Research in Progress: Adivasis, the Fifth Schedule and Urban Development: a Study of Greater Ranchi

Author(s): Aashish Khakha

Source: Explorations, ISS e-journal, Vol. 3 (2), October 2019, pp. 78-89

Published by: Indian Sociological Society
Adivasis, the Fifth Schedule and Urban Development: a Study of Greater Ranchi

--- Aashish Khakha

Abstract

The Fifth Schedule of the Indian Constitution was created for special administration of tribal areas to prevent land alienation through land transfer regulation, where no land or immovable property in these areas can be transferred by way of sale or lease to persons other than the tribals/Adivasis. However, in Jharkhand, a state which falls in the Fifth Scheduled Area, when state-led urban development projects are carried out, in the name of ‘progress’ and ‘development’, one finds a blatant violation of not just the Fifth Schedule of the Constitution but also of historical laws such as the Chhotanagpur Tenancy (CNT) Act (1908). One such example of development is the creation of the new capital township of Jharkhand known as ‘Greater Ranchi’. This township is being built on the outskirts of the city, in the Dhubra area, on former Heavy Engineering Corporation Limited (HECL) land. This land had been given by the state to the corporation, after displacing the Adivasi people living in the area. This paper looks into the various contestations surrounding the urban development of Greater Ranchi and examines its impact on the above-mentioned laws and the Adivasi society living in that area.

Key words: Adivasis, Fifth Schedule, Greater Ranchi, Jharkhand, Scheduled Tribes, Urban Development

The Fifth Schedule of the Indian Constitution: the Case of Jharkhand

By the early 20th century, following World War-I, when the British realised that they would have to leave India, they came out with the Government of India Act (Govt. of India Act, 1919). They began to form Councils, such as Bengal, Bihar and others, for participation of Indians in governance. It was during this phase that the Areas under the Scheduled districts, which were predominantly inhabited by tribals, came to be described as the Backward Tracts. This later came to be rechristened as the Excluded Areas and the Partially Excluded Areas. The areas
with the Inner Line Permit (ILP) came to be known as The Excluded Areas. The rest where there was some presence of the non-tribals were referred to as The Partially Excluded Areas. After Independence, during the Constituent Assembly Debates, the Excluded Areas and Partially Excluded Areas of the Northeastern region became the Sixth Schedule Areas and the Partially Excluded Areas in the rest of India came to be known as the Fifth Schedule Areas. The Fifth Scheduled Areas were stated to be administered through the Governor and the Tribes Advisory Council (TAC). They had the power to bring about peace and good governance and prohibit the sale of tribal land to non-tribals. This provision was made following the recognition by the national leadership for protection and special administration of these areas. These were due to three key characteristics namely: distinct cultural features, vulnerability to external exploitation and development gaps between tribal people in comparison to non-tribal people (Xaxa, 2008, p. 65).

Following the provisions of the Fifth Schedule, the states which came under this jurisdiction introduced laws restricting the alienation of tribal land to non-tribals. Jharkhand, which was carved out of erstwhile Bihar in 2000 (Tirkey, 2002, p. 3) did not enact such laws, as there were already such provisions in the form of the Chhotanagpur Tenures Act (1869) (which was further amended as the Chhotanagpur Tenancy Act, 1908, after the Birsa Munda rebellion of 1895-1900). And so was the case with the Santhal Pargana Act (1876) (which was brought about after the Santhal Hul rebellion of 1855-57, and rechristened as the Santhal Pargana Tenancy Act in 1949).

Notwithstanding such historical and legal provisions, there has been continuing violation of constitutional and legal provisions. Alienation of tribal land from tribes to non-tribes and from tribes to state has accelerated in post-independence India. Under the name of nation building and development, thousands of acres of tribal land were taken away for various projects such as power dams, irrigation, mines and industries across India, and especially in Jharkhand. It is around these projects that most of the urbanisation process in Jharkhand has taken place. Jharkhand has been witness to rapid urban growth in about two decades. It provides an apt case for understanding the process of urbanisation in tribal India.
Urbanisation in Jharkhand

In 1901, the urban population of Jharkhand was 1,17,975 comprising of 13 towns. It constituted 1.94 per cent of total urban population of India (Harshwardhan & Tripathi, 2015, p. 69). The urban population in Jharkhand, as elsewhere in India, emerged mainly out of administrative centres required for effective administration of the region. However, a few of the towns had grown out of economic activity which had to do with extraction of minerals, mainly coal. The need for the transportation of minerals led to the introduction of railways which gave further boost to urbanisation. In fact, it was the access to minerals that led to the setting up of a modern industry in the form of the Tata Iron and Steel Company. This gave spurt to new economic activity leading to urbanisation and making of the city of Jamshedpur, which is the largest city in Jharkhand.

The character of urbanisation in post-independence India has moved along the same lines as in colonial period. It has developed around mines and industries that are invariably linked to exploitation of mineral resources. Alongside these, there has been steady growth and expansion of administrative centres, resulting in the push of the urbanisation process in Jharkhand. In 1951, there were 35 towns, which meant an increase of 22 towns in comparison to 13. Jharkhand saw the establishment of a number of industrial and other infrastructure projects, especially power and dams. The industrial projects were greatly contingent on minerals which Jharkhand has in abundance. The site of these economic activities attracted a large number of labour forces from outside and paved the way for the emergence of these places as towns. In fact, all important towns in Jharkhand are centred on industry. Since most of these projects came between mid-1950s and 1970s, Jharkhand experienced an accelerated process of urbanisation during this phase.

Since 1981, there was however decline in the growth which continued till 2001. But post 2001, there has been rapid growth in urban population. In 2004-05, 11 per cent of the working population in Jharkhand were engaged in mining and quarrying, utility services and in construction sites. This has increased to 23 per cent in 2009-10. The total population of the state grew by 22 per cent during 2001-11, but the growth of the urban population had been much higher at 33 per cent during this period (ibid., p. 70). In 2001, the share of urban population to the total population of Jharkhand was 22.4 per cent, which increased to 24.05 per cent in 2011. Here we see that it witnessed unprecedented urbanisation in the decade.
2001-2011. Paradoxically, however, the tribal population, the natives of the region, have been missing from this process of industrialisation and urbanisation. As per the 2001 census, they formed 9.8 per cent of the tribal population. Interestingly even in 2011, their share remains the same though, as noted above, there has been rapid urbanisation during this phase.

According to 2011 census, there are 228 towns and urban agglomerations in Jharkhand. Yet most of the districts where these towns are located have very low level of urbanisation. Only four of the districts in the state are highly or moderately urbanised. These are East Singhbhum with 55 per cent urban population, Dhanbad with 52 per cent, Bokaro with 45 per cent, and Ranchi with 35 per cent urban population (ibid.). This clearly shows that the tribal land was already being exploited despite the CNT and SPT acts being brought in.

**Urbanisation of Ranchi**

Christopher Lakra mentions that ‘the township of Ranchi itself has grown out of a number of tribal villages. In this sense Ranchi could be called a “tribal city”’ (Lakra, 1999, p. 19). The Draft Master Plan for Greater Ranchi, which was framed by 1964, states that, ‘Ranchi, the Headquarters of the Chhotanagpur Division is fast growing into the most industrialised town in the eastern region. The most important phase of development of Ranchi started with the decision to locate such important undertakings as Heavy Engineering Corporation (HEC), Headquarters of Hindustan Steel Limited and National Coal Development Corporation. The rapid growth of the city is apparent from the multifarious and sporadic activities going around in and around the town. The activities in the colonies of the Heavy Engineering Corporation and Hindustan Steel etc. are well planned but the private building activities present a chaotic state of affairs. Some ancillary industries are coming up without much regard to well recognised zoning regulations. It is obvious, therefore, that a Master Plan for Ranchi should be drawn up to channelise the growth of the town in accordance with the best-known planning principles.’ (Urban & Rural Development in India, 2005, p. 362).

Further it mentions that, ‘During the decade 1951-1961, the population of Ranchi town showed an increase of 31.50% that is, from 1,06,840 to 1,40,253. The rate of growth is not commensurate with the potentialities of the town – firstly, because the town suffered in this decade due to the shifting of the Eastern Command Headquarters from Ranchi to Lucknow; secondly, because, full impact of
industrial growth was not felt until 1961. There has been lately a marked trend for the rural population to migrate into urban areas and this influx is likely to continue for quite some time in the near future. These developments are going to increase pressure on urban lands and other civic amenities of the town. All these factors have been taken into consideration while drawing up the Master Plan for Ranchi.’ (Thakur, Sinha, Prasad, Sharma, Pratap, Mandal & Singh, 2005, p. 362).

The Case of Greater Ranchi

The acquisition of land for the development of Greater Ranchi came about soon after the establishment of Jharkhand as an autonomous state. The state was carved out from the Adivasi areas of the Chhotanagpur and the Santhal Parganas, in the southern part of Bihar, on 15th November, 2000. The birth of this state was the culmination of the century old Jharkhand Movement, which advocated for an autonomous state for the Adivasis of the Chhotanagpur Plateau (Munda & Mullick, 2003, p. 4). This is the longest such movement for an autonomous state in India. After its creation, Ranchi was chosen to be the capital of the state, as it was not just the centre of the Jharkhand Movement, but also housed key official government office buildings. The development of Greater Ranchi came about because, according to the planners of the city, it was observed that the holding capacity of the existing city, which includes the Ranchi Municipal Corporation (RMC), and the Census Towns (CT) of Kanke, Arsande, Ara, Bargarwa and Tundiuil, had almost reached saturation level. The establishment of a new township was seen necessary by the state to make room for future citizens and prevent undesirable developments in the already congested city limits. As per state records, the land to the government was allotted from 2004 onwards from the land allotted to Heavy Engineering Corporation Limited (HECL) in the Dhurwa area of Ranchi. The land, measuring around a sprawling 7,200 acres, was itself gifted to HECL by the Nehru government in 1958, by displacing 23 Adivasi villages. There was further displacement of Adivasi villages from 1959 to 1973 by the then Bihar governments to make more space for HECL.

A Soviet-era inspired industrial complex, HECL was envisioned as a ‘mother of industries’ for producing heavy machinery, equipment and components for steel, cement, aluminium, mining, mineral processing and power industries. This was supposed to be the face of the ‘development of a new India’ (Vidyarthi, 1970, p. 30). However, the company grew below par in the subsequent years and did not take off as expected by the state. A large portion of the land acquired by HECL
was lying vacant and unused. This area was ‘given back’ to the Jharkhand government for the development of the new state capital known as ‘Greater Ranchi’. The question here remains, ‘Development for whom?’

In an interview with two senior architects of the Ranchi Building Construction Department, it was said that HEC was Nehru’s dream base for an industrial India. This was supposed to be the ‘mother industry’ to every other industrial unit in the country. Around 7,000 acres of Adivasi land was acquired in the name of setting up the HEC unit. This was done in collaboration with Russia, and was even modelled on the Soviet industrial plants which had impressed Nehru. At that time, Jharkhand was part of Bihar. When the bifurcation of Bihar came about, Jamshedpur was the initial choice for the capital of Jharkhand. It was so as it was the most prosperous area of the state and hub of the Tata industries. But since Ranchi was the district capital of Southern Bihar and a major administrative centre since the British times, it was decided to make Ranchi the capital of Jharkhand. Economically, Ranchi was a predominantly undeveloped area. When the bifurcation of Bihar took place, a lot of dikus flooded into Jharkhand as the economic prospects were more in the new state, as compared to Bihar. They illegally took over tribal land and set up several real estate properties in Ranchi. After that they slowly penetrated the countryside and set up small shops, taking over the tribal land there as well. This was a blatant violation of the CNT Act. For this they should have been charged and dealt with; but nothing of the sort happened. It is in this backdrop, that the issue of Greater Ranchi comes into picture. This was the dream project of the first Chief Minister of Jharkhand, Babulal Marandi. He had announced the benefits of having a new capital for the state. The architects reflect that, what was the purpose of building a new capital when one existed already?

This acquisition of land by the state for the purpose of creating Greater Ranchi has raised intense contestations from the original landowners of the area. Dr. Vasavi Kiro, member and co-founder of the Indigenous Women India Network (IWIN), has been one of the most vocal opponents of this state-sponsored land grab mission. She says that the Greater Ranchi project is the biggest state violation of the Chhotanagpur Tenancy (CNT) Act in Jharkhand. The CNT Act was instituted in 1908 and is one of several laws provided by the Constitution to safeguard Adivasi lands from being sold to non-Adivasis. The law was brought about by the British government after the Birsa Munda Movement to govern Adivasi land issues and prevent Adivasi land alienation to outsiders (Britishers
and non-Adivasis). In the post-colonial era, it was meant to prevent foreseeable dispossession, and to preserve the Adivasi identity. However, as Dr. Kiro points out, more than 10 crore Adivasis have been displaced in the last 70 years of Indian Independence in the name of ‘development’.

The situation has gotten worse with the coming of the BJP government in 2014. In December 2014, after the coming of the Raghubar Das government, the contract for construction on the Greater Ranchi site was given to Ram Kripal Singh (RKS) Construction Private Limited, a private construction firm. On 9th June, 2015, a local newspaper reported in a small column that the foundation stone of the new township will be laid on the site on 12th June, 2015. There was a protest outside the Jharkhand Assembly on the next day. From the narratives on the ground it has come to light that, on 11th June, around 200 police personnel and 16 magistrates descended upon the site at Dhurwa. They began demanding to know from the people that where are the people who are protesting? ‘Meeting kahan hai?’ they would ask. On 12th June, 2015, at 7:00 A.M. the government authorities, including the Chief Minister, quietly came to the inaugural site for the foundation stone to be laid. However, around 500 people had gathered at the site to protest the inauguration. There were also several political leaders from across the political spectrum who had come in solidarity and protest. When the Chief Minister asked what the issue was, the villagers said that he had assured them a day before that he would not inaugurate the site. They informed about several illegal people who have come from Uttar Pradesh and Bihar and have settled in the land and are also claiming rehabilitation from the government. ‘Do you still want to live like Adam?’ was the Chief Minister’s reply.

The same day a huge procession of over 5,000 people armed with traditional weapons and farm tools and shouting slogans against the government went all over Ranchi. They came from over 18 villages of the Namkum, which also falls in the Greater Ranchi area. They first assembled at Rajendra Chowk under the aegis of Greater Ranchi Pariyojana Sangharsh Samiti (GRPSS). They then headed through Main Road and Shaheed Chowk to reach the Ranchi district collectorate at Kutchery Chowk, where they continued to protest for a while before submitting a petition to the then Ranchi Deputy Commissioner, Manoj Kumar. As Kumar was not in office, the petition was accepted by his office staff. Prafulla Linda, convener of GRPSS said in an interview on the same day that, ‘There is no guarantee that peace will prevail tomorrow. Within Namkum block, the government has decided to acquire 39,682 acres under Greater Ranchi Project. All
these acres are fertile land. Agriculture is our mainstay. Land is our identity. Don't make us landless.’ An Adivasi farmer said that, ‘Last month, government officials came to survey our land. But we were not allowed to even visit our plots. The government is trying to acquire land in a hush-hush manner.’ In fresh revelations, in a series of documents, which Dr. Kiro uncovered with the aid of Right to Information (RTI), she unravels the extent of corruption which has burgeoned with the growth of the Greater Ranchi project. The following table provides the details of the villages whose land has been proposed to be taken over for the development of Greater Ranchi:

<table>
<thead>
<tr>
<th>Village Name</th>
<th>Total Land (acres)</th>
<th>Available Land (acres)</th>
<th>Proposed Transfer of Land for the CISF (acres)</th>
<th>Proposed Transfer of Land for the Government of Jharkhand (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ani</td>
<td>612.68</td>
<td>583.69</td>
<td>-</td>
<td>583.69</td>
</tr>
<tr>
<td>Murmu</td>
<td>685.40</td>
<td>670.90</td>
<td>-</td>
<td>560.90</td>
</tr>
<tr>
<td>Kute</td>
<td>395.61</td>
<td>369.31</td>
<td>110.00</td>
<td>321.31</td>
</tr>
<tr>
<td>Lamed</td>
<td>72.37</td>
<td>72.37</td>
<td>48.00</td>
<td>72.37</td>
</tr>
<tr>
<td>Tiril</td>
<td>564.03</td>
<td>551.48</td>
<td>-</td>
<td>551.48</td>
</tr>
<tr>
<td>Bhusur</td>
<td>405.06</td>
<td>59.69</td>
<td>-</td>
<td>59.69</td>
</tr>
<tr>
<td>Jagannathpur</td>
<td>984.04</td>
<td>377.73</td>
<td>-</td>
<td>107.45</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4865.15</strong></td>
<td><strong>3236.95</strong></td>
<td><strong>158.00</strong></td>
<td><strong>2256.89</strong></td>
</tr>
</tbody>
</table>

(Here HEC will be left with 270.28 acres of land in Jagannathpur Village)

Source: RTI filed by Dr. Vasavi Kiro

What we find here is that the government has systematically mapped out the areas proposed to be taken over for the CISF and the state itself. By doing so, it intends to displace the original Adivasi inhabitants in the name of ‘development.’ Binit Mundu, member of the Adivasi Women’s Network, points out a critical point here that there can be no Municipality within a PESA area. Legally, the Municipality Extension to PESA has not yet been done. By this regard, the Ranchi Municipality is an illegal body set up to manipulate land away from Adivasis and give it to the non-Adivasis.
As of now 600 Adivasi families from these villages have filed cases of land grab in the Jharkhand High Court (which will also be shifted to the site). As per the new Land Acquisition Act (2013)\textsuperscript{i}, if tribal land has been taken away for the purpose of development and no work has been done on it for 5 years, the land has to be legally transferred back to tribals. A legal roadblock that has come in the way is the Supreme Court judgement of March 2018, which says that High Courts cannot deal with cases pertaining to the new Land Transfer Act, specifically with clause 24 (2) of the Act which deals with the lapse of the transfer period of the land. This combined with the recent Supreme Court judgement of 21\textsuperscript{st} February, 2019, which orders the forcible eviction of tribals and forest dwellers in 16 states, raises serious questions about the judiciary’s role in aiding the land grabbing mechanism of the state. What comes out very clearly in the case of Greater Ranchi is not only the sheer violation of the CNT Act, but also of the Fifth Schedule, PESA as well as the new Land Transfer Act, at the hands of the state. This is a scenario of complete injustice meted out to the Adivasis of the region. Is there anything great about displacing millions of Adivasis to build a city for the dikus? This remains question for everyone to ponder upon.

Notes:

\textsuperscript{i} The Government of India Act (1919) was an Act of the Parliament of the United Kingdom. It was passed to expand participation of Indians in the government of India. The Act received royal assent on 23\textsuperscript{rd} December, 1919. This Act embodied the reforms recommended in the report of the Secretary of State for India, Edwin Montagu, and the Viceroy, Lord Chelmsford. It initially covered ten years, from 1919 to 1929, after which it was reviewed by The Simon Commission.

\textsuperscript{ii} See the Constituent Assembly Debates (30.7.1949 to 18.9.1949).


\textsuperscript{v} See Annual Report, Ministry of Tribal Affairs (2013-14).

\textsuperscript{vi} This Draft Master Plan of Greater Ranchi was prepared by Syed Mobin Ahmed, Town Planner, Ranchi Improvement Trust. The consulting associates were R. L. Bawa (Chief Town Planner, Bihar) and A. K. Srivastava (Assistant Town Planner, Bihar). Interestingly enough, this draft plan did not fix any target range of time, whether it is for 20 or 25 years, nor does it have its date of publication. Normally these two are planning prerequisites of a Master Plan or Draft Master Plan. [Source: Thakur, B., Sinha, V. N. P., Prasad, M., Sharma, N., Pratap, R., Mandal, R. B., & R. B. P. Singh. (Eds.) (2005). \textit{Urban and regional development in India} (Vol. 2). New Delhi: Concept Publishing Company].

\textsuperscript{vii} Interview conducted on 7\textsuperscript{th} February, 2019 in Ranchi.
Diku is a term used by tribals to denote non-tribals.

As per the Government of India, this is an Act to ‘ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post-acquisition social and economic status and for matters connected therewith or incidental thereto. Within this Act, The Scheduled Tribes are defined as Land Owners.’ (See the Land Acquisition Act, 2013).
REFERENCES:


Aashish Khakha is an ICSSR Doctoral Fellow at the School of Development Studies, Tata Institute of Social Sciences (Naoroji Campus), Mumbai.

Email id: as_khakha89@yahoo.co.in