



Customary vs. state laws of land governance: Adivasi joint family farmers seek policy support

The case of Kurichya joint families
in Wayanad, southern India

T.R. Suma¹

¹ T.R. Suma is a Social Researcher at the Community Agro-biodiversity Centre of M.S. Swaminathan Research Foundation, Kalpetta, Kerala, India. Email: Sumavishnudas@yahoo.co.uk. Phone: (mobile) +91-9048672522; (office) +91-4936- 204477.

Opinions expressed in this brief are those of the author organisations alone, and can in no way be taken to reflect the official views of ILC.



INTERNATIONAL
LAND
COALITION



MS SWAMINATHAN RESEARCH FOUNDATION
COMMUNITY AGROBIODIVERSITY CENTRE

Methodology

This research is informed by secondary sources, surveys, and ethnographic fieldwork and is aimed at understanding the unique land governance system of Kurichya family farmers in Wayanad district of Kerala state in southern India. Following the collection of field data, this policy brief was formulated in a participative manner via three stages of consultation with the community. In the first stage, 120 invited representatives from the community came together at a workshop to discuss the conflicts they face with the framework of national and state policy (of both India and Kerala). They were divided into six groups; participants conducted in-depth discussions and came up with policy recommendations. Each group was facilitated by a participatory rural appraisal (PRA) expert using a SWOT analysis. Following these discussions, a 12-member committee was selected to act as a policy advocacy group. This group, together with the research team, held two separate meetings to work on the policy recommendations and to finalise the policy brief. The policy advocacy group has now communicated its recommendations to the state government of Kerala and to Local Self Government Institutions at the district, block, and Panchayat levels. It has also begun disseminating the research results via a community organization, Kurichya Samudaya Samrakshana Samithy², to carry forward the message through different platforms.

Introduction

Land is a vital asset for all farming communities. Ownership and access to land determine the hierarchical positions and inter-relations of communities in an agrarian society. In India, depletion of cultivable land in terms of both quality and quantity and reduced accessibility to land for farming communities pose threats to small-scale farming. This in turn creates uncertainty around food security, especially in light of the country's growing population. Landlessness and loss of land resources are crucial development issues faced by many Adivasi communities in India. Their culture defines their relationship with land and other resources, on which they depend for their livelihood and subsistence patterns, and landed communities govern their land according to their customary laws. However, since the colonial period government policy and market invasions have alienated these communities from their land. This policy brief highlights the case of one such community, the Kurichya of Wayanad district in Kerala state, who are one of the largest groups of family farmers in the world, with a unique system of land governance and sustainable food production.

This research explains how the pluralistic governance systems of the Kurichya have evolved in response to environmental and political conditions, and how they can be rendered powerless by the intervention of the centralised state and its governance mechanisms. State policy is based on documentation and money, acts as a means of subordination, and creates conflict within the community.

2 The organisation works to protect the traditions and culture of the Kurichya through social reformation and to mobilise the community under a single umbrella.

The community has failed to develop its mode of subsistence farming into an economic activity capable of providing livelihoods, and many Kurichya have become labourers in the job market of the new economy. The political situation prevents them from utilising traditionally owned resource bases of land and biodiversity for their livelihoods. It also relegates women to less privileged positions within the community and diminishes their power in wider society. This situation demands political attention and interventions to create space for communities such as the Kurichya, by integrating their subsistence production and governance systems into state governance structures.

The challenges facing the Kurichya

Wayanad, where this research was conducted, is an agrarian district of Kerala. However, the collapse of the agrarian economy has led to farmer indebtedness and suicides. Adivasi communities account for 17% of the district's total population. The Kurichya, the traditional landed agriculturalists of Wayanad, are organised socially as joint families containing more than 100 individuals on average living collectively in a house complex known as a *mittom*. They have maintained their traditional methods of rice cultivation in their extensive paddy fields, using cow dung as fertiliser, despite Wayanad's rapid agrarian transformation from food crops to cash crops over the past 50 years. Kurichya agrarian landscapes are rich in agro-biodiversity in terms of the number of crops and varieties they cultivate (27 types of rice, 13 varieties of bananas, numerous vegetables and tubers). The strengths of Kurichya family farming include collectively owned and un-fragmented land, communal family labour, and an ecosystem-based approach to natural resource management.

Their socio-political organisation and system of land governance are based on matrilineal property rights, which form the foundation of collective ownership and joint farming. Their land governance system denies individual rights to land but defines membership and user rights in a way that ensures equitable access to land through matrilineal succession. The Kurichya matrilineal system does not mean that women own land, but that the succession of membership and user rights is ensured through the mother's line. It can be seen as a cultural strategy to avoid individual land claims and to pool human resources to create the biggest possible labour force. It also recognises women's user rights to land and other property within a Kurichya *mittom*. Kinship relations, labour organisation, and rituals bind individuals together in collective farming activities to overcome multiple land use priorities and prevent land fragmentation. The Kurichya system of land management ensures continuity of the ecosystem and water cycle and maximum recycling of organic matter.

The history of land governance and agriculture in Wayanad over the past seven centuries has seen great competition for land. State interventions in agricultural production and land governance have shaped the region's politics and inter-community agrarian relations. The unique land governance system of the Kurichya has helped them to protect a considerable area of land and to resist large-scale alienation of Adivasi land at different points in history.

However, the Kurichya system of collective land ownership conflicts with state laws and land-based welfare programmes, which for the past 60 years have been framed along lines of individual property rights and patrilineal succession. As an adaptation strategy, Kurichya *mittoms* have recognised minimal individual land rights and changes in livelihood strategies, while protecting collectively owned land and joint farming through structural adjustments. These adjustments have helped them to continue their joint farming and land management practices, but they have failed to protect women's rights to land and other resources and thus their status in the community.

The community's main economic activity continues to be subsistence farming, but the younger generation cannot depend on farming alone as a livelihood option in today's changed economic situation. Many young men are becoming labourers in the new market economy, while women continue to provide the labour for collective family farming. The introduction of individual land rights has led to a shift towards patrilineal succession. This has created two different types of succession law within the community and has led to legal conflicts between customary land laws, state land laws, national legislation, and individual practices.

Identified policy gaps

The Indian Constitution recognises customary law in article 13(1) and, through this, collective ownership and matrilineal succession. However, this applies only to property succession rights. All land-based development policies, agricultural development programmes, welfare projects and programmes, and general administrative structures are framed in terms of patrilineal and individual ownership of land, as most communities in India are patrilineal. As an agricultural community, the Kurichya face conflicts in all their institutional interactions with state departments and governance structures.

The Government of India and the state government of Kerala must recognise the Kurichya system of matrilineal succession, collective ownership of land, and collective farming by integrating it into institutional arrangements for affirmative programmes and agricultural development programmes through responsive policy interventions. The process of integration and development should encompass the community's approach to ecosystem management, including their traditional knowledge and practices. Adaptive land management policies are needed to enhance productivity of their landed resources and to establish linkages with markets and value chains,, to help the younger generation find livelihood options. Decentralisation of land management to the community level is also essential to ensure the integration of pluralistic systems like that of the Kurichya

Policy recommendations

- » Policy-making processes in development and agriculture should be decentralised to create policy spaces that can integrate systems like that of Kurichyas from the grassroots. An adaptive land management policy is needed that ensures decentralisation of land management to the community level.
- » The government should document the customary laws of communities like the Kurichya and add them to the reference documents of line departments such as revenue and agriculture.
- » The process of decentralisation should empower Local Self Government Institutions to integrate systems like that of the Kurichya and their concerns into development strategies.
- » Separate rice cultivators' associations (*Padasekara samithies*³) should be created for Kurichya and other traditional farmers.
- » Traditional agricultural areas like that of the Kurichya should be classified as separate agricultural zones or genetic reserves and cooperative modes of group farming should be promoted under their traditional organisation. Traditional land and resource management systems should be protected through tax exemptions and conservation service charges⁴. Productivity should be enhanced through integrated land use planning and management strategies, and linkages should be established to market and value chains to ensure on-farm employment and livelihood options.
- » There is a need to create a rights-based, flexible policy environment to protect women's rights by integrating their productive skills and knowledge into development planning and programmes, thus helping them to expand their community space into a more political social space that can lead to empowerment.

3 An association of all rice farmers in a single wetland unit, constituted by the Government of Kerala to promote group farming, through which all agricultural development schemes are implemented and subsidies and incentives are distributed.

4 An annual payment to farmers who conserve biodiversity on their land.