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Land Distribution among Scheduled Castes and Tribes

In recognition of the basic proposition that scheduled castes and tribes are the most disadvantaged in respect to land, which largely accounts for their perpetual poverty and makes them vulnerable to injustice and exploitation, attempts have been made by the union and state governments to promote and protect their rights with regard to the control and use of land. Based on 13 major states, the present study shows that even after 50 years of planned initiatives and policy measures, there has not been substantial improvement in the landholding status of scheduled groups, and in some states, it has declined further.

B B MOHANTY

I
In a country like India, where agriculture is the prime source of livelihood for a vast majority of people living in rural and tribal areas, land continues to be the pivotal property in terms of both income and employment, around which socio-economic privileges and deprivations revolve. Though the members of scheduled castes and tribes mostly reside in the countryside and derive their livelihood by working on land, they are the most disadvantaged in respect to land. The incidence of landlessness is more pronounced among these groups, the bulk of whom are agricultural labourers having minuscule holdings or are sharecroppers or other types of insecure tenants [Bêteille 1972, Murdia 1975, Sharma 1994, Diwakar 1999, Mungekar 1999]. A majority of scheduled castes (77 per cent) and scheduled tribes (90 per cent) are landless, without any productive assets and sustainable employment opportunities.¹ Around 87 per cent of the landholders of scheduled castes and 65 per cent of scheduled tribes in the country belong to the category of small and marginal farmers [Agricultural Census 1990-91]. According to the Census of India, 1991, 64 per cent of scheduled castes' and 36 per cent of scheduled tribes' main workers are agricultural labourers as against 31 per cent of others. It also reveals that 25 per cent of scheduled castes and 55 per cent of scheduled tribes are cultivators compared to 40 per cent of others. The poorest among the poor in Indian society are largely from these groups. As per the estimates of the Planning Commission, 48 per cent of the population of scheduled

castes and 51 per cent of scheduled tribes are below the poverty line.²

In recognition of the basic proposition that poor land ownership position of the scheduled groups accounts largely for their perpetual poverty and makes them vulnerable to social injustice and exploitation, the government of India has made a systematic endeavour to protect and promote their rights with regard to control and use of land through land reforms and allied measures. Land reforms have been treated as one of the principal instruments for the creation of an egalitarian rural society, in tune with the socialistic spirit, as provided in the Preamble and under part-IV of the Constitution (Directive Principles of State Policy). It has also been included in the Ninth Schedule to ensure speedy and unhindered implementation of various legislative measures. However, land reform being a state subject, the legislative as well as the administrative responsibility devolve on states, and the union government lays down only the general guidelines. Therefore, the nature of legislative measures and their implementation and achievement are likely to vary from state to state because they are influenced by the complex interaction of historical necessities and socio-political and economic forces, which are largely state or region-specific. In such a context, a comprehensive and comparative analysis of the legislative measures of various states relating to the land rights of scheduled groups and their consequent effects on land distribution is imperative, as these are issues of major policy concern. Though the question of control and use of land among the scheduled castes and tribes has not been left

entirely out of scientific inquiry, it has received only occasional attention.³ The non-availability of data on landholdings of these groups was possibly one of the reasons for this gap.

II

Rural Indian society is hierarchical and inequitous, and enmeshed in feudal ethos. In such a society, to be the born into a particular social group is to be the bearer of specific rights and obligations and to be involved in a specific pattern of relationship with members of other groups. Both the privileged and the deprived believe that men are born unequal [Nair 1961, Bêteille 1974]. In the words of Parry (1979:6), "the 'encompassing ideology' of hierarchy permeates every sphere of social life and even the subordination of the tenant to his landlord and of the subject to his rules is expressed in same symbolic language". Inequality and domination are treated as the basis of social relationship. The lower castes, as per their place in social hierarchy, are supposed to serve the dominant castes and remain loyal to them. To sustain their aristocratic status the dominant castes stay aloof from the subject population and its ascribed duties [Lieten and Srivastava 1999:39]. This has been the practice as far back as the history of Indian society can be traced. The tribals, who were initially within a relatively egalitarian and homogeneous social order with a separate socio-cultural and ecological milieu of their own, came under the subservience and dominance of the rich non-tribals in due course through the 'civilising' and 'modernising' effects of

colonialism and planning.⁴ Viewed in this perspective, scheduled castes and tribes are the historically deprived and backward sections of Indian society who languish at the lower portions of the social and economic pyramid. In a society of this kind, where inequality and domination are deeply frozen in the social structure and in the psyche of the people, it is difficult to uplift and empower the deprived groups through legislative measures because any attempt to exercise the rights created by law is often to challenge the existing order of relations [Beteille 1974]. The modes of living, working and the ideology that make up this stratification constitute very real inhibitions and obstacles, and the strength of the system is evidenced by the unwillingness of the underprivileged and exploited lower strata to challenge them [Myrdal 1972:41].

Though the scheduled castes and tribes have a combined demographic strength of one-fourth of India's population – which is greater than the population of many countries – they have not been able to emerge as a powerful combination. They continue to be ruled by the dominant elites of the upper castes⁵ because of their sub-

missiveness, tolerance and survival-mindedness. The ruling minorities, who find the existing social order beneficial, remain apathetic or lukewarm towards issues concerning the upliftment and empowerment of the people at the lower rungs as it tends to challenge their spectral dominance. Though movements have emerged time and again among scheduled population, they were mostly sporadic, unorganised and fragmented, and were suppressed or diluted by the dominant groups through various strategies [Omvedt 1974, Ranadive 1979, Desai 1979]. Nevertheless, many of these movements have enlightened the members of lower castes and tribes and also produced some perceptible changes in agrarian social relations [Patankar and Omvedt 1979, Dhanagare 1983, Kulkarni 1983]. Moreover, planning in India, like in other south Asian countries, which is viewed as a 'democratic planning' in popular notion is fundamentally a political programme through which the state tries to impress the masses in order to get their support without much coercion and regimentation [Myrdal 1972: 62]. Therefore, the state representing the privileged minorities formulates policies

that can concede the demands of the upper strata on the one side and produce ideological effect that is responsive to 'popular will' on the other. To quote Myrdal (1972:44) "...the south-Asian planners remain in their paradoxical position: on a general and non-committal level they freely and almost passionately proclaim the need for radical social and economic change, whereas in planning their policies they tread most warily in order to not disrupt the traditional social order. And when they do legislate radical institutional reforms...they permit laws to contain loopholes of all sorts and even let them unenforced."

Land distribution in India closely follows social hierarchy. While the large landowners invariably belong to the upper castes, the cultivators belong to the middle castes and the agricultural workers largely to the scheduled castes and tribes [Beteille 1972, Sankaran 1996]. Land being the important socially valued asset, its unequal distribution helps maintain the hierarchical structure and strengthen the basis of dominance of the privileged groups by perpetuating inequality and deprivation in various socio-economic spheres. Seen from

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this point, the idea of fair distribution of land directly strikes at the roots of such social relations. Therefore, the upper castes' landed interests have opposed the legislative measures with respect to land redistribution through various methods [Joshi 1975, Hiro 1976, Omvedt 1993, Judge 1999]. But when the magnitude of resistance of the deprived people challenges the existing order or shows signs of potential threat, the resultant change provokes reform measures. In an insensitive democracy like India, state action is identified with people's action and people's empowerment rests on their collective resistance and agitation. The measures to promote and protect the interests of the deprived are not usually expected without persistent demands and protracted struggles. Land reforms in India have been launched in response to compelling demands expressed through agitation, struggle and movements [Dhanagare 1983, Radhakrishnan 1989]. But, land reform policy being fundamentally a political issue, the state passes legislation only to pacify and neutralise the agrarian tension [Suri and Raghavulu 1996]. In order to monitor the implementation of such measures, the existence of strong social movements is crucial. The entrenched dominant landowning privileged groups would never like to surrender their power and privilege without exertion on them of mounting pressure from the deprived people.

Against this backdrop, the present paper attempts to examine the aspects of land distribution among scheduled castes and tribes across the major states.⁶ The paper has three objectives: (i) to review the legislative measures enacted for the protection and promotion of land rights of scheduled groups and to examine their achievements, (ii) to analyse the changes in land distribution among scheduled groups, and (iii) to find out the causes that hinder or facilitate the improvement of the land ownership position of scheduled groups.

III

British colonialism, through its land revenue policy and elaborate exploitative bureaucratic structure, made land alienable on a large scale especially in tribal areas. The upper caste elites who were dominating each sphere of British administration consolidated their landowning position through the state machinery, depeasantising the tribals and lower caste peasants. The tribals who were cultivating land clearing forest within their customary norms and practices without any experience of land-

lessness, were compelled to work as labourers in their own land and subjected to various kinds of oppression and exploitation. Gradually it generated strong discontentment and the simmering tensions culminated in rebellions one after another. Among them the Chotanagpur Tribal Revolt (1807-08), Munda Rebellion (1832, 1867-90), Kol Rebellion (1831-32), Santal Rebellion (1885-86), Rampa Rebellion (1879-90), Madri Kalo Revolt (1898) and others posed a major threat to British administration in India in general and tribal areas in particular. Though many of these movements had religious and social issues, agrarian problems were the principal mobilising force.⁷ Resistance of this nature made the British raj conscious of the rebellious potentialities of the tribals and ultimately compelled them to initiate some measures to pacify tension in the tribal areas. Possibly as a result of this, the Chotanagpur Tenancy Act, 1908, Central Provinces Land Alienation Act 1916, Bihar Tenancy Act 1885 and Bombay Land Revenue Code (Section 73A) were enacted. However, these measures were formally undertaken only to suppress the tribal agitation and the British did not show any interest in its proper implementation because the provisions of these acts were affecting the interests of the upper caste elites who were mostly landlords, moneylenders, zamindars and other intermediaries of various kinds and the main agents of British administration in India. Despite the provision for prevention of land transfers from tribals to non-tribals, land alienation through debt mechanism, tenancy and other dishonest practices continued unabated in many parts of tribal India [Haimendorf 1945, Patnaik 1971, Rao 1987, Mohanty 1997].

The tribal movements that began in the first part of the 20th century were mostly agrarian in nature. The Srirama Raju's Uprising (1922-24) in West Godavari, Gond Revolt (1940) in Adilabad and the Telengana Revolt (1946-51) in Nalgonda, Karimnagar and Warangal districts of Andhra Pradesh, Warli movement (1946-48) in Thane district of Maharashtra, Santal Agitation (1937-40) in Purnea, Bihar, the Munda Rising (1936-39) in Sundergarh, Orissa and the Jharkhand movement that spread over the major tribal districts in Bihar, Orissa, West Bengal and Madhya Pradesh revolved around the issues relating to land alienation and exploitation by non-tribal landlords and moneylenders. Apart from this, the Halipratha movement (1920-48) in Bulsar, Surat and Bharuch districts of Gujarat against the patidars and kanbi landlords, Tenants Struggle (1920-

21 and 1930-35) in Pratapgarh, Rai Bareli, Faizabad and Sultanpur districts of UP against the mahajans, banias and landed aristocracies, the Tanjore Revolt (1946-49) of Tamil Nadu against the higher caste landed gentry, the Tebhaga Movement (1946-47) in Jalpaiguri, Dinajpur, Malda Rangpur, Midnapur and 24 Parganas of West Bengal against the landlords and the Kishan Sabha activities in Andhra Pradesh, Bihar, West Bengal and other states put mounting pressure on the state to protect and promote the land rights of the poor tribals and lower caste peasants [Ekka and Danda 1979, Das 1983, Dhanagare 1983]. Dhanagare's study (1983) on important peasant movements in India confirms this firmly when he says "...each of the movements that we have examined was followed by some legislative or ameliorative measures. Some legal reforms, some modifications in the structure of land control, always followed peasant resistance". Besides, the social reform movements with anti-brahminical overtones led by E V Ramaswamy Periyar in Tamil Nadu, Narayan Guru in Kerala, Jyotiba Phule and Ambedkar in Maharashtra and Sant Ramdas in UP provided the lower castes with a distinct identity and awakened the government to recognise the rights of these deprived groups and to undertake measures for the removal of social injustice and exploitation [Patankar and Omvedt 1979, Ranadive 1979, Ram 1979].

As a consequence, land reforms became a necessary part of the process of national planning for the emancipation of these deprived people. All states without exception started showing interest in land redistribution, and formulated their own legislative measures to allot land as well to protect it from being transferred to non-scheduled groups. It is rightly commented that in the post-independence period, India was subjected to the largest body of land reform legislation ever to have been passed in so short a period in any country [Thorner 1976:18]. A statewide list of legislative measures and executive orders for the protection and promotion of land rights of scheduled castes and tribes is illustrated in Table 1. An analysis reveals that in many states the measures undertaken to check the alienation of land of tribal and lower caste peasants have not been adequately framed. Though provisions have been made to prevent land transfers from scheduled groups to non-scheduled groups, in many states (for example, Orissa, MP, Rajasthan, Gujarat and Kerala) such transfers can be made with the prior permission of the competent authority (collector, sub-divisional officer, among others) which ulti-

Table 1: Agrarian Legislation for Protection and Promotion of Land Rights of Scheduled Castes and Scheduled Tribes

States	Legislative Measures	Description
Andhra Pradesh	The Agency Tracts Interest and Land Transfer Act, 1917. The Andhra Pradesh Scheduled Areas and Land Transfer Regulation, 1959 (Amended in 1963). The Andhra Pradesh scheduled Areas Land (Extension and Amendment) Regulation, 1963.	Checks transfers of land in the agency tracts in the then composite state of Madras. Makes all transfers of ST land without the previous sanction of competent authority null and void. Extends to scheduled areas of Telangana region. Till then it covered the scheduled areas of the Andhra region.
Bihar	Bihar Tenancy Act, 1885. Chotanagpur Tenancy Act, 1908, Santal Parganas Act, 1949. Bihar Scheduled Areas Regulations, 1969.	Prohibits transfer of land by certain aboriginal tenure holders, 'raiyaats' or under raiyaats. Prevent transfer of land of STs, SCs and OBCs. Restores the illegally alienated land beyond 12 years but within 30 years of its alienation. The government has issued instructions to allot waste or vacant lands in 'khasmahal' or acquired zamindaris to SCs, STs and OBC.
Gujarat	Bombay Land Revenue Code, 1879 (Section 73A). The state government added more provisions in Bombay L R Code, 1879 vide the Bombay Land Revenue Act, 1980.	Prohibits transfer of land held by members of STs without the permission of the collector. Restricts the transfers of occupancies of STs all over the state. The SCs and STs are given high priority in the grant of waste lands.
Karnataka	Hyderabad Tenancy and Agricultural Land Act, 1950. Mysore Land Revenue (Amendment) Rule, 1960. Scheduled Castes and Scheduled Tribes (Prohibition of transfer of certain lands) Act, 1978 (Act No. 2 of 1978).	Provides security of land tenure to all agricultural tenants, including SCs and STs. In Coorgs area, the executive measures make provisions to transfer land permanently to SC and ST tenants, if they have been in the occupation for 12 years. The state government prohibits the alienation of lands allotted to SCs and STs for 35 years without its permission. Assigns land to members of SCs and STs and the land so assigned cannot be alienated for 15 years without the permission of the state government. Fifty per cent of the available land for allotment is reserved for SCs and STs. Prohibits alienation of lands granted under the Land Grant Rules, to persons belonging to SCs and STs and provides for resumption of such alienated lands and imposes penalty on the purchasers (up to six months or fine of Rs 200 or both).
Kerala	Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1973, (came into force from January 1, 1982). Kerala Arable Forest Land Assignment Rules, 1970. Kerala Land Assignment Rules, 1964.	Prohibits the alienation of land by STs to non-STs. States that land assigned is inheritable but not alienable for a period of five years from the date of assignment. One-third of the available land in each district should be allotted to the members of SC and ST. Provides that members of SC can transfer their land to both SC and ST but ST can transfer only to ST with the prior permission of concerned authority. Twenty-five per cent of land available for assignment is allotted to SCs and STs.
Madhya Pradesh	Central Provinces Land Alienation Act, 1916. Madhya Bharat Scheduled Areas (Allotment and Transfer of Land) Regulation, 1954 (applicable to Madhya Bharat region only). Madhya Pradesh Land Revenue Codes, 1959.	Checks the unwanted transfer of land of STs. Restricts transfer of land of ST to non-ST without the prior permission of Collector or by way of sale, mortgage, lease or otherwise. The SCs and STs have been given third and fourth priority, respectively for the allotment of government land among the landless. Freedom fighters and army personnel have been given first and second priority respectively. Provides protection to STs against alienation of their lands.
Maharashtra	The Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974. The Maharashtra Restoration of Land to the Scheduled Tribes Act, 1974; Maharashtra Land Revenue Code 1966 (Section 36); Bombay Tenancy and Agricultural Lands Act 1948; Bombay Tenancy and Assignment Lands Act (Vidarbha Region) Act, 1958; Hyderabad Tenancy and Agricultural Lands Act, 1950.	Restores agricultural land of scheduled tribe person involved in illegal transfer to a non-scheduled tribal effected any time before July 6, 1974. Make provisions for restoration of agricultural land of STs lawfully transferred to a non-ST by way of sale mortgage, gift, etc, between April 1, 1957 and July 6, 1974. The government issued executive orders on January 4, 1961, for the disposal of land among SCs and STs as the first and second priority respectively. But in areas other than scheduled areas they have been accorded only seventh priority. Prohibit the transfer of agricultural land of SC and ST person by sale, gift, mortgage, etc, in favour of non-scheduled groups.
Orissa	Orissa Scheduled Areas Transfer of Immovable Property (by Scheduled Tribes) Regulation, 1956 amended in 1963. Orissa Land Reform Act 1960 (amended in 1973). Executive Measure (there is no legislation relating to the allotment of land to SCs and STs)	Prohibits transfer of lands from members of STs to non-STs in the scheduled areas. Restricts STs and SCs to sell their land to non-SCs and non-STs unless permitted by the sub-divisional officer. The Government has issued notifications for the settlement and lease of waste and encroached lands in the state in which SC and ST have been given first and second priority respectively. They are required to file applications before the local tahsildars for the allotment of such lands.
Punjab	Not available	The government of Punjab has issued orders banning transfer of land belonging to SCs. All types of surplus evacuee lands are disposed of through restricted auction to the members of SCs.
Rajasthan	Rajasthan Tenancy Act, 1955 Rajasthan Registration (Adoption Amendment) Ordinance, 1975. Rajasthan Land Revenue (allotment of land for agricultural purpose) Rules, 1957 Rajasthan Bhoodan Yagna Act, 1954	Prohibits transfer of land from SCs and STs to non-STs without permission from competent authority. Land if transferred to others can be restored provided it is brought to the notice of the government within three years. A notification has been issued under the ordinance that transfer of agricultural holdings from STs to non-STs or from a SC to a non-SC person is against public policy. Reserves 25 per cent of the available land for allotment to SC, ST and OBC. Makes available one-third of the land for distribution to the members of SC/ ST.

Contd)

Table 1: (Contd)

States	Legislative Measures	Description
Tamil Nadu*	The Holdings (stay of Execution Proceedings) Act, 1950.	Protects STs rights in land and contains provisions for assignment of land to hill tribes. Landless poor Harijans are eligible for assignment of cultivable wasteland up to 5 acres in case of dryland and 2.5 acres in case of wetlands. STs are assigned a maximum of 10 acres of dry land and 5 acres of wetland in hilly tracts if sufficient land is available. Land assigned to the SCs cannot be alienated for 10 years and thereafter it can be transferred to SCs only.
Uttar Pradesh	Uttar Pradesh Zamindari Abolition and Land Rules Act, 1950 (amended in 1969) Section 198 and Rule 174-A of Zamindari Abolition and Land Reforms Act, 1952.	Restricts the transfer of lands of the members of STs to members of non-STs by way of sale, gift, mortgage or lease without the prior permission of the collector. Gives priority to SCs in land allotment.
	Section 1(A) and Rule 24A(2) of UP Consolidation of Holdings Act, 1953; Sections 27 and 28 of the UP Imposition of Ceilings of Land Holdings Act, 1960.	Make provisions for the allotment of surplus land to the SCs.
West Bengal	The Bengal Tenancy Act, 1885.	Restricts transfer of land of an aboriginal tenure holder, raiyat or under raiyat by private sale, gift, mortgage, lease or any contract or agreement unless it is transferred to another tribal included in the list. It gives priorities to SCs and STs holding not more than 2 acres of land for the distribution of government lands including 'khas' land.
	West Bengal Land Reform Act 1955 (amended from time to time).	Imposes restrictions on the alienation of lands of STs and makes provision for its restoration.

Notes: @ Information on legislative measures not available. The cited information is provided in Murdia (1975).

* In Tamil Nadu, there is no special legislative measure to provide protection to SCs and STs against alienation of land and to give preferential treatment in the allotment of land.

Sources: 1 M L Patel (1974): *Changing Land Problems of Tribal India*, Progress Publishers, Bhopal.

2 S N Dubey et al (1977): *Land Alienation and Restoration in Tribal Communities in India*, Himalya Publishing House.

3 *Report of the Commissioner for Scheduled Castes and Scheduled Tribes*, Various Issues.

mately left the implementation of these measures to the discretion of the bureaucrats and also made them more powerful. It has also been pointed out⁸ that the rich upper castes do not find any difficulty in getting the permission of the concerned officials, and sometimes the members of scheduled groups are required to spend a certain amount for this purpose. Similarly, in Maharashtra, for example, land under new tenure could be leased out if the government is satisfied that the owner is physically incapable of tilling it. It is found that many big landowners produced medical certificates purporting to establish the incapability of tribals to cultivate their land and managed to get these lands on lease for fixed periods, after which land is seldom returned to the tribals [Murdia 1975]. In Rajasthan, as per the Rajasthan Tenancy Act, land belonging to scheduled groups if transferred to non-scheduled groups can be restored provided it is brought to the notice of the government within 12 years (earlier it was only three years). As a result, the powerful landowners suppressed the facts through various means up to the restricted time period. There is rare legislative provision to check the informal land transfers. Provisions are only limited to the legal ownership rights. In many cases though the land is owned by a tribal it is occupied and cultivated by non-tribals. The tribals, because of their ignorance and lack of awareness of land laws accept the claims of the dominant

non-tribals. In spite of the legislative and executive measures taken by various state governments, alienation of tribal land is reported by many studies [Pathy 1984, Haimendrof 1982, Rao 1987, Patel 1974, Mohanty 1997].

The data on alienation and restoration of tribal lands in some states is depicted in Table 2. It is found that in Andhra Pradesh, Bihar, Gujarat, Karnataka, Madhya Pradesh and Maharashtra land alienation among the tribals is remarkably higher both in terms of area and number. Excepting Gujarat, in other states a large number of registered land alienation cases have been rejected and many of them are also pending in court. While in Rajasthan 29 per cent of the registered cases have been decided in favour of tribals, in Orissa it is 31 per cent. Moreover, many of the land alienation cases are also unreported and unregistered. In states like Orissa, where the tribals and lower caste peasants are backward on many counts, land alienation is widespread. There are a number of villages in tribal Orissa, where all the villagers are landless. For example, the entire land in a village in Koraput district is owned by a Keralite who operates a business farm in Thiruvananthapuram and the management of the land is left to a non-tribal middleman [Mohanty 1997:7].

The measures relating to allotment of land to scheduled castes and tribes are also inadequate. It is true that many states give

preference to scheduled groups in the distribution of surplus land or government wasteland. But, in some states the preference is limited to scheduled areas. For example, in Maharashtra, these categories have been accorded only the seventh priority in areas other than scheduled ones. On the other hand, Madhya Pradesh gives first priority to freedom fighters and army personnel and the scheduled castes and scheduled tribes have been given third and fourth priority. In Rajasthan, only 25 per cent of the available land is reserved for scheduled groups. In Punjab, though the allotment is made exclusively to scheduled castes, it depends upon their financial condition whether they avail such facility because land was disposed of through auction. Added to this, the procedures followed by most state governments require the eligible persons to submit their applications in the prescribed form to the concerned officers. In many places the members of scheduled castes and tribes are not aware of the procedures and formalities and being illiterate they find difficulty in filling the forms.

The availability of ceiling surplus land and its proper distribution is one of the major routes through which scheduled castes and tribes can improve their holding position. Though there is a national guideline, each state has fixed its own ceiling limits keeping in view 'local' considerations (Table 3). While some states have fixed the limit for various types of land

uniformly for all districts, in states like Bihar, Andhra Pradesh, Gujarat, Karnataka and Kerala it varies depending upon the 'local' agro-climatic conditions. West Bengal and Kerala have the lowest ceiling limits. On the other hand, Rajasthan has highest limit, which is justified for its 'hilly terrain and desert area'. Moreover, except West Bengal, ceiling limits in all other states are dependent upon crop potential. This kind of fixation of ceiling limit creates enormous difficulty in the appropriate categorisation of land which gives ample scope to the dominant big landowners to avoid the ceiling laws by wrongly categorising the land in connivance with local officials [Deshpande 1998]. It is also reported from several parts of the country⁹ that the large landholders have avoided the ceiling laws by partitioning their families in the land record while cultivating the land jointly.

Following the implementation of ceiling laws, each state has declared surplus land and tried to distribute it to the landless (Table 4). The ceiling surplus land is remarkably higher in West Bengal, which is largely due to its lower limits. In many states a significant proportion of surplus land has not been taken under possession. In Karnataka, only 59 per cent of the surplus area has come under possession. In almost all the states a considerable part of the area which has been taken under possession is not distributed. While in Karnataka only 42 per cent of the area declared surplus has been distributed in Kerala it comes to 47 per cent. Apart from this, though the national guideline suggests that 50 per cent of the land to be distributed through land reform measures should be made available to scheduled caste and scheduled tribe beneficiaries, the distribution pattern in states like Tamil Nadu, Rajasthan, Punjab, Maharashtra and Kerala reveals a bias in favour of non-scheduled groups. Of course, in Kerala, the population of scheduled castes and scheduled tribes is much lower than in other states (10 per cent, Table 5). But in states like Rajasthan and Punjab where the population of scheduled groups comes to around 30 per cent, the percentage of allotted land is much lower. It is also reported that in many places 'pattas' are not issued to them even after several years of allotment of land [Murdia 1975:1211], which invariably leads to several kinds of litigation. Even land already distributed had to be denotified in many cases, causing considerable hardship to the assignees who had invested their resources.¹⁰

Looking at the reasons why the surplus area is not available for distribution

(Table 6) it is found that litigation withholds a major part of the land in almost all the states. Sizeable areas in Karnataka, Gujarat, Punjab, Andhra Pradesh, Tamil Nadu, Madhya Pradesh, Orissa and West Bengal have gone out of the total quantum of surplus land as a result of court decisions. It is disheartening to note that a significant portion of the area declared as ceiling surplus in many states is either unfit for cultivation or not available for distribution due to 'miscellaneous reasons'. Of the area not available for distribution, 57 per cent is unfit for cultivation in Uttar Pradesh and 41 per cent in Bihar accounts for 'miscellaneous reasons'.

The land obtained and distributed through the Bhoodan movement initiated by Vinoba Bhave provides some interesting information (Table 7). Though a sizeable amount of land was available under the scheme in some states, a large amount of this land is not distributed. In Andhra Pradesh, Bihar, Orissa and Maharashtra the proportion of land allotted was only 47.14, 25.71, 12.39 and 0.69 per cent respectively. It is rightly commented that land amounting to only 0.27 per cent of India's 320 million acres of cultivable

area were actually distributed, and some of it had been donated by poor farmers themselves.¹¹ The religious content¹² of the Bhoodan movement appealed to many of the religiously oriented poor rural Indians to contribute their small holdings. More than 43 per cent of land collected through this scheme (up to March 1968) from various states had been found either unsuitable for cultivation or under dispute [Murdia 1975:1211]. It was also found that in some regions many of the persons who were reported to have donated lands refused later [Vyasulu 1985:65, Francis 1996:60]. The donated lands were by and large of inferior types requiring substantial investment to make them worthy of cultivation [Tai 1974:14, Mohapatro 1987:17].

It appears, as pointed out by a number of studies [Appu 1996, Mearns 1998, Patel 1974, Deshpande 1998, Murdia 1975], that the inherent loopholes and ambiguities in the legislative measures, slow proceedings at all levels of bureaucracy, lack of updated land records, the ignorance and illiteracy of the scheduled population and the escaping attitude of the large landowners are the major reasons that

Table 2: Information on Alienation and Restoration of Tribal Lands (as of November 1999)

States	No of Cases Filed in Court		Per Cent of Cases Rejected		Per Cent of Cases Decided in Favour of Tribals		Per Cent of Cases Pending in Court	
	No	Area (acres)	No	Area (acres)	No	Area (acres)	No	Area (acres)
AP	65875	287776	48.18	52.20	40.19	36.91	11.63	10.88
Bihar	86291	104893	36.95	47.41	51.72	43.30	11.33	9.29
Gujarat	47926	140324	0.25	0.35	84.05	85.65	15.70	13.99
Karnataka	42582	130373	39.19	36.17	51.28	52.05	9.54	11.78
MP	53806	158398	55.05	61.32	NA	NA	44.95	38.68
Maharashtra	45634	NA	54.08	NA	43.70	NA	2.21	NA
Orissa	1431	1712	10.62	11.92	30.89	35.75	58.49	52.34
Rajasthan	651	2300	8.14	8.13	28.73	25.52	63.13	66.35

Source: *Annual Report 1999-2000, Ministry of Rural Development, Government of India.

Table 3: Ceiling Limits on Landholdings (in hectares)

	Irrigated with Two Crops	Irrigated with One Crop	Dry Land
A Suggested in national guidelines of 1972	4.05 to 7.28	10.93	21.85
B Actual Ceilings			
States			
AP	4.05 to 7.28	6.07 to 10.93	14.16 to 21.85
Bihar	6.07 to 7.28	10.12	12.14 to 18.21
Gujarat	4.05 to 7.29	6.07 to 10.93	8.09 to 21.85
Karnataka	4.05 to 8.10	10.12 to 12.14	21.85
Kerala	4.86 to 6.07	4.86 to 6.07	4.86 to 6.07
MP	7.28	10.93	21.85
Maharashtra	7.28	10.93	21.85
Orissa	4.05	6.07	12.14 to 18.21
Punjab	7.00	11.00	20.50
Rajasthan	7.28	10.93	21.85 to 70.82
Tamil Nadu	4.86	12.14	24.28
UP	7.30	10.95	18.25
West Bengal	5.00	5.00	7.00

Source: *Agricultural Statistics at a Glance, 1993*, Government of India, New Delhi.

hinder fair distribution of land by allowing the bulk of landowners to avoid expropriation. Even a slow process of passing of the land to the scheduled castes and tribes and its resultant upliftment becomes intolerable and non-acceptable to the dominant groups. They resist the allotment of land by committing atrocities on members of scheduled castes and tribes through well organised groups, like the Ranvir Sena, Brahmarsi Sena, Bhumi Sena and Lorik Sena. In Bihar, a number of dalits have been killed by the Ranvir Sena alone in recent years owing to issues relating to land allotment [Diwakar 1999:75]. Evidence of this type of inclement resistance abounds across the states. Because of this problem the poor scheduled caste and tribe person finds it difficult to occupy the land after allotment. While describing the situation in Andhra Pradesh, Sankaran (1996:23) writes, "Even after the land is allotted to the poor, ensuring physical possession of it becomes a major problem, for the landlords often thwart the efforts of the poor by involving them in litigation or used threats or other coercive methods in preventing them from cultivating the land allotted to them". Sometimes small and unorganised groups, with the tacit approbation of the powerful upper-caste landowners forcibly grab the allotted land or throw the members of scheduled castes and tribes out of their encroached wasteland or evict them from the leased lands through atrocities ranging from setting fire to their huts to brutal murders mostly in league with the police and the administration. Many such cases are reported from Uttar Pradesh, Bihar, Rajasthan and Madhya Pradesh.¹³

IV

The analysis of changes in the operated area among the scheduled groups would explain in more detail the achievements of land reform measures and the emerging pattern of land distribution. However, as data on operational holdings of scheduled communities is available only from 1980-81 to 1990-91, it is difficult to assess the impact of legislative measures entirely because many of these measures were undertaken in the late 1960s and early 1970s. Besides, the effects of land transfers through market mechanism also cannot be ignored.¹⁴ Nevertheless, the trend of operational holdings (Table 8) will make the analysis of the aspects of land distribution more meaningful.

Looking at the area operated during 1980-81 and 1990-91, it is found that the landholding position of these communities has

not improved considerably even after more than five decades of planned efforts and initiatives. In many states the number of holdings and area operated by the scheduled castes and scheduled tribes is poor compared with their demographic strength (Table 5). However, in West Bengal, though the progress between 1980-81 and 1990-91 was negligible the landholding position of scheduled groups both in terms of area as well as number is much better than any other state. The scheduled castes constituting 23 per cent of the state's population, control more than 23 per cent of holdings covering 20 per cent of the operated area. Similarly, the tribals are also well ahead of their counterparts in other states. The success is largely attributed to the Tebhaga movement and the Naxalbari movement that spread across the districts and the consequent activities of a left-of-centre party. Though these movements were not explicitly directed against the upper castes, it could combine the landless and

poor people in the rural areas through a common forum against the propertied class and the local landed power holders who were mostly from upper castes [Mukherji 1987, Dasgupta 1973]. The emerging situation generated tremendous awareness among the deprived people of their own rights vis-a-vis the caste and class enemies. The level of political mobilisation as well as participation by the lower castes in this state is higher than elsewhere [Harriss 1999].

The states where the share of scheduled groups to total area operated is less compared with their population but have shown a noticeable improvement over the years are Tamil Nadu, Maharashtra and Karnataka. Tamil Nadu, with 19 per cent of scheduled castes population has provided only 7 per cent of its operated area (1990-91) to these communities and compared with 1980-81, it has increased by more than 2 per cent. Likewise, in Karnataka, though the scheduled castes,

Table 4: Progress in Implementation of Ceiling Laws (as of March 1996)

States	Area Declared Surplus (acres)	Percentage of Area Taken Possession	Percentage of Area Distributed to Area Declared Surplus Possession	Beneficiaries (Per Cent)					
				Number			Area		
				SC	ST	Others	SC	ST	Others
AP	800240	78.91	70.87	41.54	15.58	42.88	39.67	20.75	39.58
Bihar	488257	81.45	62.03	61.70	11.38	26.93	59.09	12.97	27.94
Gujarat	231172	68.76	57.65	44.38	39.75	15.87	62.13	21.85	16.03
Karnataka	280779	59.11	42.29	60.33	3.10	36.57	60.72	3.05	36.22
Kerala	137692	68.85	46.69	42.85	5.12	52.03	39.20	8.03	52.77
MP	338555	88.30	54.71	29.85	37.43	32.73	26.68	39.70	33.62
Maharashtra	729644	90.93	76.05	29.84	20.78	49.38	29.14	17.65	53.20
Orissa	176569	93.57	87.11	33.93	37.25	28.82	31.80	41.92	26.27
Punjab	132594	79.09	77.84	39.95	-	60.05	42.53	-	57.47
Rajasthan	600987	92.88	75.13	41.90	1.25	56.85	32.14	9.77	58.09
Tamil Nadu	191311	89.44	83.29	44.16	0.14	55.71	38.38	0.15	61.47
UP	555350	93.84	69.13	69.33	0.23	30.43	67.56	0.38	32.06
West Bengal	1270965	94.57	75.66	37.22	19.51	43.27	37.24	19.37	43.39
All India	7884132	83.68	65.85	36.20	14.08	49.71	35.60	14.40	50.00

Source: Rural Development Statistics 1999, National Institute of Rural Development, Hyderabad

Table 5: Distribution of Scheduled Castes and Scheduled Tribes population (Per cent)

States	Scheduled Castes		Scheduled Tribes	
	1981	1991	1981	1991
AP	14.87	15.93	5.93	6.31
Bihar	14.51	14.56	8.31	7.66
Gujarat	7.15	7.41	14.23	14.92
Karnataka	15.07	16.38	4.91	4.26
Kerala	10.01	9.12	1.03	1.10
MP	14.10	14.54	22.97	23.27
Maharashtra	7.14	11.10	9.19	9.27
Orissa	14.66	16.20	22.43	22.21
Punjab	26.87	28.31	-	-
Rajasthan	17.04	17.29	12.21	12.44
Tamil Nadu	18.35	19.18	1.07	1.03
UP	21.16	21.04	0.21	0.21
West Bengal	21.99	23.62	5.62	5.60
India*	15.81	16.73	7.83	7.95

Note: * Excludes Assam and Jammu and Kashmir.

Sources: 1) Census of India 1991: Primary Census Abstract Scheduled Castes, Series-I, Part II-B (ii).

2) Census of India 1991: Primary Census Abstract Scheduled Tribe Population Series I, Part II-B (iii)

constituting 16 per cent of the state's population control only 8 per cent of the operated area both the number and area have increased by almost 3 per cent in the past 10 years. The position of scheduled tribes has also improved considerably. Similarly, compared with their population,¹⁵ the operated area of scheduled castes in Maharashtra is also less but it has increased from 4 per cent in 1980-81 to 6 per cent in 1990-91. The operated area of scheduled tribes also increased by more than 1 per cent during this period.

The improvement of landholding position of scheduled groups in Tamil Nadu is primarily due to the fact that the upper caste dominance in the state has effectively been challenged. Periyar's Self Respect movement and the subsequent Dravidian movement led by DMK (Dravida Munnetra Kazhagam), a regional party which propagated Tamil cultural rationalism, successfully mobilised the lower castes against the dominant upper castes. The achievement in Karnataka is also due to the emergence of strong dalit movements. The districts that are included to Karnataka from Madras presidency had exposure to a non-brahmin movement, which was based on a wider mass mobilisation [Pani 1998:68]. The dalit movement in Karnataka systematically started in 1968 with the emergence of Bheem Sena under the leadership of Shyam Sunder, which went to the extent of demanding a separate land for untouchables called 'Dalitstan' (Shyam Sunder 1987:13-15 as cited in Yadav 1998). The subsequent leadership of Basavalingappa mobilised the lower castes effectively [Yadav 1998:115]. The dalit agitation against their oppressors in Karnataka became more active from 1973 with the emergence of Dalit Sangharsha Samiti, a forum that educated and organised the dalits. It became organisationally the strongest and most long-lasting dalit movement in the country [Omvedt 1974:337]. Similarly, Maharashtra's better performance is attributed to the lower castes and tribal movements [Kulkarni 1983; Rajasekaran 1998]. Though the Satyashodhak Samaj movement was started on a social issue, it subsequently extended its coverage to the inequality in the distribution of land. The mass mobilisation by Ambedkar and the recent efforts of the Republican Party of India challenged the dominance of the upper castes and ascertained the rights of the scheduled castes. Besides, the organised agitations of bhil tribals in Dhule and Gadchiroli districts under the banner of Shramik Sanghatana movement during 1970-74 against tribal land alienation and

the varli movement of koli tribals in Thane district against serf-tenure contributed towards the improvement in the proportion of operated area among the scheduled tribes in the state.

Andhra Pradesh, Gujarat and Uttar Pradesh report a slow process of improvement despite their poor landholding position of scheduled castes and tribes. The scheduled castes, with 16 per cent of the state's population control only 7.5 per cent of the operated area in Andhra Pradesh. Compared with 1980-81, in 1990-91 the increase is less than 0.5 per cent. However, the state shows a relatively better result in the case of scheduled tribes, which can be attributed to the historic Telengana movement and the contemporary Naxalite movement in the tribal pockets. The slow progress with regard to scheduled castes is mainly due to the persistent dominance of forward castes in the state. The reason seems to be the absence of a strong and independent lower caste movement in the state. Though there were some protests like Adi-Andhra movement in some parts of coastal Andhra such as Rajahmundry, East Godavari, Vijayawada and they faded away after the late 1940s. The early peasant organisations like Kisan Sabha also did not project caste as a special issue in the distribution of land [Omvedt 1994:288]. Though a few backward class movements such as Munnuru Kapu movement and the

Padmasali movement under the leadership of Bojjam Nrasimlu and Konda Lakshman Bapuji were launched in Hyderabad state, after the formation of Andhra Pradesh they were merged into one, known as the Andhra Pradesh Backward Classes Association, and largely confined their agitation to reservation issues. The forward castes continue to dominate the society and politics of Andhra Pradesh [Reddy 1989; Harriss 1999]. The same could be said for Gujarat. Here the grip of the upper castes (brahmins, banias and kshatriyas) has remained strong and their dominance extends over wide areas [Wood 1984; Rutten 1995; Harriss 1999]. Ghanshyama Shah rightly observed on Gujarat, "While different classes cutting across caste boundaries are being formed, class consciousness as such is yet to develop. This situation works in favour of the upper classes of the dominant castes in perpetuating their hold over society" (1998:265). He also pointed out that legislations were not rigorously implemented in Gujarat because of the implicit interference by the patidar and bania-brahmin landlords who otherwise would have been adversely affected (p 233).

The rate of improvement in the landholding position of the scheduled groups in Uttar Pradesh is relatively better than these two states. With a population of 21 per cent the scheduled castes operated 10.5

Table 6: Reasonwise Area Not Available for Distribution (as of March 1996)
(Per cent)

States	Area Involved in Litigation	Area Reserved for Public Purpose	Area Unfit for Cultivation	Area Not Available for Miscellaneous Reasons	Total
AP	68.51	10.00	4.57	16.92	100.00
Bihar	47.94	0.98	10.22	40.86	100.00
Gujarat	85.44	12.36	2.19	-	100.00
Karnataka	92.21	6.77	1.02	-	100.00
Kerala	39.60	28.80	-	31.60	100.00
MP	63.24	19.47	13.31	3.98	100.00
Maharashtra	20.00	57.59	10.29	12.12	100.00
Orissa	58.57	13.03	8.02	20.38	100.00
Punjab	85.45	-	-	14.55	100.00
Rajasthan	51.36	48.64	-	-	100.00
Tamil Nadu	67.45	32.55	-	-	100.00
UP	33.10	7.66	56.57	2.67	100.00
West Bengal	56.82	25.31	17.87	-	100.00
All India	48.02	21.26	20.80	9.92	100.00

Source: Same as in Table 4.

Table 7: Allotment of Bhoodan Land

States	Total Land Received (acres)	Percentage of Land Allotted	Beneficiaries					
			Number			Area		
			SC	ST	Others	SC	ST	Others
AP (as on December 31, 1981)	195509	47.14	35.91	8.36	55.73	28.52	14.33	57.15
Bihar (as on March 21, 1981)	2117756	25.71	27.83	22.91	49.26	29.28	29.60	41.12
Punjab (as on March 31, 1981)	9801	100.00	84.70	-	15.30	95.30	-	4.70
Maharashtra (as on March 31, 1981)	88462	0.69	56.83	18.06	21.11	57.17	15.80	27.04
Orissa (as on March 31, 1981)	1346966	12.39	21.77	45.63	32.60	22.56	58.01	19.44

Source: Report of the Commissioner for Scheduled Castes and Scheduled Tribes, April 1980-March 1981.

per cent of the area in 1990-91 as against 9.2 per cent in 1980-81. This comparatively better achievement was possible because the scheduled castes are relatively organised in this state through the dalit-based political parties like Bahujan Samaj Party [Omvedt 1998; Duncan 1999]. Bihar and Uttar Pradesh are the core states of the Hindi heartland, where the upper castes are more numerous and have a strong dominance. Any measure in these states that aims for the upliftment of the lower castes is challenged by upper castes. This is one of the reasons why adoption of the recommendations of the Backward Classes Commission by the V P Singh government in 1990 witnessed violent protests in these states. The allotment of land to backward communities in these states leads to several atrocities on them by the powerful among the rural oligarchy.

The strong dominance and organised resistance of the upper castes primarily accounts for Bihar's poor performance in land reforms with respect to scheduled groups. Though the operated area of the scheduled castes has increased marginally, the position of scheduled tribes has gone down further. The scheduled castes do not have an organised identity in the state. An attempt was made to build a mass movement in the 1940s through the formation of the Bihar State Backward Classes Federation under the leadership of Chandapuri but it became weak after 1950 by the 'accommodation' strategy of the Congress Party [Frankel 1989:84-85]. Except the increasing incidences of caste-based conflict and violence, the scheduled castes could not coordinate their efforts to organise a mass movement. Though the ruling Rashtriya Janata Dal is organising the lower castes, the major share of the benefits goes to the 'OBC group' such as the koeris, kurmis and yadavs [Wilkinson 2000:788, Jaffrelot 2000]. Commenting on the performance of Bihar, Appu (1993) has stated "Bihar's dismal performance in the field of land reforms has been largely due to the overbearing sway of large landlords over rural society and their dominant influence over the state's politics and administration. Moreover, the legal system is heavily tilted against the disadvantaged, and there is a lack of organisation on the part of potential beneficiaries. Without a radical transformation...there is no reason to expect any marked improvement in the implementation of land reforms...As a result of the awakening that has taken place in some parts of rural Bihar in the wake of social mobilisation spearheaded by diverse groups of political activities, the weaker

Table 8: Distribution of Operational Holdings among Scheduled Castes and Scheduled Tribes
(Per cent)

States	Scheduled Castes				Scheduled Tribes			
	Number		Area		Number		Area	
	1980-81	1990-91	1980-81	1990-91	1980-81	1990-91	1980-81	1990-91
AP	12.62	12.70	6.87	7.50	6.42	6.90	6.29	7.20
Bihar	8.16	11.60	4.51	5.20	7.54	7.80	16.25	16.10
Gujarat	4.06	4.10	3.08	3.20	10.92	11.00	8.05	9.10
Karnataka	8.49	11.00	5.99	8.10	3.71	4.90	3.47	5.00
Kerala	8.54	9.60	2.44	2.80	0.98	1.20	1.50	1.90
MP	12.85	12.60	7.93	8.10	25.11	24.70	24.84	25.20
Maharashtra	6.81	8.00	4.48	6.00	6.02	6.70	6.08	7.30
Orissa	12.17	13.70	7.86	8.60	27.58	26.60	29.90	28.70
Punjab	5.00	4.80	2.54	2.40	0.00	0.00	0.00	0.00
Rajasthan	14.26	14.70	11.31	11.70	15.36	15.40	8.35	8.40
Tamil Nadu	7.84	11.30	4.92	7.10	0.67	0.80	1.01	1.20
UP	14.77	16.40	9.24	10.50	0.16	0.20	0.28	0.30
West Bengal	23.58	23.20	19.37	19.70	7.08	7.30	6.59	7.00
All India	11.31	12.50	7.03	7.90	7.71	8.10	10.20	10.80

Note: Figures are in per cent to the Total Number and Area operated of each State.

Source: Agricultural Census Reports. Figures for 1990-91 taken from *Agricultural Situation in India*.

Table 9: Movements, Legislative Measures and Atrocities on Scheduled Groups

Characteristics	Category			
	A*	B**	C***	D****
Pre-legislation movements ^{\$}	West Bengal, Tamil Nadu, Maharashtra	Punjab, Andhra Pradesh, Gujarat, Kerala	Orissa, Bihar, Karnataka, Uttar Pradesh	Madhya Pradesh, Rajasthan
Legislative measures [@]	West Bengal, Karnataka, Kerala	Gujarat, Tamil Nadu, Punjab, Maharashtra, Orissa, Bihar, Uttar Pradesh	Madhya Pradesh, Rajasthan, Andhra Pradesh	—
Post-legislation movements and organisation [#]	West Bengal, Tamil Nadu	Maharashtra, Karnataka, Kerala	Andhra Pradesh, Bihar, Uttar Pradesh	Gujarat, Orissa, Rajasthan, Madhya Pradesh, Punjab
Achievements of legislative measures ^φ	West Bengal	Maharashtra, Tamil Nadu, Karnataka	Andhra Pradesh, Gujarat, Uttar Pradesh, Bihar, Kerala	Punjab, Orissa, Rajasthan, Madhya Pradesh
Atrocities on scheduled population ^θ	West Bengal, Tamil Nadu, Karnataka	Andhra Pradesh, Kerala, Punjab	Orissa, Gujarat, Maharashtra	Madhya Pradesh, Rajasthan, Uttar Pradesh, Bihar

Notes: * Strong and widespread pre-legislation movements, relatively strong legislative measures, active and strong post-legislation movements and better awareness among scheduled population, significant achievement in land reforms, negligible atrocities on scheduled groups.

** Sporadic pre-legislation movements, moderate legislative measures, post-legislation movements in many parts, noticeable achievements in land reforms, less atrocities on scheduled groups.

*** Low pre-legislation resistance, relatively inadequate legislative measures, signs of organised post-legislation protests, average achievements in land reforms, relatively more atrocities on scheduled groups.

**** Pre-legislation movements confined to a few areas, inadequate legislative measures, very low level of post-legislation awareness and resistance, miserable performance in land reforms, maximum atrocities on scheduled groups.

\$ Covers the movements that took place before the 1950s because many of the legislative measures started since then.

@ Though legislative measures were introduced in the latter part of the British rule, only the measures taken in the post-independence period have been considered. While categorising the states in terms of legislative measures, provisions relating to fixation of ceiling limits, protection, restoration and allotment of lands have been taken into account.

Includes movements and organised protests since the 1950s. The classification of states has been made on the basis of area (districts) covered by the movements, broad aims and objectives and achievements as reported in the available literature.

φ Four parameters, such as, percentage of cultivable area declared as surplus, percentage of land distributed to SC and ST, present landholding position in relation to population and the extent of improvement in the holding position have been considered to classify the states in terms of achievements.

θ Classification of states is based on the number of atrocities per one lakh population of SC and ST as given in the Report of the Commissioner for SC and ST, 1986-87.

sections are becoming conscious of their rights...Such a development may lead to better implementation of land reform laws."

Though the scheduled groups' population is around 40 per cent in Orissa and Madhya Pradesh and 30 per cent in Rajasthan, their operational holding position is extremely poor compared with many other states. While the operated area belonging to scheduled castes has increased marginally from 7.9 to 8.6 per cent in Orissa over the past 10 years the area of the scheduled tribes has decreased noticeably. In Madhya Pradesh and Rajasthan, the area has increased only marginally both for scheduled castes and scheduled tribes. The upper caste dominance in these states remains unchallenged and the dalits could not mobilise themselves against the landlords and the propertied class and failed to emerge as a powerful political force. Writing about these states, Harriss (1999) argues, "Both Madhya Pradesh and Rajasthan constituted largely by former princely states and in both some of the former rulers have remained politically powerful...They are states, too, in which right-wing parties have traditional base...Neither state has offered much opportunity for left-wing political parties, or their ideologies. The political leadership in Rajasthan is divided between brahmins, rajputs and jats and the state assemblies dominated by these groups." While evaluating the land reforms in Rajasthan, Judge (1999:98) says "...the big landowners...belong to rajput, brahmin, bishnoi, ahir and jat castes...most of them belong to the ruling classes of Rajasthan, mostly they are ex-jagirdars or feudal lords...All of them have high social status, monetary resources and connections. As a result of these resources, they acquire three abilities, viz, coercive power, manipulative power and contending power." There are several instances in Rajasthan where the landed gentry have opposed land reform legislation through various means.¹⁶ In both Rajasthan and Madhya Pradesh, much resistance came from the landed elites who faced little challenge from the toiling masses [Joshi 1975:87-110].

In Orissa, on the other hand, though there were tribal movements, they were confined to only small geographical boundaries. In the post-independence period, neither the scheduled castes nor the scheduled tribes have organised themselves against the dominant upper castes. Most of the positions in the Orissa administrative and bureaucratic structure is occupied by the forward castes and the major po-

litical parties in the state are under their control [Mohanty and Bahidar 1993; Manor 2000:827]. The brahmins and the karans dominate society and politics in contemporary Orissa and the failure of caste associations facilitated the continuation of upper caste dominance in the state [Mohanty 1990:321]. The same could be established more firmly from the study of Sahu (1998): "Orissa does not have the advantage of the legacy of a 19th century Renaissance or sustained organised left movement as does Bengal. Nevertheless there have been no caste movements in Orissa of the kind in Maharashtra, Karnataka, etc. Although caste is socially present, it does not manifest politically" (p 131-32).

To analyse the Kerala situation, it is found that though the state has a long history of movements even in the post-reform period such as the Adivasi Sangham movement of 1969 in Kozhikode and Cannanore districts against tribal land alienation and the Land Grab Agitation of 1970 in Alleppey, it has not shown any exemplary achievements like West Bengal. Of course, the scheduled tribe population in the state is negligible (1 per cent, 1991 Census), and the total population of scheduled castes and tribes constitute around 10 per cent of the state's population. The sizeable population of Christians and Muslims in the state is possibly one of the major reasons which has of the share of scheduled groups.

Of all the states, scheduled castes are the most disadvantaged in Punjab. Constituting more than 28 per cent of the state's population they control only 2.4 per cent of the operated area (in 1990-91). The landholding position instead of improving, has declined further. It is true that Punjab was also strongly affected by social reform movements with anti-brahminical overtones in the later 19th/early 20th century. The state experienced the uprising of 1890-1900 and the Agrarian unrest of 1906-07 in Lahore, Amritsar, Rawalpindi. But these movements have not given adequate opportunity to the lower castes, especially the scheduled castes, to organise themselves against the upper caste landed interests. The early reform movements and the subsequent Ad-Dharm movement in 1926 were of a more religious and social nature and were largely under the control of upper castes. Therefore, the organisation and ideology of these movements was different from the dalit movements of south and west India [Patankar and Omvedt 1979]. In the post-Independence period, scheduled caste organisations have not developed independently like

that in Uttar Pradesh and Bihar. The dalits have so far not had a significant role in the state's politics [Jodhka 2000:399]. However, the structure of dominance around brahmins/kshatriyas which prevailed over most of India was not strongly developed there because of the importance of Sikhism [Harriss 1999:3369; Jodhka 2000:399]. Moreover, the landlessness of the lower castes in Punjab was also partly caused by the migration of people from western Punjab (Pakistan) who left around 67 lakh acres of land as against 47 lakh acres that was left by the people who migrated to Pakistan [Randhawa 1986 as cited in Singh 1993]. The migration of many landless families, who mostly belonged to scheduled castes, from neighbouring states to the canal-irrigated areas of this state in search of employment opportunities may also be attributed for this widespread landlessness of the scheduled castes.

To sum up, there is a strong relationship between social movements, legislative measures and their achievements and the consequent atrocities on the scheduled population (Table 9). The states with a strong background of movements have relatively better legislative and executive measures for the protection, restoration and allotment of land. Of course, the legislations pertaining to protection is almost similar in many states, except for a few provisions. But with regard to the provisions for the ceiling limits, restoration and allotment of land, there exist differences across the states, influenced by the social movements and the awareness of scheduled groups. The achievements of these measures is relative to the nature of organisation and movements of the scheduled castes and scheduled tribes. The atrocities following land distribution is inversely related to the level of their awareness and organised action.

V

It may be summarised from the above analysis that the scheduled groups continue to be a disadvantaged section with respect to land and there has been no substantial improvement in their landholding position over the years. Rather, in some states, it has declined further. Even after more than 50 years of planned initiatives and policy measures, fair distribution of land among these backward communities appears merely hoping against hope. It is confirmed by many studies both in India¹⁷ and elsewhere¹⁸ that land reforms lead to the reduction of socio-economic inequalities, poverty as well as agricultural

growth. Moreover, as observed by Aiyappan, "without some degree of economic freedom the underprivileged communities are seldom able to take advantage of social legislation conferring new privileges on them" (1965:10). Despite this, land reforms with respect to the scheduled groups explicate lugubrious performance, which raises doubts about the nature of the commitment of Indian government towards upliftment of scheduled castes and tribes. The much awaited legislative measures to protect and promote the landholdings of the scheduled groups were formulated only in response to their strong and widespread resistance and movements. It is rightly remarked that "far from being liberal gifts from enlightened governments, land reforms have been historical processes necessitated by peasant struggles" [Radhakrishnan 1989:268]. It is also revealed from the study that the achievements of legislative measures and the land distribution among scheduled communities is relatively better in those states where movements are active and people are organised. The atrocities on these groups following land allotment, by the privileged landed interests are also less in these states. It seems that fair distribution of land is not possible through mere legislative measures. The law, however well framed cannot succeed in the absence of a vigilant public opinion and active socio-political organisation to help the underprivileged assert their rights over land. This confirms Gandhi's remark that "...the Congress will commit suicide if its attention is solely devolved to legislative work. Swaraj will never come that way. Swaraj can only come through an all round consciousness of mass".¹⁹ Hence, the level of mass consciousness can be raised only through mass struggle [Prasad 1995:210]. Therefore, mass struggle seems to be the only option before the scheduled groups that could break the inertia and enable them to improve their landholding position. The submissiveness and serfdom syndrome tend to precipitate and perpetuate the subalternity and backwardness. The background of legislative measures and the magnitude of previous social movements that have provided marginal benefits provides scheduled groups adequate lessons and ample scope to choose the right option. **[FW]**

Notes

- 1 See Ninth Five-Year Plan Draft 1997-2002, Planning Commission, government of India, New Delhi, Vol II, p 347.
- 2 Perspective Planning Division, Planning Commission, as cited in Ninth Five-Year Plan

- Draft 1997-2002, Planning Commission, government of India, New Delhi, Vol II, p 347.
- 3 Barring Murdia (1975) and Patel (1974), studies on the aspects of land distribution among the scheduled castes and tribes across the states is almost non-existent. However, these early studies could not cover completely the effects of legislative measures because in many states some of the measures were introduced in the 1970s and even the 1980s and special efforts were also made for land distribution among the scheduled groups through the Sixth and Seventh Five-Year Plans. Though there are some state-level studies, they are also very limited.
- 4 There are a good number of studies showing how the land reforms and forest policy and the associated infrastructural arrangements of British colonialism and the planned developmental initiatives of the post-Independence period have adversely affected the socio-economic conditions of the tribals and strengthened the basis of dominance of non-tribals in tribal areas. The pace of impoverishment, depeasantisation, marginalisation and displacement of the tribals continues to increase with the march of time. See, for example, Pathy (1984), Rao (1987), Mohanty (1997).
- 5 Except some of the north-eastern states where the tribal population is predominant, none of the Indian states is ruled by the scheduled groups. Though the Bahujan Samaj Party was in power in UP, it was only for six months and thrived on the support of the BJP, a right-wing upper-caste (brahmin) dominated party. Similarly in Orissa, the Congress Party has made tribal leaders the chief minister of the state thrice for a very short time just before the election to woo the tribals.
- 6 The analysis is limited to only 13 states. The north-eastern states, Jammu and Kashmir, Himachal Pradesh, Haryana and the Union Territories have been excluded mostly due to non-availability of data and literature. However, as most of the major states (in terms of area and SC and ST population) have been covered in the study, the exclusion of these states would not vitiate generalisation significantly.
- 7 It is true that many of these early movements had religious colourings. But the land and forest issues had mobilised the tribals in some way or other. See Patel (1974), Arya (1998). For more details see Desai (1979), and Singh (1983), which provide a panoramic view of the tribal and peasant struggles in India.
- 8 It is revealed by various reports (see the reports of the Commissioner for SC and ST, various issues, reports of the study team on tribal development programme, various states) that the non-tribals have purchased land from the tribals through various means. The so-called competent authority has permitted the rich non-tribals to acquire the land of the scheduled groups without much difficulty. See Mohanty (1996), (1997).
- 9 The studies undertaken by Rajasekar (1988) in Andhra Pradesh, Dandekar (1979) in Maharashtra, Mohanty (1996) in Orissa, Judge (1999) in Rajasthan and Gujarat reveal that many of the large farmers have distributed their holdings among family members to avoid the ceiling laws and also to claim to be small farmers for availing the developmental measures meant for the small and marginal holders.
- 10 The matter was also discussed in the conference of revenue ministers held in May 1985 and November 1986. See the *report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1986-87*.
- 11 See *Progress of Land Reforms*, Planning Commission, Government of India, 1963, p 21.
- 12 The idea that, to enrich their spiritual life men should share their worldly possession, incorporated in Bhoodan philosophy found a favourable and ready response from poor Indians of the countryside. See Tai (1974).
- 13 The successive reports of the Commissioner for Scheduled Castes and Scheduled Tribes have recorded some of the cases that came for legal rescue. They have provided detailed accounts of these cases with date and place of occurrence. For example see, *Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1986-87*.
- 14 It has been reported by some studies that the lower castes have also improved their holding position through land market. For example, see Bailey (1957), Omvedt (1993), Lieten and Srivastava (1990).
- 15 As per the 1991 Census, the scheduled caste population in Maharashtra is 11.10 per cent against 7.14 per cent in 1980-81. But such a substantial increase in population is mainly due to inclusion of some more communities like Neo-Budhists in the scheduled caste groups.
- 16 The description given in Hiro (1976) and Judge (1999) provides an interesting account of the methods and strategies adopted by the upper caste landed interests not to implement the ceiling laws and other land reform acts.
- 17 The link between land reform, agricultural growth and reduction of poverty in India is well established by Besley and Burgess (1998), Haque (1995) and others.
- 18 It is reported that countries like China, Botswana, Egypt, South Korea and Zimbabwe have a relatively egalitarian agrarian structure due to implementation of land reforms, and these countries also maintain a good record of food production, economic growth and high level of public expenditure on health and education. See Cornia et al (1987) and Singh (1986), as cited in Haque (1995:67).
- 19 MK Gandhi's speech at the All-India Congress Committee. For details see the *Collected Works of Mahatma Gandhi*, Vol LVIII, P 11.

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