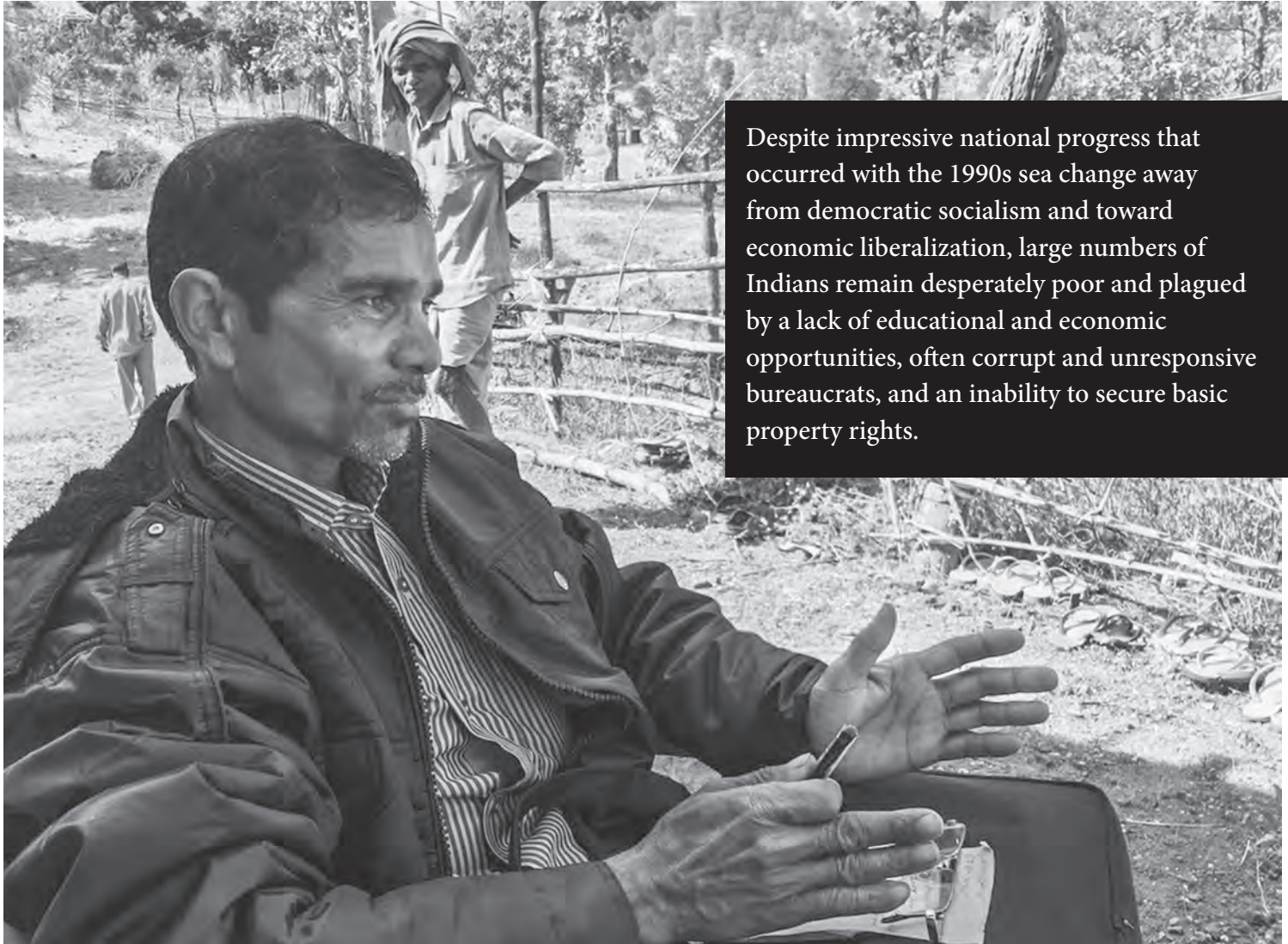


Property Rights and One Indian Village

REFORM, ENTERPRISE, AND DIGNITY

By Ken Schoolland



Despite impressive national progress that occurred with the 1990s sea change away from democratic socialism and toward economic liberalization, large numbers of Indians remain desperately poor and plagued by a lack of educational and economic opportunities, often corrupt and unresponsive bureaucrats, and an inability to secure basic property rights.

Interview with Aarsi at Vandri village about farm improvements since gaining property rights. All photos by author.

Introduction: One Poor Village and an NGO

Despite impressive national progress that occurred with the 1990s sea change away from democratic socialism and toward economic liberalization, large numbers of Indians remain desperately poor and plagued by a lack of educational and economic opportunities, often corrupt and unresponsive bureaucrats, and an inability to secure basic property rights. What follows is an essay focusing upon the collaboration of a nongovernmental organization (NGO) and a rural village, whose residents were among the poorest of India's poor, to fight for residents' property rights. This is one story of one village but it is reflective of a national movement this NGO helped to create. Villagers and NGO workers, through author interviews, tell this story of ownership and subsequent examples of the consequences for real people and their families. The essay concludes with a short account of the evolution of the NGO collaborators.

"Before I had title to my land, life was very, very bad," explained Aarsi through a translator. "Now life is very good.¹ My brother and I had five families to feed. Rains used to wash away our crops. There were no roads, no vehicles, no jobs to get to, and no income. We couldn't leave because Forest Department officials wouldn't allow us to take anything with us. If the officials wanted plantation work, they forced one person from each household to work for them for no pay."

Vasava Aarsibhai "Aarsi" Bhangdabhai is from Vandri, the interior-most village of Dediapada, which is located in Gujarat, India's westernmost state. He described a transformation in the state of Gujarat then governed by Narendra Modi, now India's Prime Minister. A property rights revolution is taking root and is reaching across rural India, securing land titles for



Aarsi (at left) and Trupti posing outside the meeting hall at Vandri village.

hundreds of thousands of farmers. Farm families were desperately poor and terribly abused. Life was at the lowest imaginable state of existence, as the “tribals” of Gujarat are considered outside the caste system in India. Control of their lands had been taken away by the British colonial administration for national forests and, upon gaining independence, authority was transferred to an Indian National Forest Department. Centuries of traditional land use were swept aside by decree.

“The people lived in squalor,” said Trupti Mehta, lawyer for the Action Research in Community Health and Development (ARCH) center. “They hovered around fires in the bitter cold of winter for lack of clothing, blankets, and shelter. They scrounged for tubers to eat. Their huts were straw and demolished at the whim of the authorities,” Trupti explained on our four-hour journey over rudimentary mountain roads to Sagai village from ARCH headquarters in the city of Baroda.²

“These people were constantly beaten by forestry officials and the local police,” she continued. “They had no rights to use the land or the woods—no bamboo, no teak, no crops. They were treated as encroachers on their own land. Forestry officials would fine them, force them to labor for the government, wreck their homes and fields, seize their livestock. They were treated as subhuman.” “There is much teak in the forest,” said Aarsi, “but we weren’t allowed to use the wood or to build houses. When a tree fell down we’d bury it—hide it and make it look old. Then before building something with the wood, we’d paint it black and cover the walls with cow dung. If we were found out, officials beat us or fined us. If we were too poor to pay fines, then they beat us more and took our chickens.”³

Pushing Back

“Then we came to know of ARCH,” said Aarsi. Action Research in Community Health and Development (ARCH) is an NGO that has been active since 1982 in some of the rural and forest areas of Gujarat working in fields such as health care and the rights of tribal communities over forests and forest lands. More information about ARCH can be found later in the article. “Vandri was the first village that Trupti visited in 1988. Soon the word spread to many other villages. Villagers in great numbers gave strength to stop the Forest Department.”

The ARCH team organized villagers, advised them not to cower, not to give in to the authorities as they had long been accustomed to doing. Instead, the villagers should and could push back firmly, but peacefully and nonviolently. Confrontation came to a head in the early 1990s when forest officials confiscated six bullocks (water buffalos) belonging to a villager. Led by Trupti, around 400 hundred tribal men and women gathered and marched to the government office where



Farm families gathering at Vandri to discuss legal issues and the conclusion of a bamboo contract with mill managers.

After only one night in jail, the authorities released them and Trupti began a fury of media and legal action.

the bullocks were being held. Encamped in front of the building, she demanded that the officials prove the legality of taking the bullocks or return them. Informed that the official in charge was away, Trupti declared that the official must reply by wireless before 4:00 p.m. or it would be assumed there was no legal authority. The deadline passed and, with forestry subordinates afraid to resist the crowd, the bullocks were restored to their owners.

A few days later, Trupti and three of the villagers were arrested for robbery of public property and disturbing public order. A conviction could have meant up to ten years' imprisonment. After only one night in jail, the authorities released them and Trupti began a fury of media and legal action. After a year of legal battle, the court declared that the forestry officials had no case at all and acquitted Trupti and the villagers. ARCH sparked a national awareness campaign for survival and dignity. The mobilization of hundreds of thousands of people across India underscored the importance of forest dwelling communities to political leaders in the country. This set in motion passage of the Forest Rights Act of

2006 (FRA) by the Indian Parliament, studiously constructed with input by the villagers, ARCH, and other organizations. The FRA gave families the right to own land that they tilled as of December 2005, ownership rights to nontimber forest resources, and management rights to other resources.

ARCH estimates that forty to fifty million plots of land are home to one hundred million tribal villagers across India. For these people, a lack of secure title has been the greatest cause of perpetual poverty, conflict, and corruption.⁴ Correcting this situation is the mission of ARCH, whose founders hope to provide constructive lessons for millions more farmers, not only in India but across the developing world where property rights are commonly denied. The first step of implementing the FRA was to ensure a rule of law and the security of villagers from arbitrary action by the authorities. Labor and product could no longer be confiscated with impunity. Even in planning a road, the FRA required authorities to obtain prior approval of an assembly elected by each village of ten to fifteen members of its own people, known in each of the active villages as the Gram Sabha Forest Rights Committee. The village assembly was empowered to assess claims of the families and communities, to map and document rights, and to forward findings to the authorities for a final



The farmers of Pada village speaking with Trupti.

decision. Any disputes over individual land claims were first resolved among the villagers themselves, then the package was submitted as a whole to the Sub Divisional Committee for further examination and consideration. This strengthened all their claims, according to Trupti, because the Gram Sabha in Vandri and other participating villages had done their job meticulously and honestly.⁵

Proof of Ownership

The next step was to establish proof of the land title, something long anticipated by ARCH. Vasava Rameshbhai “Ramesh” Bhangdabhai, a thirty-four-year-old farmer with three daughters and a son, explained how ARCH advised them to make a unique, visible mark on the land.

“Years back, the Forest Department harassed us and didn’t allow us to cultivate the land,” said Ramesh. “They punished us if we did. But after ARCH came, they got us organized and we fought back.⁶ ARCH asked us to plant mango trees and to build bunds [low mounds of earth] around the fields to prevent the soil from washing away. Twenty years later this served as the proof we needed to show our long possession and cultivation. After the 2006 law passed allowing farmers to claim land, ARCH advised us to take photographs of our families on the land. We didn’t understand why at the time. It seemed like a useless activity, but it became very good evidence. Bunds, trees, and photos were proof that we had been on the land in 2005.”

Ramesh continued, “The officials always scolded us, saying, ‘Why are you doing this?’ Then after we filed our claims, the officials were critical and still did not accept our claims. The law mandated filing for a caste certificate. ARCH told us to get these certificates as soon as possible and not to wait for the deadline. The officials asked us, ‘Why do you bother to get this certificate? Why do you believe ARCH?’ Some progovernment people were against ARCH and didn’t file because of the criticisms. So those people are now openly repenting.”

With farm activity on the land established, it needed to be proven beyond doubt that they were present in 2005, the year before the law was enacted so as to strengthen villagers’ property right claims. Trupti’s husband, Ambrish Mehta, was the technical genius who made this possible because of the existence of Google Earth maps for 2005. Ambrish created a simple and sound method of surveying the land with handheld GPS devices, plotting coordinates on Google’s satellite

There is no food shortage now and government subsidies are no longer necessary to prevent widespread starvation.



Barun at right posing with the children who can now access better education with the increased income from property rights.

maps. In the past seven years, they have trained village leaders to use GPS to survey and prepare maps with satellite imagery of more than 25,000 farms in 250 villages of Gujarat and also trained village leaders in more than five states of India. The cost of this operation amounts to roughly US \$1 per claimant.⁷

Barun Mitra, President of the Liberty Institute in Delhi, joined the effort and lent support for the provision of these GPS plotting devices. With help from the International Society for Individual Liberty, Barun built the *Right to Property* web platform to process information and generate reports. Together, ARCH and the Liberty Institute have conducted training sessions in several states over the past few years.⁸

Improvements

“Despite the abundance of evidence provided,” said Trupti, “forestry officials still denied 80 percent of the claims. Even when claims were approved, they reduced the acreage allotment by as much as 80 percent. Forestry officials were so accustomed to being unchallenged over the years that they issued titles more by whim than by hard evidence.”

Undeterred, ARCH is reinstating thousands of claims with the documentation of satellite images and maps. ARCH filed a Public Interest Writ Petition and successfully persuaded the High Court in Gujarat to order a review of all 130,000 claims that had been rejected.⁹

Ramesh’s claim is one case pending with the Sub Divisional Committee. A pending claim still gives him protections that make a world of difference. “Because it is pending,” said Ramesh, “the officials cannot throw me off the land, cannot harass or evict me. We now have a good organizational base that protects us, so we are improving the land. We use tractors to level the land, dig wells, and irrigate our crops. We are growing vegetables and rice and selling in the market for good income.¹⁰ With irrigation, most farmers can grow two or even three crops a year. My neighbor, Mangabhai Lalji, grows three crops a year: corn in the rainy season, peas in the winter, and vegetables in the spring, even without title certain yet.”

There is no food shortage now and government subsidies are no longer necessary to prevent widespread starvation. Villagers have adequate food production, they are selling surplus crops to other regions for cash, and their incomes have risen dramatically. Food security at home has meant that households are now able to send family members to work outside the village to earn cash income. Few use government buses that are unreliable and come irregularly. Now, they can hitch rides on a growing number of jeeps or they can sell buffalo milk and buy motorcycles. Access to transportation allows work in town that was unimaginable before.



Ramesh interview with the author, Trupti as interpreter in Vandri village.

Aarsi explained, “My family was the first to do land leveling. Now a third of the families do this. This makes irrigation possible. We dig wells and use rivers, streams, or canals to take water to our fields. We can build check dams that store water upstream and guarantee a water source for planting rice, which earns much more income. No engine is required. Only 2 percent of the farms use engines to pump water. The rest use gravity flow. Now we’re planting bananas, mangos, and papayas.”

Electricity was available in the region, but wires were not attached to nearby terminals to allow access for the villagers. Now, they have knowledge of the bureaucracy and enough influence to get connected to electricity—with all the lighting, machinery, and satellite dish TV that comes with it. This enables the use of mobile phones and allows them to find out when and where to get the best prices for their crops. They are no longer dependent on one buyer at one moment in time to sell their crops. They can decide the best time to go to market and they can play one buyer off another. They are even planning on collaborating on a storage warehouse in town that will allow them to hold and sell inventory as needed.¹¹

“My loft above my home,” Aarsi told me, “has a two-year supply of food in case of drought or bad harvest. That’s my bank and I don’t have to borrow from outsiders. I have my own security and don’t have to sell when the price isn’t good.”¹²

Even though the Forest Rights Act does not allow them to sell the land, they are secure in protecting their investment with fencing to protect against wildlife, with lofts against water damage and rodents, and with brick double-wall construction (so much better than straw) to protect family and livestock against severe heat and cold of the seasons. With title, and even pending title, the law protects them from forced labor and the confiscation of their produce and livestock.

The title allows them to protect their bamboo stands in the forest from officials and marauders from distant villages. Thus insured against a tragedy of the commons that would almost certainly destroy the stands, bamboo can be grown for the three or more years it takes to earn a good price as construction material. Leaves from various forest plants are now protected so that farmers can earn cash for such articles as cigar wrappers, serving plates, and roofing materials. Incomes have risen so much that they have invested in farm equipment, seeds, fertilizers, irrigation—and education.¹³

Education

A substantial improvement in the institutionalization of property rights in the village, with attendant increases in individual incomes, has afforded most residents better educational opportunities than in the past. “My two sons and daughter



Ambrish and Trupti negotiating on behalf of the villagers for the bamboo contract with managers of the mill.

Education brings dramatic change to the income potential of a farming family.

are all studying now,” reported Ramabhai “Rama” Ratabhai Vasava of Sagai village. “This wasn’t possible before the changes occurred. Before, the children could only study in the village, and even then only to the fifth-grade level. We could not send children outside. Now, we are sending our children to big cities where they can study at high school level and college—both girls and boys.¹⁴ As many as twenty children from my village are now in college. Now, every single household is sending kids to school. Companies only hire literate kids, so it is important.” Rama has also been hired by the village and ARCH to teach kids up to the fifth-grade level to better prepare them for going on to other schools.

Many years before, Rama couldn’t even feed his family. “We were starving. I boiled salt and some water with leaves to make something thick enough to eat. The forest officials preached that we were criminals on our land. But ARCH organized us and we came to believe that we had a right to the land.” Rama now has title to his land and is the secretary of the village’s Forest Rights Committee. The village now has 114 claims, three are pending on appeal while the rest have title. The high quality of the GPS surveys in Sagai village made this possible.

Said Aarsi, “Children go outside for jobs, and when they come home, they can help. Nobody will be cheated now. Experience from previous children helps them to send the next children to better schools. Private school fees can range from 3,000 rupees (US \$50) per year for grade one to 6,000 rupees (US \$100) for grades three to four. Private mission schools may be three times as much. Everyone prefers the mission schools because they have a good reputation and are very good. But only one or two of the village children score well enough to get in to mission schools.”¹⁵

Twenty years before, only a handful of children in the whole village area went to school. Even for those who could go to a government school, it didn’t seem worthwhile since, according to Barun Mitra, teachers were often absent and frequently only showed up a few times a month to collect a salary. The future was bleak indeed for kids in such remote villages.¹⁶ Education brings dramatic change to the income potential of a farming family. Many get the skills to earn a much better living and return income to the family. Not only does education help families learn more about farming, but educated kids can now help their families in negotiations with buyers and sellers in the markets instead of relying on others.



Trupti, this time alone, continuing negotiations with the managers of the mill.

When there are health problems, villagers now have enough knowledge of regional dialects that they don't have to hire outsiders to interpret for them and explain symptoms, diagnoses, and remedies. They can speak directly with health professionals. One family reported that their daughter studied to be a nurse and plans to come back to live and serve in their village.

"ARCH trained and advised us about what to do and where the laws and rights are in the constitution," said Aarsi. "Things have changed so much that any one of us alone can go to any office and approach the officials."¹⁷ Each month nearly 300 people from all over the region trudge six hours or more to meet with Trupti and Ambrish to air their concerns. Recently, they met to return surveys for determining the feasibility of solar-powered irrigation. I asked the gathering, "Do the authorities treat you any differently now?" There was a widespread rumble of laughter. "When we go to their office now," said one, "instead of beating us, they ask us to sit with them and they offer us water."

Barun explained, "The offering of water is a normal sign of respect among equals. They were never treated as equals before. There has been a sea change in attitudes—not only among the authorities, but among these rural people as well."¹⁸

Bamboo Contract

Firm establishment of property rights for farmers has also overturned the age-old power of local mills in reaping harvests from the forest. Privileged mills had been accustomed to collusion with government officials by excluding farmers from lucrative, insider contracts for bamboo. In 1960, long before the Forest Rights Act, the government paid one paper mill five rupees/ton for a harvest of 60,000 tons of bamboo. By 1990, the price paid by the government to the mill had risen to 100 rupees/ton, yet the tribal villagers were denied permission to cultivate or collect any forest produce. ARCH protested the unfairness of excluding farmers from the bidding.

Mill owners became worried that ARCH might cause them to lose valuable government bamboo contracts, so they tried to turn the villagers against ARCH. Villagers who had been hired by the mill for cutting bamboo were told that legal action by ARCH would cost them their jobs. "The mill provided much liquor to the local people and they gathered around and stopped us with a drunken protest. The police sat by and did nothing. I wanted to file a report," said Trupti, "but the police inspector was there, too. I explained to the protesters that I was trying to prevent the bamboo from being given away for such a pittance while the villagers were prevented from even using it. And I promised to take their case up, too, demanding that the laborers be paid since the bamboo had already been cut."¹⁹

Eventually, power over bamboo has passed from the Forest Department and the mill owners to the villagers. It is the villagers who now have the right to sell bamboo harvested on the land. The villagers can bargain in unison for prices, a practice all but impossible prior to passage of the FRA. At a contract signing ceremony for the mill and the village workers in January 2015, Trupti explained, "The workers finally saw what I was trying to do, and it has worked out to everyone's advantage all these years later. Gram Sabhas of many villages, after getting title to Community Forest Resources, have

entered into an agreement with the paper mill to sell dry bamboo to the mill for 2,815 rupees/ton. Even the mill is in favor of the new situation since now the mill does not depend on the Forest Department, but can get a robust, steady supply from the Gram Sabhas after negotiating prices for voluntary sale. The villagers are so much more productive now with irrigation and other innovations. Farms in other regions are even leasing the land to the tribal villagers because the villagers are so efficient.”

Evolution of ARCH

Why did Trupti and Ambrish Mehta begin this mission? Soon after completing their university studies in the late 1970s, Trupti and Ambrish came to the region with socialist zeal, inspired by the writings of the late Jayprakash Narain. Narain admonished educated youth of the day to work at developing rural India. These idealistic scholars gravitated to the ARCH health clinic founded by Anil Patel and his wife, both British-educated physicians dedicated to rural service. The passion of Trupti and Ambrish for the poor today is as strong as ever, but their ideals changed radically in favor of property rights and the market. Their first years investigating what the farmers really wanted and needed transformed them into ardent advocates of individual rights.

In a strange twist of events, Trupti, Ambrish, and a third partner in the team, Rajesh Mishra, alienated many other NGOs in a battle that surrounded the famed Sardar Sarovan Dam project on the Narmada River. The other NGOs opposed dam construction because of the planned displacement of farmers or because they endorsed a government plan of relocation.²⁰ Trupti and Ambrish found that the farmers wanted something very different. They didn't want to stay in the valley that was to be engulfed by the reservoir because the land was poor, provided only a meager subsistence, and carried no formal title. Yet the land offered in compensation was not any better for growing crops and it was poorly located far from markets.

Earning a law degree during this time to aid her efforts, Trupti pushed back against the political and administrative establishment, winning preferred compensation for the farmers on much superior terms, authorizing and implementing relocation to larger and more fertile lands selected by the farmers, offering clear title and good proximity to markets. The success of ARCH won a stellar reputation among tribal populations. The ARCH team believed that the new property rights approach was crucial to the villagers—and the dam made possible the realization of much needed irrigation water and electricity in the region.

Word spread and the villagers from Vandri and adjoining southern villages journeyed over the mountains to meet with Trupti, Ambrish, and Rajesh. Could they help win a humiliating battle with officials in the Forest Preserve? They did—and the property rights movement was born, spreading rapidly by word of mouth, village to village. ■

It is the villagers who now have the right to sell bamboo harvested on the land.



Trupti negotiating on behalf of the villagers for the bamboo contract with managers of the mill.

NOTES

1. Vasava Aarsibhai “Aarsi” Bhangdabhai (farmer) in discussion with the author, January 17, 2015.
2. Trupti Mehta (lawyer) in discussion with the author, January 12, 2014.
3. Aarsi, discussion, January 17, 2015.
4. *Right to Property*, ARCH of Vahini, India, <http://www.rightto-property.org/site/page/view/support-us>.
5. Trupti Mehta, discussion, January 12, 2014.
6. Vasava Rameshbhai “Ramesh” Bhangdabhai (farmer) in discussion with the author, January 17, 2015.
7. Ambrish Mehta (engineer) in discussion with the author, January 12, 2014.
8. Barun Mitra (President of Liberty Institute) in discussion with the author, January 12, 2014.
9. Trupti Mehta, discussion, January 12, 2014.
10. Ramesh, discussion, January 17, 2015.
11. Trupti Mehta, discussion, January 17, 2015.
12. Aarsi, discussion, January 17, 2015.

13. Trupti Mehta, discussion, January 12, 2014.
14. Ramabhai “Rama” Ratabhai Vasava (farmer and teacher) in discussion with the author, January 17, 2015.
15. Aarsi, discussion, January 17, 2015.
16. Mitra, discussion, January 12, 2014.
17. Aarsi, discussion, January 17, 2015.
18. Mitra, discussion, January 12, 2014.
19. Trupti Mehta, discussion, January 17, 2015.
20. Trupti Mehta, discussion, January 12, 2014.

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