Volume 15 Issue 35
Originally issued as B3

Global Journal of human-social science: b
Geography, Geo-Sciences, Environmental Science & Disaster Management
Volume 15 Issue 3 Version 1.0 Year 2015
Type: Double Blind Peer Reviewed International Research Journal
Publisher: Global Journals Inc. (USA)
Online ISSN: 2249-460x & Print ISSN: 0975-587X

Land Tenure System, Land Settlement and Status of Legally Landless Communities in Koraput: A Case Study ofKapsiput Village, Odisha (India)

By Dr. Rabindra Garada & Pratap Kishore Mohanty
Utkal University, India

Abstract- Land is the most critical factor of production for a myriad of economic activities for human settlement worldwide although it is in limited supply. It is therefore, essential that its allocation across different economic activities and uses should be based on sound theoretical premises, combined with the ground realities of multiple objectives -a few of which regularly exceed the narrowly defined goals of economic growth per se. For traditional communities, 'access to lands is directly associated with civilization paradigms and cultural ethos, which rather decide their 'economics', and not one other way round that could be true for modern, techno-centric civilizations. Most mainstream discourses of history have, however, tried to find the crisis in the 'absence of state interventions and a dig into the social history points to deeper roots of the crisis, which rather intensified after the entry of the 'welfare' state. In a predominantly, agrarian economy such as for example in India and Odisha, the entitlement to livelihood and access to the factors of production, especially land and forests, are essential objectives that require to ascertain allocation of land across different uses and users.

Keywords: landlessness, revenue land, waste land, land survey, land settlement.

GJHSS-B Classification : FOR Code: 040699



Strictly as per the compliance and regulations of:

© 2015. Dr. Rabindra Garada & Pratap Kishore Mohanty. This is a research/review paper, distributed under the terms of the Creative Commons Attribution-Noncommercial 3.0 Unported License http://creativecommons.org/licenses/by-nc/3.0/), permitting all non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

Land Tenure System, Land Settlement and Status of Legally Landless Communities in Koraput: A Case Study of Kapsiput Village, Odisha (India)

Dr. Rabindra Garada [α] & Pratap Kishore Mohanty [σ]

Abstract- Land is the most critical factor of production for a myriad of economic activities for human settlement worldwide although it is in limited supply. It is therefore, essential that its allocation across different economic activities and uses should be based on sound theoretical premises, combined with the ground realities of multiple objectives -a few of which regularly exceed the narrowly defined goals of economic growth per se. For traditional communities, 'access to lands is directly associated with civilization paradigms and cultural ethos, which rather decide their 'economics', and not one other way round that could be true for modern, techno-centric civilizations. Most mainstream discourses of history have, however, tried to find the crisis in the 'absence of state interventions and a dig into the social history points to deeper roots of the crisis, which rather intensified after the entry of the 'welfare' state. In a predominantly, agrarian economy such as for example in India and Odisha, the entitlement to livelihood and access to the factors of production, especially land and forests, are essential objectives that require to ascertain allocation of land across different uses and users. Our study reveals the allocation mechanism must not only address the requirements of economic activities or sectors including housing but additionally look into the specific needs of numerous ecosystems, regions and communities. A cursory look on the policies concerning revenue land in Odisha suggests that the ultimate authority lies with the state government to allocate land wherever necessity. Our study finds that sufficient care should be taken to engage the communities with the revenue laws in the state. In this paper, we have tried to unravel the critical issues of land and emphasised as to how communities can manage and allocate lands in a democratic, judicious and equitable manner. The case study also emphasizes the role of increased interface with revenue administration for creating an enabling environment for local action, participatory governance and policy dialogue.

Keywords: landlessness, revenue land, waste land, land survey, land settlement.

I. Introduction

In the context of prevailing land tenure systems and land settlement induced by government's intervention the status of legally landless people (LLP) has been complex and complicated in the resource rich regions of rural India. The legally landless people are mostly the tribal communities who have been customarily accessing forest and non-forest lands for their survival in India as elsewhere in the world for centuries. However, in course of time everywhere the nation-states have declared the customary access to, and use of lands as illegal access and instead, treat these lands as government lands for which the customary occupants lost their stake over it and became legally landless consequently. But without sustainable options the tribal continue to access these lands for their livelihoods in a country like India and state like Odisha mostly making their living in the remote forest areas. But in doing so, they grapple with many obstacles and stiff government opposition. For instance, in most of the tribal or "Schedule Area" of Odisha the landless poor suffer cultivating the government wastelands (Garada, 2014). They lack *de jure* ownership over these lands, and because of this, they keep on paying fines year after year and face the threat of eviction through legal cases as well. Addition to that in the context of demand of land for "development projects" the deliberately kept customary lands in the government record are easily alienated from their primary stakeholders- tribal in the state. Presently, though, the prevailing revenue laws like Odisha Private Land Encroachment Act (OPLE) and Odisha Government Land Settlement Act (OGLS) provide some space for providing ownership to the legally landless families but the legal inadequacies like insufficient procedures for compulsory settlement of wasteland for poor, rare scope of Gram Sabha for wasteland management and many other problems apart from the problem of non-implementation put the tribal communities at the receiving ends. Besides, these wastelands are leased out in the name of development to Industry, mining, contract framings, grass cultivation, plantation schemes, Trusts and Temples and host of such forged societies managed by the vested interests and political clout by alienating the customary rights of the poor farming communities without giving due compensation or having any negotiation in the plea of insufficient record of their land titles (Kumar, 2005). At present scenario of neo-liberalism and growth model of economic development the developing country like India is potentially facing serious challenges in safeguarding the farming communities and ensuring their agro-based livelihoods. As a result, the farming communities,

Author α: Faculty, Department of Sociology, Utkal University, Vani Vihar, Bhubaneswar. Odisha, India. e-mail: rabindragarada@rediffmail.com

Author σ: Senior Programme Officer,Vasundhara,Odisha, Vasundhara is a Policy & Research Organization involved with Democratization of Natural Resource Governance. e-mail: pratapk68@gmail.com

© 2015 Global Journals Inc. (US)

especially the ecosystem people who still survive in the forests, make their livelihoods and find their cultural roots there over the years are fast losing their productive assets (lands) (Garada,2013). Many successive governments have taken initiatives in addressing such critical problem of landlessness, with legal and policy backup. However, the expectation envisaged has not been fully contented in the ground although there have been some impact realised on certain issues. In fact, the major proportion of land designed for distribution, lease or settlement for the poor landless families is the government wasteland. Hence, it is important to identify the gaps in provisions of the existing legislations that restrain the conferment of ownership or leasing rights to the legally landless families. Thus, this is high time to have a study which would help identifying such gaps in the existing legislations and policies so that suitable policy changes could be initiated. And that would benefit to wider section of the landless families in the state. However, in this regard most of the civil society groups, community members and Panchayati Raj Institution (PRI) representatives are not aware of simple provisions of existing laws/policies and government land distribution programmes. As a result, they fail to use the existing space in laws for facilitating ownership or leasing rights and devise effective advocacy strategies. Presently there is very little interface between the land administration system, farming communities and civil society groups. This has caused problems related to accountability, transparency, proper implementation of laws/policies, etc within the present governance pattern. Thus, the emphasis on increased interface with revenue administration will certainly help creating an enabling environment for local action, participatory governance and policy dialogue in this regard. In this backdrop this article exposes the tragedy of landlessness caused by government land settlements in the Koraput district of Odisha.

II. Review of Literature

The proportion of households operating without lands,whose livelihoods based principally on agricultural labour, was increased substantially after the widespread eviction of tenants from erstwhile landlord estates in the early 1960s in Odisha (Mearns and Sinha, 1999). Since the 1960s some have gained access to at least some lands, but around a quarter of all such households in Odisha still operate without any lands. In spite of land reforms and socio-economic and demographic change over the last half a century, the overall trends suggest that formidable obstacles continue to prevent the rural poor from improving their access to private arable land (World Bank, 2005). The biggest problems of the tribal of India in general and of Odisha in particular are their land alienations by non tribals and governments. In fact, while most of the scheduled tribes in rural area engaged in agriculture and allied sector activities a large section of the non-tribals are grabbing their lands to which the latter has been cultivating for ages. In addition to this, by manipulation, the non-tribals are also taking government land on lease in the tribal areas. It is surprising to see that there are many instances in Odisha where in actuality the land encroached by the tribals are also getting alienated in favour of the non-tribals (ibid). Thus, truly speaking the problem of land alienation for the tribals has become more critical day by day. In the scheduled areas of Odisha, three - fourth of land is owned by the state, and in districts like Gajapati and Kondhmal, only less than 10 per cent of land is owned by tribals. At the same time, the land ownership per tribal household is incredibly low at 1.12 standard acres in the state. The condition of ST marginal households (more than 50% of tribal landowners) is even more pathetic as their average landholding is only 0.44 standard acres. Thus, the extremely low level of land holdings might be an essential factor behind their extreme poverty in the state (Kumar, 2005). As per a report mentioned in the Economic Survey, Odisha, 2012-13 Odisha continues to maintain high percentage in her poverty line as against all India average from 1973-74 to 2009-10 (Economic Survey, Odisha,2012-13:264,Garada,2014). The head count ratio by social groups as per the Tendulkar Committee methodology for Rural Odisha as compared to OBC and others, the ST and SC people are still living in high poverty level in the state (Garada,2014). For instance, as per the Tendulkar Committee Methodology for Rural Odisha, 2004-2010 the Head Count Ratio (%) by Social Groups in poverty lines during 2004-05 the ST population account to have as much as 84.4 per cent against 67.9 per cent, 52.7 per cent and 37.1 per cent for SC, OBC and others receptively. Similarly during 2009-10 the ST population account to have as much as 66 per cent against 47.1,25.6 and 24.6 per cents for SC,OBC and others receptively (Economic Survey, Odisha, 2012-13:265). The average percentage of total private landholdings of total areas, average approximate percentage of landless (less than one standard land acre), average percentage of total government land and average percentage of forest land are 23.96 per cent, 75.826 per cent, 78.276 per cent and 46.124 per cent respectively found there in 10 districts of scheduled areas during 2006-07 in Odisha (Status Report on Land Rights and Ownership in Odisha, 2008: 29). The non-coastal districts mostly covered of tribal scheduled areas such as Gajapati, Kalahandi, Keonjhar, Kandhmal, Koraput, Malkangiri, Mayurbhanj, Nabarangpur, Rayagada and Sundergarh have less private landholdings, only 23.961 per cent of total areas than the government landholding and forest landholding which are as much as 78.27 per cent and 46.12 of the total areas respectively (Garada, 2014). In fact, after independence the land reform was not successfully

© 2015 Global Journals Inc. (US)

implemented in the different regions of the state. The people of urban areas and coastal belt have taken most of its advantage comparison to those from the backward regions, because the former were educated and could pressurize the administration better than the latter's groups (ibid). Hence, the land reforms have been too timed to bring out any radical change in rural areas especially in the southern and western regions of Odisha (ibid). According to a Committee on Agrarian Reforms by MRD, Govt. of India (2009) there was a wide divergence between the revenue records and the actual situation; the margin of error was as high as 86 per cent in certain instances. More critically it is of the opinion that the impact of the land reform programmes in terms of change in ownership and operation pattern was not to the tune of even 4 to 5 per cent. According to a report provided by the Odisha Tribal Empowerment & Livelihoods Programme, Joint Review Mission: November 2-17, 2009 that about 75 per cent of the project households under OTELP are listed as BPL, of which 8 per cent are absolutely landless and 70 per cent own less than 1 standard acre of land. Taken together the report admits that in this neglected and vulnerable region almost 78 per cent population is landless which is alarming. According to the Comptroller & Auditor General Report 2012 the basic data such concerning public land allocation is not available and the statutory requirement under OGLS 1962 is not being followed in most of the cases. It also mentions since the state largely failed to maintain consolidated data bank on land (owned or leased or allotted) it hardly provide adequate information on utilization of existing land resources or justification acquiring private land (Comptroller & Auditor General Report 2012).

III. Objectives of the Study and Method of Data Collection

The main objective of this paper is to assess and explain the tragedy of legally landless tribal and their access to land in the context of land tenure systems and land settlement in the state. However, the other objectives included are (i) to understand the pattern of land settlement or leasing to individual landless families, (ii) to assess the status of wasteland cultivation by landless families and their eligibilities for ownership and leasing rights under existing legislations namely OPLE &OGLS and (iii) to identify the policy constraints in OPLE & OGLS and institutional practices for the land settlement in favour of poor landless families. The study has been carried out in Koraput district because it has been significant with regards to its area and indigenous population concentration. The methodology of the study includes analysis of secondary information, analysis of land record of individual households of selected villages and primary data collection, field survey of encroachments on wasteland, analysis of potential settlement of wasteland cultivation under various laws. The procedure of designing of research concepts and the methodology started from the process of district level consultation to the village level with the local community organizations and villagers. The district level consultation were involved researchers, retired revenue officers, civil society actors, land rights activists, NGOs and individuals in deliberations and discussion and their shared experiences. The major issues and challenges linked to land rights and settlements were identified during the consultation. In order to find out the facts firstly we have modestly tried to review the literatures available on such issues in the Koraput district as a whole and secondly in order to contextualising this dynamics we have conducted our field study at Kapsiput village situated in the same district.

IV. Background of Land Tenure System and Land Settlement in Koraput District of Odisha

The present Koraput district has been carved out of the larger undivided Koraput district (around 26961 sq kms) and the physical districts of Malkangiri, Nawarangpur and Rayagada. As per the last census, 2011 the district has recorded a total of 11, 77,954 population out of which 50.39 and 49.61 per cents male and female respectively. The district is numerically dominated by ST (50.66%) and SC (13.41%) population. The forest and forest based resources constitutes major proportion of the people's livelihood in the region. Out of 28 per cent of the recorded forest area only 12.8 per cent was dense forest and the others were degraded or open forests. All the open forest areas are under various types of cultivation since long. The genesis of the problems, referred backs to the historical processes of improper recording of land tenure rights of hill tribes during survey and settlement, exclusion of forest areas other than R.F and P.R.F from revenue as well as forest settlement process. The hill slopes beyond 10 degree slopes which were under shifting cultivation along with settled cultivation were included or categorized as government lands without any survey. Without proper settlement of rights of the cultivators, through forest settlement process, the lands were declared as RF, PRF, DPF, etc. The population's dependency on land and forest as their primary source of livelihood in the district (around 84% in 2001 census) was not visibly reduced (Odisha State Development Report, VI, 2001). Historically, Koraput district as a part of the Zamindari areas of the Jeypore Estate was governed by the Madras Estate Land Act 1908. Under this Act the tenants had only occupancy rights over their holdings. Two systems of tenancy prevalent during that period- *Mustajari* and *Ryotwari*. Under the former, the tenant pays rent to an agent or contractor appointed by the

© 2015 Global Journals Inc. (US)

Estate and in latter case the tenant pays rent direct to the Estate officials. The *Mustajari* system has no legal recognition and varies from place to place in its practical application. It is the same origin as the *Gaontiahi* system of tenure in Sambalpur (Odisha District Gazetteer, Koraput, 1965). A *Mustajar* is merely an agent or contractor for collection of rent, who was remunerated certain piece of rent free land or percentage of rent realised. He brings the new cases of encroachment to the notice of the Estate ensuring that no assessed land remains unoccupied. As evidence goes, the Mustajars taking advantage of their positions took illegal extraction from tenants and more often harassed them. The tenants who had no record of their lands entirely used to live with the mercy of the *Mustajars* (Partially Excluded Area Enquiry Committee Report, 1940). In Roytwari villages the tenants were far better off. For securing the holdings to the Riyots, agreements are exchanged between landlords and tenants under this system. The receipts in proper form were granted to the tenants by the revenue establishment of the estate. For instance the Roytwari village shows each Ryot's land holding and rent, whereas a Mustajari village shows the demands from the Mustajar for the whole village which actually does not contain the names of a large number of cultivating tenants or their assessment. This system was abolished in the district with effect from 1st July 1955 under Govt. Resolution no. 4103-E.A., dated 7th June 1955, excepting the inaccessible Bonda areas in the Malkanagiri subdivision mostly inhabited by the aboriginals (Odisha District Gazetteer, Koraput, 1965 p. 287). The only interest of the British was to collect revenue from land and exploit the forest resources. In order to increase the land revenue they introduced many Acts but there was no attempt to simplify the land revenue system. With the increase in rent imposed by the British there was more pressure on the tribal tenants to pay more rent. The Madras Estate land Act which governed the relationship between the land holder and the tenant came into force in the district from the 1st July 1908 but it was not at all helpful for the tenants.

a) Land Holding Pattern

On the basis of the legal status of land under forest revenue department in Koraput there are estimated to be four per cent forest land, two per cent *Gocher* land, 46 per cent private land and 48 per cent other lands(Dept of Revenue & Disaster Management, Govt of Odisha, 2007). The social categorical operational land holding in the district is recorded as 64 per cent ST, 13 per cent SC and 23 per cent other. In case of operational land holding (all social groups) the marginal farmers, small famers, semi-medium farmers, medium farmers and large farmers are found to have14 per cent, 28 per cent,28 per cent,22 per cent and 8 per cent respectively in the district(ibid). Considering the availability of the land in the district the marginal and small farmers can be categorised under legally landless category, which holds less than one standard acre of land. The both marginal and small holding together constitutes 42 per cent of the total number of operational holding in the district, which can be treated as the legally landless category although the availability of government land is huge in the district.

b) Problems of Survey and Settlement in Koraput

The survey and settlement process and preparation of record-of-rights was started for the first time in Koraput district in 1938 and continued until 1964. The Government of Odisha adopted the Plain Table method of survey of Bihar and Odisha pattern against the chain survey method followed in Ganjam, the former was less costly. However, the plain table survey method became very costly for the tribals as hill slopes greater than 9 degree slope (their traditional agriculture land) were not recorded in their names due to unsuitable techniques. The landlords, feudal heads*, mustajars, amins, inamdars* had recorded the majority of land in their names because of their proximity to the surveyors and better knowledge (Behuria, 1965). Again, the tribals became marginalized because of their lack of knowledge and shy nature.

c) Lack of Systematic Records of Past Land Ownership

The survey and settlement process encountered lots of difficulties in Koraput district due to lack of adequate past records and systematic information for assessing the extent of ownership of lands. Various tenancy laws enacted by Government and other measures undertaken remained inoperative owing to the absence of land records. Especially the hill Ryots (most of them were illiterate tribal) faced lots of problem due to lack of any recording system as their occupancy rights was often terminated by the Estate employees arbitrarily in the past (*Major Koraput Settlement Report, 1938-64: 78).*

d) Improper Recording of Land Tenure Rights

Improper recording of Land Tenure rights and systematic process of alienation of Tribal/hill Ryots from their land had far reaching implication for survey and settlement process in Koraput. Many original poor Tribal/hill ryots got deprived of their land rights due to these processes during settlement periods. The Mustajars or the village headman responsible for rent collection, were not required to keep any written records of land holdings of Ryots in their villages (District Gazetteer, Koraput 1972). The only document available was the tenant's ledger which the Maharaja of Jeypore, was filing annually before the collector for cess valuation (Major Koraput Settlement Report, 1938-64). Thus, the records of Ryots'landholding were based on the reports and accounts of rents provided by Mustajars.

© 2015 Global Journals Inc. (US)

e) Shifting Cultivation and Land Rights

Since most of the tribes in Koraput are hill cultivators i.e. shifting cultivators their right to *shifting cultivation is natural. But during colonial rule the lands under shifting cultivation was treated as forest lands and therefore, tribal's right to shifting cultivation was complicated at that time. In fact due to strong tribal revolt* the colonial government failed to implement *lands under shifting cultivation as forest lands in Koraput. However,* it could categorize large areas as reserve lands, protected lands and unreserved lands under provisions of Chapter III of Madras Forest Act, 1882. These categorizations did not require the rigorous settlement of rights which was done before declaring reserve forests and unreserved land too required no notification (Behuria, 1965:25). In Jeypore ex-state most of the reserve lands and protected lands were declared between1900-35. These declarations were not made known at local levels due to the remoteness of the areas. A provision was made that in "unreserved land" the tribal cultivators could clear lands for *Podu* cultivation after taking permission from the Collector. But in practice, *Podu* cultivation was extensively practiced on both reserved and unreserved land in the past. In the process of reservation for shifting cultivation land possession was continued after Independence (Sarangi, Mishra and Behera, 2005:60). In undivided Koraput district, during the first survey and settlements (1938-1964) the Board of Revenue ruled that since the shifting cultivators were not in continuous possession of land for 12 years, they could not be treated as Ryots as per Madras Estate Land Act, 1908, and therefore, these lands were not to be settled in their names (Behuria,1965).The Board of Revenue had taken a decision regarding the manner of recording the *Podu* lands and issued an order as all lands in continuous cultivating possession for 12 years prior to vesting of Jeypore Estate in State Government whether there are situated above or below 10 per cent slopes, may be recorded as Ryoti lands in favour of the person in actual cultivating possession of the same (Behuria, 1965). All the lands which are above or below 10 per cent slopes but unoccupied would be recorded as Government lands. But the concerned plot in the remarks column of the record of right (ROR) is mentioned that "'as it may be noted that so and so is in the forcible possession of the lands from such and such years"(ibid).

f) Discrepancy between Existing Law and Practices

The Madras Estate Land Act that governed the relationship between the landholder and the Ryots was largely ineffective in the district. There were also several instances where the law was directly transgressed and violated during the revenue administration of Jeypore Estate leading to violation of rights of original Ryots over land. Hence it was quite difficult to ascertain the rights of original landowners over lands in the area on the basis of which survey and settlement could be carried out.

V. A Case Study Of Kapsiput

Kapsiput is a revenue village of Bhitaragada Gram Panchayat coming under Kakiriguma R.I Circle, Laxmipur Tahasil of Koraput district. It is extremely tough to express about the precise history of the establishment of the village Kapsiput. However, a number of the older persons namely Burju Jani, Aged 70, Sambru Saunta 64 and Dama Saunta 62 who had oral history of the village narrated that the village was established for approximately more than three generations. There have been first 6 families from village Sanka of Laxmipur came and settled in present Kapsiput, which was first referred to as Agyanpada. These were namely Bandu Jani, Nandu Jani, Rigidi Saunta, Dagera Saunta, Bastu Saunta and Dekina Saunta. As per the villagers' memories there was a big Mango tree in the village where these six families had collected a lot of Mango fruit (*Phal*) and named the village as Phalka Ambaguda. After few days another 12 number of families from a nearby a place close to Bhittargada (originally known as Kapsiput) came to Phalka Ambaguda. In subsequent period, the village was named as Kapsiput.

Table 1 : Household Profile of Kapsiput Village

Sl.No.	Households	Total
1	STs	146(99.32)
2	SCs	01(0.68)
	Total	147(100.00)
3	Female Headed Households	13(8.84)
4	Households Size	4.17

NB: Figures in Parenthesis denote percentage.
Source: Household Survey, 2010-11

There are 147 households out of which 99.32 per cent and 0.68 per cent are belonging to STs and SCs households respectively in Kapsiput village at present. Except one SC household all are scheduled tribes living in the village. But interestingly our study finds that out of total 147 households 13 households headed by women of them 12 are widows. The household size is about just only 4.17 which are akin to the average family size of the district. There is a total of 613 population comprising 99.19 per cent ST and 0.81 per cent SC population in the village at present.

Table 2 : Demographic Profile of Households in Kapsiput Village

Sl.No.	Population	Male	Female	Total
1	STs	322	286	608(99.19)
2	SCs	3	2	5(0.81)
	Total	325(53.02)	288(46.98)	613(100.00)
3	Sex Ratio	886.15		

NB: Figures in Parenthesis denote percentage.
Source: Household Survey, 2010-11

© 2015 Global Journals Inc. (US)

Out of total 613 populations there are only 46.98 per cent female against 53.02 per cent male in the village. Thus, the sex ratio of the village is 886 only (females per 1000 males) which is quite far below the sex ratio of the district. The elder members argue that the family planning programme and premature death of female members due to malnutrition as might be the prominent cause led to this low sex ratio in the village. The elders also argue that earlier the some tribal families used to marry more women since they were in position to carry them for household and agricultural activities in the village. But without more agricultural activities now they cannot afford to marry other women even after early death of their wives in the village. Even now their family income is not up to the mark to support them in this regard. As per the Table-3, nobody is found to have more than10000 rupees as annual income. About 74 per cent households do have annual income in between 2 500 to 5000 rupees. It is only 16 per cent households' annual income found in between 5000 to10000 rupees in the village.

Table 3 : Income Profile of Households

Sl.No.	Income	HHs
1	Below 2500	15(10.20)
2	2500 to 5000	23(74.15)
3	5000 to 10000	109(15.65)
4.	More than 10000	0(0.00)
Total		147(100.00)

NB: Figures in Parenthesis denote percentage.
Source: Household Survey, 2010-11

Our study also reveals that only one person has got the annual income- just one thousands rupees. The Aeverage annual income of the village per households comes around Rs. 4000/-.Thus, with this minimum annual income the villagers live in an abysmal poverty condition. The Table-4 clears the status of poverty with some social indicators. As per the Table-4 out of total families as much as 74.83 per cent belongs to BPL (Below Poverty Line) category including 11 widows. And only 10 households (6.80%) are covered under AAY (Antyodaya Anna Yojana) and only 18.37 per cent belong to APL (Above Poverty Line) families including one SC family.

Table 4 : APL & BPL Profile of Households

Sl.No.	Social Indicators	STs	SCs	Total
1	AAY	9	1	10(6.80)
2	APL	27	0	27(18.37)
3	BPL	110	0	110(74.83)
Total		146	1	147(100.00)

NB: Figures in Parenthesis denote percentage.
Source: Household Survey, 2010-11

a) History of Land Tenure System in Kapsiput Village

The memory of the villagers goes in saying that there have been only 18 numbers of families living in the village. Agriculture was the main source of livelihood. The land was used as communal property, customarily cultivated and used by the individuals. There is no record of rights of the individual cultivators over those lands. During the regime of Jeypore King/Estate the farmers were cultivating agriculture lands and in turn they were paying agriculture produces as revenue to the Mustajars. The Mustajars were also involved in assortment of revenue during British period. In Kapsiput village three men among Mustajars appointed by the British government were namely Rupuna Jani, Linga Saunta and Dambu Saunta. They were responsible for assortment of revenue at village level and deposit with the Sahukar/ Mahajan. Sri Renu Bisoi, Rama Chandra Bisoi of Kakiriguma village (8 kms from Kapsiput), Bhabani Naik of Goudaguda village and Shama Bisoi and Raghu Bisoi of Matuguda (5 kms from Kapsiput) village were the Mahajans during that time. The villagers were paying Rs. 107.25 only towards revenue to the British government. If the Ryots were unable to pay the revenue, they were forced to provide some portion of their lands to the Sahukars/ Mahajans. In this process, the Sahukars accumulated more land from poor tribals. The Mahajan/ Sahukar were cultivating such lands by utilizing other people. Of the total 426.21 acres of agriculture land of different *Kisam's* privately recorded in Kapsiput Mauza only 22.23 acres seems to be the class one category. Rest of the land belong to 2nd and 3rd category as per the standard acres calculated. Dhana 1, 2 and 3 is the types of land used for paddy cultivation and Dangara category is usually the hill slopes used for cultivation of cereals, pulses, oil seeds, etc. One Muslim tenant who is actually not residing in the village has purchased the land and did plantation of the coffee (Major Settlement, Kopraput, 1938-64).

b) Survey and Settlement Process in the Village

The survey and settlement process and preparation of record-of-rights was started for the first time in Koraput district in 1938 and continued until 1964 as stated earlier (Major Survey and Settlement Report of Koraput District, 1965). Particularly, in village Kapsiput the survey and settlement process was carried out during 1957-61. Before that the entire area was un-surveyed and there was no record of rights (RoR) was granted in the name of the tenants over the lands they had been cultivating. The survey and settlement process was started in 1960 and most the agriculture land settled in the names of families who were cultivating the lands. However, the homestead lands were not surveyed and no record of rights was issued to the villagers on such lands. During the time of survey there were about 60 families were living in the village. The first survey and settlement in the village was conducted during the year 1957-58. During the period of survey and settlement in Kapsiput the demarcation of individual land process, reservation and classification of

© 2015 Global Journals Inc. (US)

government lands including Gochar, Road, *Bijesthali*, burial places, etc was conducted. As per the memory of the villagers, no individual was deprived to get record of rights during the survey and there was no conflicting situation occurred. However, due to a mistake committed by the settlement/ revenue officials while drawing the traverse boundary of the village. The traverse line did not cover the agriculture land of 18 families close to Bhittaragada Mauza at that time. In the process of survey and settlement simultaneously undertaken in Bhitaragada had included these lands within Bhittaragada Mauza. The people of Bhitaragada demanded to settle the lands in their names instead of the actual cultivators of Kapsiput village. A boundary conflict was occurred between Bhittargada and Kapsiput village on which legal battle was going on. Till now the conflict is continuing for the government land which is under process to be settled the *dafayati r*ights over Coffee plantation with the landless, marginal farmers and poor families for their sustainable livelihood. However, the Kapsiput villagers finally won the case in 1964-65 and those lands were settled in their names but remain within the boundary of Bhittargada Mauza.

c) Status of Revenue Land in Kapsiput Village

Table 5 : Category of Government Lands

Sl.No.	Category of Government land	Area in Acre.
1	AJA (Abada Jogya Anabadi)	8.31(1.32)
2	AAA(Abad Ajogya Anabadi)	581.82(92.10)
3	Sarbasadharan (Village Common)	3.31(0.52)
4	Rev. Dept.	4.82(0.76)
5	Railway Dept.	5.57(0.88)
6	Raskhita	25.71(4.07)
7	Welfare Dept.	2.17(0.34)
Total		631.71(100.00)

NB: Figures in Parenthesis denote percentage.
Source: Tahasil Office Record, Laxmipur Tahasil, Koraput, 2011.

The information given in the Table-5 clearly shows that there is no legally classified forest land available in the village. There is an area of more than 581acres of land which is classified as Pahad kisam of uncultivable waste category. As per the information of the people those areas were considered as forestlands in their customary classification. But now they are not considered as legally forestlands for which their application under Forest Rights Act has not been processed for the land title. As per the Table-6 a total number of 90 tenants own lands within Kapsiput revenue village of which Joint Patta holders (house site) are only 73.33per cent and Joint Patta (Agr.Land) holders are only 24.44 per cent. Our study also reveals that of the total households there are 30 completely landless households out of which 29 belong to ST families and one belongs to SC family. Of the 29 STs landless families four are headed by women households and the Table reveals about the land ownership of two women in the village.

Table 6 : Type of Ownership of land at Kapsiput Village

Sl.No.	Ownership Type	No. of Tenants		Total	Area in Acre
		ST	SC		
1	Joint patta (House site)	65	1	66(73.33)	1.32(5.72)
2	Owned by Women	2	0	2(2.22)	0.04(0.17)
3	Joint Patta (Agr.Land)	22	0	22(24.44)	21.71(94.10)
Total		89	1	90(100.00)	23.07(100.00)

NB: Figures in Parenthesis denote percentage.
Source: Laxmipur Tahasil, Koraput

d) Cultivation over Government Wasteland

The main source of livelihood of the villagers is agriculture and wage earning. Most of the landless families and marginal farmers are working as daily labour in the NALCO (National Aluminium Company Limited) mining project. The villagers are deriving their livelihood from the customarily cultivated land, categorized as government wasteland as stated earlier. But, they do not have legal ownership over those lands. Although government has taken initiatives for the settlement of those lands against them, it has not actually realized in the ground. Due to faulty classification of lands the majority of those lands are not settled by the revenue officers, taking the plea that those lands are objectionable categories or non-cultivable waste lands, without taking genuine recommendation for change of *kisam* and settlement. As per the information collected through trace maps and measurement of the lands under occupation, presently, there are 71 households of the village cultivating over uncultivable waste land. Interestingly, there is availability of 8.31 acres of cultivable wasteland in the village over which no single household has possession and cultivation. This means people are not aware about the legal Kisam/character of land, when they go for cultivation the only criteria they see is the land which has cultivable character. The legal classification does not have much sense for the poor farmers.

© 2015 Global Journals Inc. (US)

e) Impact of Mining on Agriculture in Kapsiput Village

The village Kapsiput has been directly affected by the Panchbatimali mining area. It is one of the most affected villages of Laxmipur Block due to NALCO mining project. The mining activities have reduced the agriculture productivity affecting the water level. The water bodies available earlier have been dried which resulted in decreasing cultivation of summer crops drastically. The quality of drinking water is seriously affected. There were six number of perennial water streams flowing from the Panchbatimali to the village sides. With the impact of continued mining and blasting activities five natural streams such as Pokamari Jhola, Sara Jhola, Betamunda Jhola, Karindi Jhola, Keeda Jhola and Katuni Jhola originated from the Panchbatimali hills have already been dried. The agriculture was solely depending upon those water streams in the past. Our study also reveals that here has been diminishing water flows from Katuni Jhola, the only water stream exists. The villagers said before mining they were yielding paddy and vegetables sufficiently in summer season. However, at present, due to scarcity of water the quantity of summer paddy cultivation has been drastically reduced. It also became very problematic for drinking of domestic animals. Thus, it being the chief cause of low agricultural production largely affects food security in the village.

f) Impact of Blasting and Mining

At the time of interaction with the villagers about the impact of mining and blasting they said that the company has been conducting blasting at the day time without notice and any signal. After blasting the chips and stones frequently falls on the village site and resulting injuries or death of cattle and human beings because at that time people used to engage in cultivation on their own land and busy with such auxiliary agricultural activities. In the year 1995, Timili Saunta, a woman aged about 30, was working in her agricultural land. Suddenly, due to blasting a stone was fallen in her hand in which she got serious injury. After few days, she succumbed to death. The villagers said after coming of the mining project the increasing content of iron and other mining wastes in the streams have seriously affected the quality of drinking water.

g) Present Land Issue due to Mining

The NALCO had planned to acquire the forest and private lands surrounding villages of the Panchbatimali mining area. It had also constructed some pillars in this village covering the forest and private agriculture land which is occupied by the individual tribal family since long. The NALCO authorities hoodwinked the villagers by saying that they are simply having the pillers but not acquiring their lands. Subsequently, the Block Development Officer, Laxmipur issued a letter (2012) to the Gram Panchayat, Bhitaragada to arrange Gram Sabha for acquisition of forest land of 1294.283 ha. Then Panchayat had issued a notice to the villagers of surrounding villages of Panchabatimali to attend the Gram Sahba for the purpose of forest land acquisition for NALCO. The Kapsiput villagers were served notice to attend the Gram Sabha for the said purpose, on 25th June 2012. So on 24th June the villagers organized a village meeting and decided to not to cooperate with Sarapanch and panchayat functionaries to organize Gram Sabha. When the panchayat extension officer and Sarapanch came to the village to organize Gram Sahba the villagers strongly opposed to organize Gram Sahba for the purpose of forest land acquisition for NALCO. Then Gram Sabha was postponed due to the people's voice against land acquisition.

VI. Conclusion

The study brings forth the critical aspects of the land survey and settlement process in the tribal dominated district Koraput situated in the eastern ghat zone of Odisha. It exposes that how the land survey and settlement process were conducted without accounting the ground realities of the villages and the villagers neglecting their collective voice and actions. It also raises questions as to how the very principle of democracy, human right, justice and equity has been thoroughly violated in the process. While allocating land sufficient care has not been taken to ensure that leasable categories of lands should have been kept reserve for subsequent requirement and future use in the district. In such a scenario there is also dire need of amending the existing Odisha Government Land Settlement Act. Since the entire domain of settlement process is a one sided affair with little or no say of the community and community institutions, people have no idea as to which category or kissam of revenue or Govt land they have encroached upon. In this context, the tribals in Kapsiput villages are worst sufferers. Hence, the steps should be taken to ensure the awareness of laws related to revenue land to all stake holders. One important change taking place throughout Odisha is the acquisition of land by non cultivating agents. Corporate bodies across the state have been purchasing and holding fertile land for non-agricultural purposes, including speculative purpose. If unchecked, this trend can have severe repercussions on agricultural growth and the ecological security as well. In the area of land utilisation, there is no single approach currently being followed across the country. Various sectors at central level such as urban, rural, industrial, transport, mining, agriculture etc. follow their own approaches. For example, in the case of rural sector, since nearly 50 per cent of India's population is dependent on agriculture, the sector lays focus on reforms on land acquisition and resettlement & rehabilitation, watershed management and modernisation of land records, and there is not yet an approach in place for planning and management of

© 2015 Global Journals Inc. (US)

land resources in rural areas. Proper planning of land and its resources allows for rational and sustainable use of land catering to various needs, including social, economic, developmental and environmental one. Proper land use planning based on sound scientific, technical procedures and land utilisation strategies supported by participatory approaches empowers people to make decisions on how to appropriately allocate and utilize land and its resources comprehensively and consistently catering to the present and future demands. There is a need for scientific, aesthetic and orderly disposition of land resources, facilities and services with a view to securing the physical, economic and social well-being of communities.

Notes

OPLE- *Odisha Private Land Encroachment Act, 1972. It is an Act to provide for prevention of unauthorized occupation of lands which are the property of Government.*

OGLS- *Odisha Government Land Settlement Act. It is an Act to provide for settlement of Government Land in the State of Odisha.*

PRI- *Panchayati Raj Institutions are the lowest of the three tier structure, incorporated through the 73rd Amendment of Indian constitution for local self governance.*

RF, PRF, DPF- *Reserve Forests, Protected Reserve Forest and Demarcated Protected Forests are different categories of forests, generally governed and managed by the Ministry of Environment and Forests, Govt of India. Until recently and before the enactment of Forest Rights Act, human settlement and cultivation within these forests were neither allowed nor recognised by the ministry.*

Gaonti Tenure- *Gaonti is a colloquial term used for a village headman who used to collect land revenue during the British regime in India.*

AAY- *Abad Ajogya Anabadi is a category of revenue land which a type of waste land within a revenue village which cannot be leased out for cultivation purpose as per the Odisha Land Settlement Act, 1962.*

Pahad - *Pahad is the equivalent of hill or mountain.*

VII. Acknowledgement

We are thankful to the Documentation Centre, Vasundhara Bhubaneswar for the support in carrying out the study. Also thankful to Dr. Sricharan Behera, Balakrushna Sahoo and the Land Rights Access & Tenure Thematic Team of Vasundhara for providing input during the field

References Références Referencias

1. Behuria,N.C. (1965). *Major Settlement Report of Survey and Settlement in Koraput*, Government of Odisha
2. Garada,R. (2014). *Development Disparity between Coastal and Non-Coastal Zones*, New Delhi: SSDN Publisher & Distributor
3. Garada.R. (2013). Contextualizing the Emerging Issues and Dilemmas of Displaced Ecosystem People: A Case of Coal Mining Industry at Talcher, Odisha. *Journal of Humanities and Social Science (IOSR-JHSS) Volume 12*, Issue 4 (Jul.-Aug.), 22-31
4. Government of Odisha (1940). *Partially Excluded Area Enquiry Committee Report 1940,* Government of Odisha,
5. Government of Odisha (1964). *Final Report on the Major Settlement Operations in Koraput District-*1938-64.
6. Government of Odisha (1965). *Koraput Survey and Settlement Report*, Koraput
7. Government of Odisha (2001). *Odisha State Development Report-2001,*Planning Commission
8. http://www.thehindu.com/2009/10/17/stories/2009101751580300.htm
9. Kumar,K. P. R. Choudhary, S. Sarangi, P. Mishra and S. Behera, (2005).*A Socio-Economic and Legal Study of Scheduled Tribes' Land in Odisha,*World Bank, Bhubaneswar.
10. Meher,R. (1999). Development Disparities in a Backward Region- A District Level Analysi, New Delhi: APH Publishing Corporation
11. Mishra,D. and R.S.Rao (1992). 'Hunger in Kalahandi: Blinkered Understanding', *Economic and Political Weekly*, Vol.27, No.24-25
12. Nigam (2009). 'Odisha: Bisthapana, Jana Andolana o Rastra Damana' *Anwesha, Vol. 15*, March, 133-143 (in Odia language).
13. Ota, A.B. (2010). *Development Projects and Displaced Tribal: An Empirical Study*, Scheduled Castes and Scheduled Tribes Research and Training Institute, Government of Odisha, Bhubaneswar,
14. Padel,F. and S. Das (2010). *Out of This Earth: East India Adivasis and the Aluminium Cartel*, Hyderabad: Orient Black Swan

© 2015 Global Journals Inc. (US)