land control but only a prevention of dispossession. These inconsistencies present obstacles that continue to create significant pressure across federal states to liberalise the laws and further reduce legal protection (cf. Rao 2003; Vijay Murty and Saran 2016; Kumar et al. 2005; Balagopal 2007b). In areas of strong social mobilisation, such laws can nonetheless be useful in securing vital agricultural lands for *adivasi* farmers. Advances in national land compensation policies have, however, been accompanied by ever weaker general demands for land reform across the country. In line with this, the *adivasi* claim to land has weakened, and is being substituted by forest claims.

The historical exploitation of *adivasis* by the Forest Department has lessened, to some extent because of the latter’s weakened economic and legal status (Sareen 2017). An especially important legislative development that has further strengthened *adivasi* rights is the

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<sup>2</sup> For example in the 1997 Supreme Court ‘*Samatha*’ Judgement which banned all private mining and industry in the tribal areas of undivided Andhra Pradesh state.

Forest Rights Act<sup>3</sup> (Kumar and Kerr 2012). However, such positive developments look set for a reshuffle with recent changes in political leadership and the passage of a compensatory afforestation bill.<sup>4</sup> The latter allows the Forest Department to access massive funds that the state has been accruing for years, and to thereby ostensibly exert stronger control over land (Lele 2017). We might thus be about to witness ‘the empire striking back’ as the forest bureaucracy asserts its pre-eminent status as the scientifically competent and monetarily able body to deal with the establishment of new forests. Alternatively, one may regard these dynamics as the continuing bid to re-assert a hegemonic status the Forest Department has been loath to give up (Springate-Baginski et al. 2013).

These developments concurrently casts light on the tenuous nature of land rights legislation for adivasis, as brief case studies of two adivasi dominated states in this article demonstrate. As long as such legislation is premised on a pre-defined legal notion of adivasiness, the need for land will continue to drive long-running performances of such adivasiness. Existing rights have largely failed to safeguard against widespread dispossession, and even cases of upheld rights, all things considered, have not supported widespread socio-economic improvement. Social science literature on adivasis has focussed on many such processes, but has tended to deal with these in relation to adivasi identities as largely fixed and predetermined. Yet what if adivasiness, quite aside from its cultural significance, is mobilised for its instrumental value and used to demand, and perhaps even secure, land rights, or to put off land dispossession, as indicated by Steur (2017)? Such an analytical tack, while popular in studies of caste (Omvedt 1994; Reddy 1989; Srinivas 1996), seems to be put aside when it comes to adivasis, perhaps distracted by a large body of scholarship on indigeneity and land worldwide (cf. Gilberthorpe and Hilson 2012; O’Faircheallaigh 1998; Reyes-García et al. 2014), versus the largely India-specific focus of studies on caste. Yet there are notable exceptions that demonstrate the value of deconstructing these land-identity linkages (cf. Li 2014; Lund 2017).

The next section juxtaposes adivasiness and caste in relation to land rights claims and their legislative basis in India. It argues that adivasis display many caste characteristics in this specific regard, and describes how land conflicts and adivasiness interface. The subsequent

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<sup>3</sup> The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.

<sup>4</sup> The Compensatory Afforestation Fund Management and Planning Authority (CAMPA) Act 2016.

section provides an overview of the differences between the two states in terms of land laws. It distinguishes between forest land and agricultural land from this legal perspective, and dwells on sub-national regional variation. Thereafter, we present indicative case studies of these issues in Andhra Pradesh and Jharkhand. A concluding section discusses our analysis and closes by returning to the potential implications of these differences on adivasiness in each state, and on whether its manner of representation varies in a manner that is coterminous with the legal land framing. It interrogates to what extent an adivasi identity does function akin to caste in relation to land rights claim-making.

### **Adivasi land rights and caste**

Caste and adivasiness are doubtless different, but have potentially comparable functions for which they are drawn on during struggles over land rights. The ‘indigenous slot’ that adivasis are expected to fit into during this process in order to increase their expectations of successful land claims from adivasi-specific legislation provides a stark difference, in terms of limiting the nature of claims adivasis can make to those that square up with the reductionist identity accorded to their definition in legal terms. The analysis of adivasiness can help deepen our understanding of how people turn to their adivasi identity for land rights, much as other groups in India might turn to their caste identity for other purposes. Land relations are especially key in contexts where land appropriation takes place in parallel with natural resource extraction, driving land use change in often irreversible ways. Both the states we take up for cases in this paper have a continuing history of mining; they thus constitute opportunities for unpacking these factors, and characterising how land rights legislation is operationalised in relation to adivasi identity in contexts of contestation over land due to extractive industries.

Writings on the environmental history of forests (Bates and Shah 2014; Guha 1999) and social movement agitation in India (Baviskar 1995; Kumar and Kerr 2012) have sought to clarify how adivasis came to be connected to land and the environment. It is clear that land rights have been fought over for centuries, resulting in remarkable strength on paper (Arnold 1984; Atluri 1995; Bates and Shah 2014; Pati 2011; Damodaran 2013). Existing rights from the colonial period were largely continued at Indian independence where adivasis were both “exoticised and patronised and seen as requiring longer term protection and development (Shah 2014, 1813)”. Unabated attempts to change existing provisions have led to some recent

amendments, but a remarkable experience overall during India's state-led planning period and through to economic liberalisation has been the endurance of the legislation.

Bates and Shah (2014) ask if there is something specific about adivasi insurgencies, and why these have come to be characterised as separate to other protests made by farmers and forest-dwellers who are not part of this group. Something in adivasi identity, in addition to impressive protest movements, continues to generate substantial, albeit scattered and poorly implemented, support. It is well-understood by now that a complex set of hierarchies, not all that different from those of castes, also exist between most tribes (Steur 2017). The homogenous image of the tribe originally outlined in the early 20<sup>th</sup> century is continuously challenged by the existence of specialised professions, traditional leader tribes, vast disparities in land ownership and other classical class issues which continue to condition difference. Bates and Shah pry open the possibility that "state-making processes and colonial governmentality in 'tribal' areas may have produced different processes of subject-making amongst those labelled adivasis than those deemed 'untouchable' castes, the dalits living in the throes of Brahminical Hindu society" (2014, 2).

Given the supportive legislation more and more groups are clamouring to become adivasis, while very few ever leave the list (Middleton 2013). In national and state-level policy, however, the image of tribes as unified and internally egalitarian continues to prevail until the present, as visibly instantiated in the Forest Rights Act. Intra-tribe issues are rarely if ever discussed and yet we know that "well-intentioned transnational discourses around indigenous rights might unwittingly be reappropriated within a rural class structure that further marginalises the poorest" (Shah 2014, 1823). Land rights for tribal women have remained severely lacking, with tribal societies showing very distinct gender inequalities along much the same lines as between other agricultural groups across India, in spite of tribal society being purportedly more gender aware (Rao 2007, 2008).

By contrast, drawing on the trope that understands adivasis as backward is the idea that they cannot properly protect forests (Suykens 2009). The forest bureaucracy has consequently continued to oppose meaningful adivasi control over forests by insisting on scientific forestry and by controlling forest development funds (Sareen and Nathan 2017). This indicates an advantage conferred upon state agencies vis-à-vis communities by way of according primacy to the role of expertise. There is, then, a tension on the one hand between historical identification as being adivasi or part of a lower- or non-caste in terms of subjecthood, and on the other being seen as backward in specific ways due to an adivasi identity having been affixed on one's community. How these questions of identity square with

the manner of making land claims and the ability to bring them to bear, and whether there is a parallel with how caste identity is mobilised in the same regard, are centre stage for this study.

Ironically, part of the answer to continued land rights legislation against the interests of dominant groups is found in the remarkable circumventions of it to allow smaller and large-scale operations to continue the dispossession of tribal farmers and forest-dwellers (Rao, Deshingkar and Farrington 2006; Oskarsson 2013). More recent legislation like the Forest Rights Act does not appear to change this state of affairs, despite being a very important piece of legislation that builds on earlier rights to agricultural land, extending them to include forests. The basic statistics of tribal land alienation in the face of continued failure to address resettlement, support special legislation for the tribes across India, and particularly preferential provisions for the group in more general legislation like the Forest Rights Act.

Coming to the question of caste identity and land rights: the Scheduled Castes (dalits)<sup>5</sup> tended to be included in the lower rung of the village with a history of severe labour as well as wider social, repression (Lerche 2013; Balagopal 2007a). They were therefore, in many instances, more inclined to join the project of modern India to take up formal jobs in the city. The demands for Dalit land rights consequently never became as strong as those of the tribes even if pro-poor land reform was a major demand in the decades after independence (Deininger 2009). The understanding of caste in the South Asian subcontinent is deeply embedded in everyday productive relations in India, but also has ritual overtones of purity and belonging, which works to separate people from one another (Omvedt 1994). Caste is thus simultaneously identity and class. To Omvedt, caste should be seen as present day inequalities resting on historical antecedents where “relations of exploitation are interwoven with community/tribal/kinship features in pre-capitalist systems (Ibid.,)”. The ancient system of caste as it is known today is an interplay between historical social formations on the South Asian subcontinent, with the particular form of colonial modernity with which the British organised, formalised and systematised caste (Dirks 2001). This view emphasises the co-creational processes that have turned caste into what it is today and, moreover, offer further possibilities for future change.

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<sup>5</sup> People in the official category Scheduled Castes have, like adivasis, a number of names. Dalit (the oppressed) is common nowadays but other terms can be shudra (untouchable) or harijan (Mahatma Gandhi’s preferred term).

While caste as a system appears to be a set of rules and practices with deep implications for society overall, and more specifically for the land relations that comprise the focus of this article, the converse may also be said: economic and societal changes continue to shape and reshape caste, as the extensive literature on caste and society shows (Omvedt 1994; Jeyaranjan et. al 2011; Reddy 1999; Thorat and Krieger 2012; Upadhy 1988; Jaffrelot 2003). In this perspective, the non-changing nature of adivasis apparent in much current scholarship can appear highly limiting. This leads us to return to a certain association of adivasi identity as linked with land in a manner that is not similarly emphasised in relation to caste. This is especially true when it comes to forest land, as the romanticised abode of adivasis, even as many adivasi communities live on land that cannot rightly be called forest, and is sometimes not even located on the forest fringe. Applying caste domination, exploitation and patriarchy crucial in caste relations (Omvedt 2011) to tribes can be seen as an imperative based on this reading of the literature. And yet, many of the new environmental movements which sought to address the cause of adivasis in the 1980s and 1990s were championed by middle-class, non-adivasi people inspired by Gandhi. The literature on environmental movements and ecofeminism had “a tendency to idealise Indian traditional culture” (Omvedt 2011:86) and to some extent to even find ecological or social reasons to rationalise existing hierarchies (see, e.g., Guha and Gadgil 1992; Shiva 1988).

While state policy and social movement agitation have come to dominate legal expressions and support for adivasi rights (Middleton 2013), multiple alternative understandings continue to exist, and assert themselves sporadically. The violent adivasi, who is part of Maoist and other rebellious groups, is one such theme. The adivasi as a lost and backward Hindu is another, with support from many in the present Bharatiya Janata Party-led government (Shah 2014). These are not merely contained in government definitions. By virtue of the spectacle of the state, they have gained the status of powerful imaginaries, and become embedded in the mindscapes of hundreds of millions of Indians, within a similar general national trend (cf. Kaur and Blom Hansen 2016). These emotive essentialisms are mobilised by various actors to different ends. This includes adivasi portrayals of themselves, much as castes mobilise around other legislation and popularly held assumptions that concern them (Middleton 2013, Moodie 2015, Steur 2017). Popular support, appeals to social assumptions of morality, political pragmatism, and favourable legislation combine to coalesce as spatiotemporal advantages within complex conjunctures in the making of land claims (Lund 2017).

### *Adivasi land legislation*

Adivasis have over the past centuries been dispossessed by the state, which has claimed all the forests across hilly landscapes,<sup>6</sup> and by non-advasi farmers and money lenders, who took control over most of the high quality agricultural land in valleys and across flatter terrains (Balagopal 2007b; Guha 2007; Singh 1986). In more recent decades, industrialisation including dams, industries and mines have moved into the region and the state has used its power to acquire the land for its own purposes or for those of private companies (Lahiri-Dutt, Krishnan and Nehad 2012). It is well-known that adivasis have been, and continue to be, disproportionately displaced (70 million people as per Fernandes' count cited in Cernea (2016, p. xii)). Since the 1830s land laws have been adopted to regulate these processes to allow the state to acquire land when it needs to, while providing due process in the form of compensation, but also offer significant protection against adivasi dispossession and usurious money-lending practices. Two separate bodies of legislation have developed in relation to agricultural land and forests, following the dual administrative setup of state governments where revenue departments manage agricultural areas and forest departments administer forests. Since both are closely connected to the experience of adivasi land, and since the boundaries between the two are often unclear, they are both treated as being crucial to adivasi land relations.

The national framework concerns the constitution and environmental protection, in addition to project funding and other indirect ways of influencing outcomes in different parts of the country. State governments control land and forests within their territory with specific legislation and have thus had significant ability to develop and implement independent policies across. Any discussion about land can be affected by national land acquisition policies, but must be read together with state-level land transfer and control legislation. The constitutional devolution of powers to local councils is operationalised through detailed state laws. Similarly, the environmental protection of forests according to national laws, and the community rights to forest under the Forest Rights Act, co-exist with, and are effected through, state forest legislation (Kumar et al. 2015; Oskarsson forthcoming).

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<sup>6</sup> Kumar et al. (2005) for example mention the designation of all land with 10% or more slope as forest since deemed unsuitable for cultivation.

Based on frequent rebellions and the historical contingencies of policymaking, stringent laws came to be adopted to prevent tribal dispossession. Tribal land transfer regulations of colonial vintage maintained currency at independence and given added strength with the adoption of the Fifth Schedule of the Indian Constitution, which emphasises the need to support tribals and their land holdings. In addition, the Land Acquisition Act of 1894 and the relatively recent Right to Fair Compensation Act<sup>7</sup> are national attempts to create more uniform approaches to land and compensation. Just as the Fifth Schedule areas open up spaces of exception based on specific identities, the land acquisition regulations include exceptions for particular forms of land use, not least various extractive practices justified as relating to the national economic interest. This sets up a tactical dialectic in terms of the identities and uses that both types of parties can draw on to make land claims during land contestations – being adivasi versus being in the national interest.

While significant concessions have been made to protect adivasi agricultural land, however poorly implemented these provisions might be, forests have remained under complete state control until very recently. Initial settlement by the British relied on claiming wide swathes of land without detailed survey of actual residents and land uses (Singh 1986; Springate-Baginski and Blaikie 2007). This process has only started to be rectified in recent years as the Forest Rights Act (FRA) was adopted in 2006. For the first time in Indian history, the FRA puts primacy on adivasi and other long-term forest-dwellers<sup>8</sup> managing their customary areas, whether directly for forestry or for a number of other uses including pastoralism, medicinal plant collection, but also based on spiritual significance. It is clear, however, that the law continues to see adivasis as primordial beings. One aspect of this is how the FRA, while providing forest rights as a way of undoing historical wrongs, notably fails to provide actual tenure or ownership. The more recent compensatory afforestation act is based on long-term Supreme Court intervention and focuses on the economic value of forests. According to this Act any large-scale acquisition of forest lands need to pay for not only the value of the land but also of the forest. The large funds collected across the country to support

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<sup>7</sup> Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

<sup>8</sup> Long-term is defined as three generations in the Act. It is only non-adivasis who have to prove this long-term dependence on forests.

the raising of new forests, however, exclude adivasis and return power to the forest bureaucracy who is in charge of the newly planted forests. Compensatory afforestation thus represents a return to power of the forest department over the interests of forest-dwellers.

The Scheduled Areas of Andhra Pradesh have remained an unsettled place for centuries with continued widespread dispossession (Balagopal 2007b). Numerous rebellions broke out in the area as forests were settled with the British colonial administration and its local intermediaries from the early 19<sup>th</sup> century onwards. Increasingly strong rights to agricultural land became enacted starting in 1917<sup>9</sup> with amendments until the present law from 1970 (Atluri 2005; Arnold 1984). The present version of the law applies to all Fifth Schedule Areas of undivided Andhra Pradesh,<sup>10</sup> and prevents any land being taken from an adivasi. Crucially it also prevents land owned by the state to be transferred into non-advansi hands. This has become vital in recent court struggles as the state has attempted to transfer forest lands to private mining companies but has, as we will see, not enabled major improvements to land and forest-based adivasi livelihoods.

In Jharkhand, there are similar historical legislative developments with important local specifics. The Kolhan Government Estate in the state's West Singhbhum district, for instance, is not only a Fifth Schedule area but also has documentation of its historical governance practices, enabling rights to inhere in traditional village chiefs in some adivasi communities in rather specific ways that include the governance of land. This is, however, complicated by overlapping legal jurisdictions across authorities such as the Forest Department and land revenue authorities, within a state context of relative political instability. Land acquisition for mining, land revenue, and forest land regulation, all overlap, sometimes without adequate clarity even on the ground to sort out jurisdictions, and patchy access to maps for various purposes that could help settle matters at points of land contestation. On paper, strict adivasi land tenure<sup>11</sup> has been consistently trumped by other legislation that enables coal mining or other interests of the state (Lahiri-Dutt, Krishnan and Ahmad 2012).

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<sup>9</sup> The Agency Tracts Interest and Land Transfer Act 1917 (Madras Act 1 of 1917).

<sup>10</sup> Since 2014 the state is separated into Andhra Pradesh and Telangana states.

<sup>11</sup> Enacted in Jharkhand via the Chotanagpur Tenancy Act of 1908 and the Santhal Pargana Tenancy Act of 1949.

Other Fifth Schedule States, like Odisha, Chhattisgarh and Madhya Pradesh, follow the overall legislative approach outlined here but also contain their own specific socio-legal complexities, which we do not detail here. Suffice it to say that the national framework must be translated into state policies for implementation, and that these are often markedly different across states. The reasons for variance are often historical, sometimes based on regional definitions (such as adivasi-populated Scheduled Areas), and in some cases as part of a targeting strategy under a particular programme – for instance development funding to districts identified as being affected by left wing extremists. For our purpose, it is sufficient to indicate this sort of variation, ground its nature in factors such as the ones we have cited, and hereafter turn to specific narratives in both the states, as we do next.

### **Comparative evidence from two states**

Empirical material from two states is used in this article to show how legislation that is similar on paper around tribal land rights has come to be implemented in extremely varied ways. In Andhra Pradesh (and Telangana since the bifurcation of the state in 2013), Supreme Court intervention means that all private industry is banned from operating. In Jharkhand, the picture is a bit mixed, with protection in some areas while others remain open. Extensive fieldwork across both states by the authors carried out over the past ten years in various projects is combined with a close reading of recent policy and court documents in this analysis.

### ***A complete ban on private mining and industry in tribal Andhra Pradesh***

Utilising the strict tribal land transfer law during protracted legal contestation in the state resulted in a complete ban on private mining via the so called ‘Samatha’ Supreme Court Judgement in 1997. This verdict, hailed as significant in promoting indigenous rights, initially looked to have national ramifications given its reliance on constitutional protection of adivasis and similar land legislation across other adivasi states. On appeal, however, it has come to be implemented as a ban on private, industrial activities in Andhra Pradesh, with no relevance in other states. While important in the state to prevent displacement from indiscriminate mining, a closer look reveals that stopping mining is an important but not necessary condition in order to support adivasi livelihoods, since a blanket ban at state level does little to support adivasi tenure in local forests and agricultural lands.

The law on tribal agricultural land protection exist since 1917 with more recent amendments strengthening the legal provisions until the present version enacted in 1970 (Reddy 1977). might never have been implemented, had it not been for public interest litigation including that on mining when an NGO brought a case all the way to the Supreme Court in the mid-1990s and was able to get this judgement affirmed in 2000 (Oskarsson forthcoming). The crucial point in the Samatha Judgement was that no land could be owned by a non-advansi, and the state itself was also not allowed to pass this land on to a non-advansi. Consequently, private mining companies were not allowed to operate in the area. Public operations, seen somewhat simplistically as automatically operating in the public interest, continue in the area. For example the operations of the major coal mining company Singareni Collieries have been able to expand dramatically in recent years, while the major Polavaram dam is being implemented.

Over the years, government responses to the ban for private industry and mining has taken on a set of different approaches, from attempting to amend the constitution to changing state laws (Reddy 1988; Balagopal 2007b). When these attempts proved impossible due to strong opposition at state level and significant protest in the affected areas, new attempts have been made where the law is circumvented by allowing a state company to mine on behalf of private companies in the case of bauxite projects (Oskarsson 2013). The bauxite projects have resulted in long-running controversy with much protest followed by delays. No mines have been established to date leading to the investor suing the Indian national government recently (Bhutani 2017). Consecutive state governments of different party affiliations have proposed new mining upon re-election, only to later find that strong political protests make this impossible (cf. Oskarsson forthcoming; Press Trust of India 2015).

Returning to the villages on or close to proposed bauxite mines in Visakhapatnam district, these have for the past 20 years been able to remain in place in spite of repeat attempts to start mining, and yet continue to be highly unsettled locations. The state proposes mining projects but once these are rebuffed local tenure relations remain uncertain. Forest rights are challenging to apply for due to bureaucratic provisions. And the villages in many cases remain illegal forest villages rather than settled revenue villages. The successful struggle to prevent mining at state level has not been a sufficient condition to support advansi livelihoods in the area. In case mining starts displacement and pollution are likely to be the main experiences in the area rather than jobs and much-needed infrastructural improvements. But the prevention of mining is similarly not sufficient on its own to improve conditions in the advansi hills where small-scale agriculture including coffee production continues but

without the infrastructural support including irrigation and market linkages which could meaningfully transform the area.

A deepened analysis of the peoples of Visakhapatnam district reveals that although the population is almost exclusively adivasi, as many as 14 different groups with origins both within the state and in Odisha inhabit the area. Among these some have caste-like identities relating to land control and leadership while others, typically termed Particularly Vulnerable Tribal Groups, are the most marginalised and rarely ever in control over their fields and forest areas. Forest rights have to some extent been implemented in recent years, but most of the land supposedly under tribal land rights protection is nevertheless not controlled by members of the tribes (Oskarsson forthcoming). Experiences in AP and Telangana thus appears to indicate that while the existing legislation has been strongly supported by a non-adivasi civil society and, to some extent, by political parties, it has resulted in overall protection from large-scale displacement, at least in some pockets, while not supporting individual and community rights to stronger tenure.

### ***Middling outcomes in Jharkhand***

Jharkhand's resource-rich West Singhbhum district is part of the Chotanagpur area, and consequently falls under the Chotanagpur Tenancy Act. This area is notably populated by the Ho, who have adivasi land rights and are drastically pressured by prospects of profitable iron ore mining. This means that Forest Rights Act based actions are not always prioritised by the state, with public authorities (often involving some usual suspects such as the Forest Department) moving potentially conflicting projects forward, and on occasion securing further clearances based on expertise, expressed through environmental impact assessments that are rarely publicly challenged with concrete effect (Sareen 2016).

Large swathes of land are routinely taken over by paramilitary forces for extended periods, often in conjunction with counter-insurgency projects purportedly seeking to bring development to the local population, or to create a secure environment for extractive industries to operate in, despite the known presence of Naxalite groups in forested regions such as this in the Red Corridor, a term used nationally for districts adversely affected by Maoist insurgent groups. Some of the development interventions take the form of large road-building projects that ostensibly have little to do with the needs of local villagers who often lack even bicycles for transport, and seem targeted at developing a 'legible' landscape and one laid open for extraction. One of us, on a field visit through such a landscape, was

threatened by the deputy manager of an iron ore mine despite not having crossed any signs indicating private property; in a deserted landscape, a threatening man's authoritative shouts calling for security can be a force to contend with even for a relatively privileged outsider. Imagine then the predicament of an inhabitant ousted from such land, often unable to read or talk in the language that has official currency, Hindi, and with little recourse to authority or even the claim of uncontested knowledge of one's rights.

It is not necessary to imagine this, because the mining landscape of West Singhbhum is littered with such examples. Where Ho villages existed, mines have come up and displaced the erstwhile inhabitants, employing some of them as temporary labour, and even putting a few better-off ones in charge as ad hoc 'managers'. A 'model village' with metal roofs and closely stacked together shacks, replete with a nearby medical facility comprising little more than a rusted metallic structure, bears testimony to the limited imagination of the government regarding the lives and ways of the Ho. Or perhaps the realpolitik informing their understanding is well aware that such token gestures – including the unused, culturally uninformed 'toilets' installed in the model village without even water supply – are all that is required to tick boxes like 'relocation' and 'rehabilitation'. An infamous example is a former asbestos mine, which was never closed down properly and continues to release carcinogenic effluents into the farming fields of a village near the district headquarter Chaibasa (Kumar and Maiti 2015). Such instances underscore the inability of adivasi land rights in their current, strictly defined form to enable adequate safeguards against land use changes both in instances of displacement and dispossession, as well as in other cases where adivasis are adversely affected.

In less stark contrast are operations involving claims under the Forest Rights Act. These have the nicety of paperwork, meaning that hope is maintained, and that some semblance of procedure and the state as represented through bureaucracy is visible. The form this takes is unfortunately mainly one of passing the buck, between the Kolhan Superintendent, who is legally supposed to represent Ho interests, the Forest Department, that is supposed to play its role in processing land claims made under the FRA, and the District Commissioner who is supposed to head the final level of a three-tier committee that must consider and approve such claims. In practice, the first level premised on local-level bodies is often somewhat dysfunctional. Village inhabitants are uninformed and easily capable of being misled, and the few claims that are processed are ostensibly approved as a result of top-down political interest rather than any smoothly functioning system that eventually moves papers along to informed decisions based on information on the ground. This is similarly reflected in

forest rights adjudication elsewhere in Jharkhand over the years (Corbridge and Kumar 2002). Here, adivasi claims simply have a hard time gaining currency in the face of other more powerful interests that manoeuvre bureaucratic loops more adeptly.

In this regard, it is of significance that the first non-tribal government since Jharkhand became a separate state in 2000 with a Hindu caste Chief Minister, came into power in December 2014. It has passed amendments to key provisions of Jharkhand land protection. The provisions have been strongly challenged in the streets by movements and the Governor has opposed them. What initially appeared to be a straightforward amendment of the state tenancy laws has now come to seem increasingly difficult to implement for the state government (Vijay Murty and Saran 2016; Srivastava 2017). This brings us back to discussing our initial statements about the strength of well-entrenched legal protection for adivasis, apparent in both states studied here, in spite of these often not showing more than a trace of actual implementation in adivasi villages.

**Conclusion: The malleability of adivasi land rights in the face of unchanging, indigenous identities**

This article has argued that the way that land rights have been understood for adivasis is crucially informed by the particular ways in which adivasis perform their caste identity partially at the bottom of, and partially beyond, the social hierarchy of caste in India. Adivasi land rights as they exist in the agroforestry landscapes of central-eastern India lock this very broad and variegated grouping of peoples into reductively specific places far from the main economic and political centres of the country. It is only in these places that their land rights exist and moving elsewhere in a sense implies no longer being adivasi, or at least giving up the limited form of privileged land access that goes along with this designation. Thus, a pertinent challenge concerns the way in which existing rights for this group of supposedly backward people have been conceptualised, in places removed both in a physical sense, and also as an imaginary, from the monetary economy that they are assumed to have no use for.

The strength of mobilising along the lines of indigenous peoples around the world may be significant, and even in India it has resulted in extremely important legislation, particularly the Forest Rights Act, which offers better significantly better protection compared to what other groups in non-Scheduled locations can avail of. This article, however, highlights the significant downside of adivasiness, namely that the result is not only all-too-frequent dispossession, but also highly limited compensation when lands including forests are

forcefully taken away for more prioritised purposes like mining. Adivasi mobilisation has achieved significant success, but as policymakers and many activists continue to argue that adivasis do not need money and cannot cope with living elsewhere, highly limited opportunities exist or arise for adivasis. This sits uneasily with the right to life and freedom to shape one's own life that the constitution of India promises all its citizens.

As we have tried to show, caste analyses can be helpful in this regard, not least in unpacking the extent to which adivasiness is mobilised as a pragmatic identity, towards what ends, and with what ultimate outcomes. Based on this study, in our view it is only by deconstructing the reified identity of adivasiness into its constituent elements that we can appreciate the contingencies and vulnerabilities of Indian adivasi lives, but also the possibilities for realigned identities and new alliances which might be able to address the systemic marginalisation through affirmative action informed by studies of caste. This is of chief importance now, before the state runs rampage over adivasi land rights again, as it so often has in the past.

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