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INCREASING ACCESS TO LAND FOR HOUSING FOR IRULA TRIBAL FAMILIES: LESSONS FROM IMPLEMENTING THE SOLID GROUND CAMPAIGN IN INDIA

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Abstract

For many poor households, access to decent, secure land for even the most minimum housing needs continues to be a fundamental problem. This is despite land being an inseparable ingredient for them to survive, earn, thrive and lift themselves out of poverty. In India, the government has put in place laws and policies that govern land use and land tenure. However, deep-rooted perceptions, religious and cultural practices continue to dictate how land is used, or accessed. Through the Solid Ground Campaign, an innovative approach to mobilizing existing and new supporters to influence policy makers toward promoting policies and systems that improve access to land for shelter, Habitat for Humanity India focuses on the lived experiences of a historically marginalized tribe, the Irulas. This paper will elaborate lessons learned from implementing the Campaign in India as well as discuss potential policy actions to address land rights of such marginalized communities.

Key Words: Land tenure security, Housing, Human rights, Irula tribe, Marginalized communities.



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INTRODUCTION

Rules and regulations about land and building have a major effect on access to housing. In places where there are smart policies in place, there is more access to decent housing. However, for many poor households, access to decent, secure land for even the most minimum housing needs continues to be a fundamental problem in India. This is despite land being an inseparable ingredient for many poor people to survive, earn, thrive and lift themselves out of poverty. Apart from land being the basis for shelter and access to services, secure land rights can act as a safety net in times of hardship in addition to providing financial security. The inaccessibility of decent, secure, affordable land is the major reason why there are so many slums in Asian cities and a contributing factor to urban poverty (UN-Habitat and UNESCAP, 2008).

In India, the government has put in place laws and policies that govern land use and land tenure as well as address conflicting needs for land for various purposes. However, deep-rooted perceptions, religious and cultural practices as well as traditions continue to dictate how land is used, transferred or accessed by individuals and communities. Through the Solid Ground Campaign, an innovative approach to mobilize existing and new supporters to influence policy makers toward promoting policies and systems that improve access to land for shelter, Habitat for Humanity India focuses on the lived experiences and needs of the Irula tribe. This intervention aims at expanding access to land for housing as well as contribute to more sustainable living through incorporating livelihood enhancement opportunities for the communities. Irulas are one among the thirty-six communities from the state of Tamil Nadu scheduled under the ninth schedule of the Constitution of India (Basu, 2012). They belong to the Negrito (or Negroid) race, and are among the most marginalized tribes in Tamil Nadu and India.

In recognition of the basic preposition that scheduled castes and scheduled tribes are the most disadvantaged in respect to land which largely accounts for their perpetual poverty and makes vulnerable to injustice and exploitation, attempts have been made by the Union and the State Government to promote and protect their rights with regard to the control and use of land. Based on the 13 states, reports shows that even after 70 years of planned initiatives and policy measures there has not been substantial improvement in the land holding status of scheduled tribes and in some states it has declined further. Around 65% of the land holders of Scheduled tribes in the country belong to the category of small and marginal farmers with 36% of being agricultural labors. As per the estimates of Planning Commission, 51% of tribes are below poverty line. However land reforms 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 as



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well as socio political and economic forces which are largely state or region specific. Therefore the question of control and use of land among the Scheduled tribes has not been left entirely out of inquiry, but has received only occasional attention. The non-availability of data on land holdings of tribes was among the reasons for this gap. Transfer of land from tribes to Non-tribes has happened largely through sale driven by consumption needs and also through indebtedness. As development makes land more attractive, tribes will need land protection support policies and urgent action.

Through the Solid Ground campaign, Habitat for Humanity India has taken tangible steps by creating a framework and a forum for marginalized communities to get involved in and influence norms, policies and practices to access land for housing. This is because adequate and affordable housing not only improves outcomes for individuals, but affects communities and the global economy at large. It is hence very important in laying the groundwork towards contributing to efforts in India aimed at ensuring everyone has a decent place to live, addressing the fundamental issue of land tenure security, property rights, gender equality, disaster risk reduction and resilience as well as overall sustainable development.

This paper will therefore elaborate lessons learned from implementing the Solid Ground Campaign in India particularly when addressing land rights of historically marginalized communities. The paper will also discuss potential entry points and recommendations for informing policy actions aimed at addressing land tenure issues of groups or communities officially designated as historically disadvantaged.

CHALLENGES OF TRIBALS IN TAMIL NADU

It is been a decade since the Forest Rights Act 2006 was promulgated, but a majority of tribals in Tamil Nadu are yet to benefit from it. Of the more than 30,000 applicants only 5700- odd tribes have received title deeds, which give them right to ownership of land and livelihood which enables them to sell Minor Forest Produce (MFP) as well as access loans and other welfare schemes.

Tamil Nadu has been among the last states to implement the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006. The Act implemented with full vigour in all states except Tamil Nadu benefitted lakhs of tribes through grant of land and MFP rights. In Tamil Nadu, till 2016, no action was taken as the Act was stayed following Madras High Court order in 2008. The process of confirming tribals forest rights could only be initiated after a delay of 10 years when the Supreme Court vacated stay. But despite the apex court ruling, implementation of the Act has been poor. Archaic Laws, red tap and official apathy have led to the marginalization of the tribes who without the title deeds or domicile certificates are branded as encroachers. Official have failed to grasp the intent of the law that provides tenurial security to tribals, while also empowering and making them responsible for the conservation.



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The state still Governed by colonial Tamil Nadu Forest Act 1882, considers tribals to be violators and excludes them. Lack of domicile certificate also bars them from getting a scheduled caste and scheduled tribes certificate, restricting them to apply for jobs reserved for such groups. Lack of land title also deprives them of housing assistance under various schemes. The Gram sabhas are also yet to be conferred absolute right to manage, collect and sell the minor forest produce for sustainable livelihoods.

The issue is that some officials see tribals as a threat to endangered animals such as tigers, when infact the two have co-existed for centuries. Instead of using tribals as ambassadors of conservation, a poor understanding of ecological system is pushing the traditional communities towards an uncertain future. The few Forest dwellers who have managed to get the title deed are not better off either, because of the shoddy implementation of Forest Rights Act 2006 denying them proper livelihood options. For instance, bamboo which under the new Act is allowed to be cut, collected, transported and sold by tribals, as per the Tamil Nadu Forest Act 1882, it is out of bounds for forest dwellers. The State is yet to reclassify bamboo, as a commercial product, which generates sizable income for the tribals through its wide-ranging use as construction materials, handicrafts, furniture, and raw materials for paper and as a source of food. The right to collect, use and dispose of the other minor forest produce such as brush wood, stumps, cane, tussar, cocoons, honey, lac, medicinal plants and tubers has also been denied. Forest and tribals are inseparable entities. They naturally complement each other and have thus evolved over thousands of years. There is an urgent need to amend the forest laws in the state and to make the welfare of tribals the responsibility of the forest department. Active partnership of forest department and tribals with mutual respect and trust will be beneficial for both in the long-run.

THE IRULA COMMUNITIES IN TAMIL NADU

The Irulas belong to the Negrito (or Negroid) race, and are among the most marginalized tribes in Tamil Nadu and India. The word Irula literally means “one who comes from darkness” in reference to their dark skin complexion. The Irulas lived in the forests until about three to four decades ago. Following the Forest Protection Bill of 1976, the traditional homes, livelihood and lifestyle of the Irulas became illegal. As a consequence, they started moving to neighboring villages where they subsisted on rats and eventually took to snake hunting as a more profitable enterprise. However, since snake hunting is banned in India, the quality of lives of the Irulas further became negatively impacted thus bringing more hardship to the communities.

A 2011 report of the United Nations Development Programme revealed that Human Development Index (HDI) of the Scheduled Tribes in India was estimated at 0.27, which is lower than then HDI of scheduled castes and non- Scheduled castes/Scheduled Tribes. In India, Scheduled Tribes and Scheduled Castes are officially designated as historically disadvantaged groups and in modern literature are sometimes referred to as the untouchables.



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Most of the Irulas are unskilled and illiterate, and thus earn their living by doing 'coolie' work—as laborers in the fields of landlords during the sowing and harvesting seasons or as workers in rice mills. Some of them collect firewood from the forest to sell. Seasonal occupational fishing also helps prop livelihood and economy in some of the Irulas' villages.

The 1970's and 1980's marked the Irulas' passage into bonded labor, particularly in construction industry, forcing them to lead peripatetic lives to make their living. Due to their illiteracy, they are ignorant about the happenings in the external world, to the extent that they are unaware of the benefits that they are eligible to receive as a Schedule Tribe. Taking advantage of this ignorance, landlords cheat the Irula people into signing off land granted to them by the government against paltry loans. As a result, many of them have lost whatever assets they possessed. As a Scheduled Tribe, the Irula communities also face many challenges from the general community (upper caste). For example, they are not allowed to build their houses near those of the upper caste even if land is allocated to them by the government.

In Tamil Nadu, the State government has been following its housing policy by creating conditions of planned inclusion and balanced growth for the provision of quality housing at affordable cost especially to the Economically Weaker Sections. The families living Below Poverty Line (BPL) in the state's rural areas are defined based on their income, their land holdings (landless agricultural laborers, small and marginal farmers), their occupation (for example self-employed rural artisans) and their vulnerability status (the old age pensioners, the destitute widows and the physically challenged persons). The status of landownership and possession of 'Panchami land' also known as Depressed Classes Conditional land that have been assigned to Dalits (extremely oppressed social out-castes) is an important aspect of access to land by the historically dispossessed. Most Dalits in the rural areas of Tamil Nadu still remain landless and are trapped in persistent poverty. There are 36 listed indigenous Adivasi communities and six primitive tribal groups in Tamil Nadu – the Irulas are one among these 6 groups.

In Tamil Nadu 58.79% of tribal lands estranged is one of the reasons for poverty among tribes and it is been done through sales 16.41%, 15.19% and 9.61% tribals land alienated by mortgage, lease and encroachment respectively

The main causes of land alienation and landlessness among the tribals are poor economic conditions, drug abuse, indebtedness, urbanization, lack of land records, obtaining papers related to the ownership of land in back-date by the non-tribals and oral mortgage of lands in the hands of non-tribals. This has led to increased poverty among the scheduled tribes, unemployment, migration, exploitation as well as tensions between tribals and non-tribals



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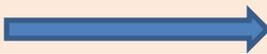


LAND FOR HOUSING

India has a policy on Housing for all by 2022 with a mission to provide affordable housing for all its citizens. As per the SECC 2011 (Socio Economic Cost Census) there are 243.9 million people in India without adequate shelter and out this 29.97 % are landless. In order to achieve the mission of housing for all there is a strong need to intervene in the land issues at the policy level in a systematic sustainable manner. This is through working with the Government to identify the landless tribal poor. The Government housing scheme can be converged for the use of landless tribes. The cost of housing supported by the Government is inadequate. Hence there is a need to provide gap funding for housing.

A Glimpse of some of the issues the Irula communities often face.

The Irula tribe has always faced oppression and discrimination – labelled as “untouchable”, their right to the very land they live on was questioned. The land was barren and filled with snakes and scorpions. Under the Solid Ground Advocacy Campaign, Habitat India has advocated on their behalf for land certificates, so they own their land and Habitat for Humanity India partners with them to build homes. However, even after the land was allotted by the government, it was taken back post the initial ground-breaking ceremony due to pressure from upper-caste leaders. The Irula families had also been on the run from these leaders, for fear that something would happen to them. It took another 9 months to get land allotted a second time for 10 families. During the celebration of the inauguration ceremony of 10 houses in Echankaranai built in partnership between Habitat India the Irula families and BMW, the fruits of this hard work was clearly visible.



From bamboo and straw houses to homes of brick and mortar – this is the first generation of Irual families to live in permanent houses



However, even post the dedication of these homes, many women used the back door as their primary entrance into the house because of fear that they will be thrown out of their own homes. Habitat India is in the process of designing training that promotes behaviour change and livelihood opportunities, in order to counter this fear. This is in addition to building houses with more than 1 floor so families could live together. Other areas Habitat India is working on is promoting livelihood opportunities within the tribe and addition to continue to lobby with the local government to garner support on behalf of the Irula families. Habitat for Humanity India believes in the 4 P approach – public private people’s partnership – as is evidenced by working alongside the government, corporates such as BMW and the people/community, in order to build lasting, sustainable housing to fulfil our vision that everyone has a decent place to live!

Text by Rajan Samuel, Managing Director, Habitat for Humanity India – January 30, 2019



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PLATFORMS FOR ADDRESSING LAND DEMANDS

Habitat for Humanity India continues to serve as a voice for people in need of decent housing by working to change laws and shape policies that affect access to housing. As part of Solid Ground's advocacy efforts, Habitat for Humanity India has facilitated the creation of platforms that the Irula communities can use to address land demands. These platforms included the block level committees formed at the community level comprising members of women self-help groups, opinion leaders, youth club members etc., from the same community. Habitat for Humanity India then works with these committees and empowers them on how to address the demand for land to the Government. The block level committees collect applications and relevant documents from the community, and present them to the Grama Sabha to minute and forward the resolution to the District administration through the District forums.

To-date there are 12 block level committees and three District level forums across three districts have been formed and have provided avenues for meeting with the government, allowing the Irula communities to hold direct talks to address issues around land tenure with district and state government officials in Tamil Nadu. As a result of this intervention, the District Collector in Villupram District allotted land for housing for 26 Irula tribe families rescued from bonded labor. These include 30 adults and 13 children from Prabhu Blue Metals Company, along with 40 adults and 17 children from Vel Murugan Chambers company. As *Masilamani, Cuddalore of Tamil Nadu* said, “*I never imagined that one day I would be having a house of my own. This land and house has given me and my family a future to look forward to*”.

Further, the tribal leaders have resolved to bring as many young people as well as women into the decision-making process, as these are the groups primarily affected by the restrictions in forest land use. The tribal leaders agreed and resolved to create district-wise awareness plans and programs that ensures better understanding and clarity among the government departments involved, viz., tribal welfare, forest and revenue, and the tribal groups themselves.

Habitat for Humanity India has also taken the proactive step of leveraging India Prime Minister Narendra Modi's “Housing for All” scheme to help the tribal Irura community to access the scheme by helping them get community certificates. Through this initiative, rescued Irula tribes will get an assistance of 210,000 rupees (USD 2,917) from the government to build their houses in a minimum of 300 square feet of land. Habitat India is also empowering the Irura community by promoting livelihood opportunities where part of the allocated land is used for agriculture as an alternative to sustain the food security of the community.

District forums were also created as part of the Solid Ground campaign in collaboration with local and regional to amicably address caste discrimination against Irulas through talks with the community leaders in the villages. Habitat India has supported the tribes by assessing the extent of



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integrated services provided by the societies / Government / all other relevant stakeholders working for tribal development in the Solid Ground Implemented regions. This is in addition to identifying land for housing as well as influencing the amendment of land policies with a view to addressing housing needs of disaster affected families. These forums have hence been an avenue for encouraging more tribal communities to apply and win land titles for their land. During the forums, the tribal leaders have resolved to bring as many young people as well as women into the decision-making process, as these are the groups primarily affected by the restrictions in forest land use. The tribal leaders agreed and resolved to create district-wise awareness plans and programs that ensures better understanding and clarity among the government departments involved, viz., tribal welfare, forest and revenue, and the tribal groups themselves.

As the next phase of the project begins, Habitat is banking on its shelter expertize and providing technical assistance to the Irula families as they integrate disaster-resilient technologies and features into the houses they are now building. As the Irula families contribute labor to reduce the cost of the house construction, Habitat India is also taking the lead in working with the government and other partners to open more livelihood opportunities for the Irula families

FUTURE SCOPE AND AVENUES TO ADDRESS TRIBAL POVERTY

1. **Legal empowerment.** This is critical to promoting inclusion, fostering economic growth and expanding progress in community development. Innovative legal literacy model, including those using ICT (Information, Communication, and Technology) platforms which will generate awareness among the tribal men and women in a greater access to their legal rights to access entitlement to land as well as access to mechanism for grievances and redressal.
2. **Developing resource centers** to drive the development process in faster towards their prosperity and wellbeing: The possibility of knowledge investment in future to enable them the realization of rights that they only once dreamt about securing land
3. **Land based livelihood skill development** along with housing support through undertaking integrated area development programs is the need of the hour to support tribal empowerment.
4. **Developing customized Land allotments** which will ensure sufficient place to live and also develop homestead model that will enable them to create integrated community based cultivation.
5. **Non land based scheme:** All landless tribals / marginal farmers among the tribals are to be provided with cultivable land depending on availability and implement sustainable development programs as well as micro enterprises especially for women.

CONCLUDING REMARKS

Spaces for dialogue are vital in facilitating constructive engagement between different stakeholders who otherwise would not engage due to differences in resources, power and status.



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Such spaces are vital in providing avenues for mutual understanding for all those involved as avenues for identifying target issues then working collaboratively to address them. In this instance, since given the sensitive issue of land as well as prevalent political scenario in Tamil Nadu (with changing governments, frequent transfers of the district collectors and administration officers, law and order issues due to caste discrimination etc.), coordination with government officials and partners generally consumes considerable amount of time. Also each district and its community have individual dynamics; therefore strategic intervention plan for each of the district should be unique in nature considering the socio-political culture of the district and as well as the commitment of its officials. To address this, Habitat for Humanity India continues to pursue interventions at different levels. Issues around land tenure take time and hence persistence as well as commitment will continue to be required towards this end through the 4 P approach – public private people’s partnership. Habitat for Humanity India thus formed a District Coalition in line with the vision to involve various stakeholders working in the public (local government) and private (corporate) sector, as well as the people who would be the future owners of homes and land.

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