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Our rights are carved in stone: the case of the Pathalgadi movement in Simdega, Jharkhand

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ABSTRACT

In recent years, indigenous movements and rights-based struggle has become a focal point of research on resistance. In the context of India, Adivasi struggles in pre- and post- colonial times have been centered on the issues of jal, jangal and Jameen (water, forest and land). In 2018, what became known as the Pathalgadi movement emerged in various villages in the state of Jharkhand. Pathalgadi, a traditional practice of erecting stone slabs for various purposes, was refurbished as a means to claim rights to local-level democracy and management of resources. This paper explores the strategies of resistance employed by the movement in Simdega district, where the raising of Pathalgadis primarily focused on claiming forest rights through existing legislations. The first section seeks to situate forest governance and struggle in the region, revisiting contributions from subaltern theories to shed light on the current and historical context of resistance. Based on four empirically driven categories of resistance, the second section brings forward an analysis of the movement, demonstrating how resistance occurred primarily through legal means, with strong discursive elements. As such, the Pathalgadi movement is seen to be working within the letter of the law, merely claiming rights previously granted through legislation.

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Introduction

In the past few decades substantial literature has emerged on indigenous people's resistance, from a variety of perspectives. In particular, subaltern studies have provided from-below insights into the process of resisting.¹ Scholarship on resistance encompasses a wide range of strategies and reactions, and while some scholars have explored everyday forms of resistance² others have focused on 'rightful resistance' through the letter of the law.³ Furthermore, work on violent forms of resistance demonstrates how marginalised groups carve out space when subjected to oppression.⁴ Within political ecology, different forms of resistance have long been a focal point, and access to and benefits from natural resources remain a common arena of resistance.⁵ Contributions from the field have provided empirical categories of resistance that rely on a variety of strategies.⁶

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India's forests, in particular forests situated in tribal regions, represent complex, contested spaces within which both conflicts and social mobilisation take place.⁷ Adivasi communities in Jharkhand have a complex history of domination and resistance, from colonial to post-colonial times. In particular, the Munda community has experienced struggles related to access to the land and the forest, leading to rebellion against state authorities. Being one of the oldest ethnic groups of the region, they historically made use of megaliths to separate land, for burial rituals and other social and cultural purposes.

After the Panchayats (Extension to the Scheduled Areas) Act (PESA) was enacted in 1996, this ancient tradition was adopted by its proponents in some areas of Jharkhand, and many villages inscribed the provisions of the Act in stone as a means to raise awareness of rights. In the current political climate, the tradition has again been appropriated to symbolise Adivasi rights with over 100 villages in the district of Khunti and Simdega declaring their right to govern as per the existing legislations of decentralisation. The official narrative of what has now become known as the Pathalgadi movement is that it is a radical movement that aims for independence from the Indian state. There have been official statements claiming the movement is 'anti-constitutional' and accusations of it being a diversion from criminal activities. Yet, the local leaders of the movement claim that they are working within the framework of the constitution, and demanding rights already given to them by the state through a variety of legislations.

The fieldwork that forms the basis for the empirical insights of this article was conducted in Simdega from November 2017 to May 2018. Located in the southwestern part of Jharkhand, Simdega was carved out of Gumla district in 2011. The district is about 32% forested area, and over 70% of its population is tribal. Unlike other predominantly tribal and densely forested regions in Jharkhand, Simdega has not been subject to industrialisation and extraction of natural resources on a large scale. Most of the population is dependent on subsistence agriculture, sometimes supplemented with seasonal labour migration. The region has been identified as part of the 'Red Corridor', meaning that it is considered a stronghold of Naxalites, a movement abiding to the Maoist ideology that has led a struggle for land and resources for over half a century in Central India.

Three villages form the focus of inquiry, located in Arani, Kolebira and Jaldega block. The villages were purposefully chosen and the selection criterion emphasised links to the Pathalgadi movement in spaces where the state-led Forest Department had previously implemented or attempted to implement afforestation plantations. First, individuals and groups that were seen as active participants or having specific knowledge about the Pathalgadi process were sought out and interviewed using a semi-structured interview format. These include local political leaders, the police department, forest officials and members of civil society organisations. Long-term field stays were then carried out in two of the three villages, and individual and group interviews with local people were carried out in all three. All of the villages chosen had a majority of Mundari, as the Pathalgadi movement derives from traditions practiced by the Mundas. Adding to these findings, day to day observations of and participation in ceremonies, meetings and other activities related to Pathalgadi and forest governance were undertaken. The respondents were ensured anonymity, and in the findings, the villages will be identified as Village #1, Village #2 and Village #3.

Building on recent debates within the field of subaltern studies I explore the current context of resistance within the Pathalgadi movement as it has emerged in Simdega,

Jharkhand. Drawing on four categories of resistance derived from Cavanagh and Benjaminsen⁸ – non-violent, formal-legal, discursive and militant – the article identifies the strategies applied by the movement.

The article is structured in four parts. First, it introduces legal frameworks of forest governance in the context of India, and the struggles surrounding forest governance. Second, it contributes to theoretical debates on subaltern resistance, exploring the potentials and the pitfalls of subalternity as a theoretical lens to understand contemporary social movements. Third, it elaborates on the historical trajectories of tribal uprisings in Jharkhand, linking the history of struggles around land and resources to the current context of the Pathalgadi movement. Fourth, based upon empirical findings from qualitative interviews and local-level observations, the different tactics of resistance and the narratives that form the Pathalgadi movement are identified. In conclusion, the implications of these strategies for forest governance and the broader perspective of subaltern resistance are discussed.

Situating forest rights and struggles in India

The rights of indigenous people are firmly on the international agenda, and in 2007 the General Assembly adopted The United Nations Declaration on the Rights of Indigenous Peoples.⁹ While India has recognised the declaration, it does not formally acknowledge that India has an indigenous population. Instead, the term Scheduled Tribes (STs) functions as an administrative category for the indigenous communities.¹⁰ As per the 2001 Census of India, 84 million of the population are registered as STs. Under the Indian constitution, STs are entitled to special protection and affirmative action. They are seen as historically marginalised communities and characterised by ‘primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large and backwardness’.¹¹ Implicit in these definitions is an often negatively laden notion that STs are socially, educationally and economically ‘backward’.¹² Despite efforts towards affirmative action for marginalised groups since independence, there is still considerable concern of human rights violations on indigenous populations in India, often related to lack of access to land and resources. In the context of Jharkhand, violations of rights of Adivasi forest dwellers in Jharkhand have caused alarm from civil society organisations, in particular unlawful evictions from land to which they have legal and customary claim.¹³

In an effort to achieve inclusive governance through decentralisation, the PESA Act was passed in 1996. Under the provisions of the Act, power was given to third-tier, elected village councils called Gram Sabhas. Within the constitution, Gram Sabha is defined as a ‘body consisting of persons registered in the electoral rolls relating to a village comprised within the area of the Panchayat at the village level’ (Constitution of India, 1950, Art. 243). Article 244 of the Indian constitution provides space for self-rule in Scheduled Areas, stating that ‘every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution’. Further, Gram Sabhas should ‘approve of the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level’ (Constitution of India, 1950, Art. 244). As such, the law provides space for the historically marginalised to govern and provides the basis to protect

tribal rights through legislation. As stipulated by the law, states bear a responsibility in giving rights to Adivasis over local resources, with the intention to empower local communities to define and control their own development.¹⁴

The PESA Act can be seen as a prerequisite to later articulations of rights-based legislations. In the context of India's forest policies, the last three decades have seen efforts towards formalisation of decentralised forest governance, which is widely recognised as fundamental to inclusive management of forests.¹⁵ Most notably, The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA) marks a step towards correcting the historical injustice towards forest-dependent communities of India. Enacted in 2006, the FRA aims 'to recognize and vest the forest rights and occupation of forest land in forest dwelling [Scheduled Tribes] and other traditional forest dwellers, who have been residing in such forests for generations, but whose rights could not be recorded'. The Act seeks to challenge the structure of existing forest policies, such as the pernicious Forest Act of 1927, by decentralising forest governance. It can be seen as a step towards empowering the Gram Sabhas and forest rights holders, providing institutional mechanisms for them to protect and manage their own forest resources.¹⁶

Parallel to these processes of decentralisation and acknowledgement of customary rights, forest governance has also taken steps towards offsetting the negative impacts of deforestation, in efforts that some claim to be a step in the wrong direction.¹⁷ The Forest Conservation Act, enacted in 1980, prescribes conservation by compensatory afforestation as a solution to loss in forest cover due to industrialisation and large-scale diversion of forest through mining, dams and other projects. According to the Act, central permission is required for the diversion of any forested landscape, and an equivalent non-forest area should be afforested to compensate for land lost.¹⁸ Not only does this represent a process of abstraction of complex landscapes, it also legitimises continued deforestation by rendering forest exchangeable, and in some cases undoes the progress made through rights-based legislations such as the FRA.¹⁹

As previous sections have highlighted, India has indeed recognised the rights of forest dwellers through a number of progressive legislative measures. Yet, the essence of the legal framework of forest rights is not reflected nor recognised in many laws pertaining to forest governance, and customary law is often excluded in forest management. The contradictions of laws relating to forest in India stem from their different origins, purpose and political motivations, and they represent 'divergent legal, social, cultural and environmental interests'.²⁰

In the context of Jharkhand, Adivasi claims to rights and resources have been legitimised to a certain extent, through national and local legal frameworks. Simultaneously, these rights have been subject to dilution and attempts have been made by the state to reshape them. It is within this context that tribal resistance occurs, ranging from legitimate claims through the law to outright violent struggle. The next section will dive deeper into the theoretical aspects of subaltern resistance, and discuss the epistemological and legal foundation of the Pathalgadi movement.

Subaltern resistance revisited

There is a long and somewhat complex history of scholarship engaging with resistance in contemporary India.²¹ In particular, the subaltern studies project aimed to uncover the

‘politics of the people’.²² Derived from Gramsci, the project conceptualised the ‘subaltern’ as the underprivileged groups subject to subordination based on ‘class, caste, age, gender, office or in any other way’.²³ As an analytical approach, subaltern studies emphasised the voices and narratives of the marginalised, seeking to write history ‘from below’ by uncovering the agency of those subjects and how they negotiate meaning within an oppressive space.

While subaltern studies have been influential within scholarship on resistance, recent contributions have been highly critical of the concept, questioning the relevance of subaltern studies in a modern context.²⁴ Chatterjee²⁵ critically engages with the challenges of subalternity, and calls for a redefinition of the concept to better capture the realities of contemporary Indian politics. Nilsen and Roy²⁶ build upon these arguments, and seek to find a way to critically engage with the legacy of subaltern studies. As they view it, there is value in engaging constructively with subalternity while also acknowledging its inherent challenges and flaws.

As discussed by Chandra,²⁷ earlier studies of subaltern resistance have ignored the importance of the state, assuming it to be ‘external to the immediate social world of peasants’. Seen from this perspective, resistance is completely detached from the state and viewed as autonomous from the political domain.²⁸ In this contribution, the state is seen as both enabling and restraining resistance, and state law is an arena of struggle for power and meaning. As explained by Nilsen,²⁹ Adivasi resistance can encompass anti-stateism and state centrism simultaneously, and it is important to note that subalternity can both shape and be shaped by state practices.

During colonial times, law was commonly used as a means to assert power over people and resources, based on the rationale that while tribal populations had customary law, they were lacking ‘civilized’ judicial procedures.³⁰ Comaroff³¹ defines this process of domination through law as lawfare, ‘the effort to conquer and control indigenous peoples by the coercive use of legal means’. Resistance to colonial law and rule is widely acknowledged and as communities struggle against dispossession related to land and forests, rights-based legislations become an important space for contestation within the frame of oppression.³² In this view, an oppressive law can enable counter-hegemonic practices to arise. In fact, ‘lawfare might also be a weapon of the weak, turning authority back on itself by commissioning courts to make claims for resources, recognition, voice, integrity, sovereignty’.³³ In other words, marginalised communities can appropriate the language of the law and use it to their advantage, through engagement that Sundar³⁴ labels ‘law struggles’.

When looking to the Indian context of forests, one can claim that lawfare transformed the existing structure of forest governance. Forests were traditionally managed through customary laws of access, but under colonial rule, the forest was subject to state control. As argued by Agrawal and Bauer,³⁵ the British Empire used statistical representations of forests to redefine their use value, and transformed the relationship between local communities and the forest, in most cases significantly restricting their access to forest resources. Similar to forest reforms in many of the colonies across Africa and Asia, the reforms in India were based on the principles of scientific forestry, further justifying the centralisation of forest management.³⁶ The Indian Forest Department was established and the first Indian Forest Act classified forests as either reserved, protected or village forests. The Act advocated for total state control over forest resources, not taking into account customary or traditional rights.³⁷ As argued by Guha,³⁸ the increased

state intervention of forests breached the ‘moral economy’ of forest dwellers, and protests that followed across India were a result of the different valuation of forests from the perspective of ‘scientific’ forest management and traditional systems of forest governance. This is closely linked to what Scott³⁹ labels ‘state simplifications’, a process of abstraction of natural space that has profound impacts on the way in which forest is perceived, and by extension managed.

The Indian state has created contradictory narratives of tribal identity and their relationship to their environment; on the one hand portraying them as ‘environmental stewards’, protectors and the original inhabitants of the forest while on the other hand labelling them as encroachers on conserved areas and major contributors to deforestation.⁴⁰ These conflicting narratives go beyond the state, and the portrayal of indigenous people as ‘noble savages’ is frequently employed in activism, in India and otherwise. The construct of the Adivasi identity has a tendency of reducing them to helpless victims or bloodthirsty rebels, fitting the ‘savage slot’.⁴¹ These simplified, subaltern identities are reiterated by academic scholarship and media coverage portraying these struggles. Alpa Shah⁴² holds that these types of identity politics serve as a means to divide people, further reinforcing differences within indigenous communities. What she calls the ‘dark side of indigeneity’ reveals how ‘local appropriation and experiences of global discourses can maintain a class system that further marginalizes the poorest’.⁴³

To conclude, it is clear that the concept of resistance, in particular subaltern resistance, has had a tendency of presenting a binary of domination versus resistance, avoiding the embeddedness and ambiguities that riddle its many forms. Viewing dominance as a static, institutionalised form of power, and resistance as organised opposition to this type of power has been subject to critique for simplifying complex power dynamics.⁴⁴ Different contributions have demonstrated the heterogeneity of forms of resistance and its linkages to social power from a variety of theoretical perspectives.⁴⁵ Engaging with these concerns, this contribution is mindful of the social differentiation within and between the movements.⁴⁶ However, the scope of the article does not allow for a full elaboration of the plethora of individual aspects and motivations present within the movements, but rather aims to uncover the ‘hidden transcripts’ of tribal resistance in forest-dependent villages engaged in the Pathalgadi movement. Drawing on Scott,⁴⁷ the hidden transcripts represent ‘discourse – gesture, speech, and practices – that is ordinarily excluded from the public transcript of subordinates by the exercise of power’.

Finally, relating to Chibber’s⁴⁸ critique of the vagueness of subalternity as a concept, I view subaltern resistance as an act of intention and purpose. I work from Chandra’s⁴⁹ definition that the individuals or communities involved in resistance

minimally apprehend the conditions of one’s subordination, to endure or withstand those conditions in everyday life, and to act with sufficient intention and purpose to negotiate power relations from below in order to rework them in a more favorable or emancipatory direction.

Understanding resistance in Simdega

To understand contemporary acts of resistance in the Simdega region through the Pathalgadi movement, the historical context of tribal rebellion in Jharkhand is of

importance. The Munda community in particular has a history coloured by struggle and resistance. During colonial rule in the period 1885–1900, Birsa Munda led a resistance movement that fought against British rule, and was ultimately captured and executed. In modern times, he is revered as a freedom fighter, and celebrated as a hero.⁵⁰ These series of tribal rebellions fighting for access to land and forest led to the acknowledgement of rights through two separate tenancy laws, the Chotanagpur Tenancy Act (CNT Act, 1908) and Santal Pargana Tenancy Act (SPT Act, 1876), both of which aimed to give rights and protect the interests of the vulnerable sections of society in two administrative divisions of Jharkhand.

Instituted by the British after a long history of social mobilisation by the Birsa Munda movement, the CNT Act was enacted in 1908 to regulate and restrict the transfer of land from Adivasi to non-Adivasi individuals. It specifically protects the rights of Mundari Khuntkattidari, a traditional type of tenancy that recognises the ownership of the original clearer of the forest. The tribal uprisings were not merely a response to colonial oppression – they were also an articulation of the legal language imposed on the tribal communities. Through this process, tribal communities obtained legal claim through the means of law, which to this day grants many of Jharkhand's tribal communities tenure rights to their ancestor land.⁵¹

The emergence of the Pathalgadi movement was partially motivated by an attempt by the Jharkhand government to abolish the Chotanagpur Tenancy Act from 1908. In 2016 the government set to amend the laws in an effort to ease the process of transferring land from tribals to non-tribals. The suggested revisions to the CNT and SPT Acts was met with large-scale resistance across the state. While the amendments were eventually rejected, this attempt of diluting rights sprouted suspicion among Jharkhand's Adivasis, and increased the distrust of the government. In an effort to raise awareness of their rights, several villagers started erecting Pathalgadis with the details of the laws that protect their rights. Although there are no official records of the number of Pathalgadis erected for this purpose, it is estimated that over 300 villages have followed this practice, most of whom are in the districts of Khunti and Simdega. While the focus of this contribution is on Simdega, it is relevant to briefly discuss the difference of the manifestation of the movement in these two neighbouring districts.

First, it is important to note that Khunti has historically been a site of resistance for well over a century. Being Birsa Munda's birthplace, the heavily forested district has a high percentage of the population belonging to the Munda tribe. The Pathalgadi movement started in Khunti, and it is also where the movement has been most highly profiled. A handful of villages have declared full autonomy from the state, including removing their children from school and stopping receiving the food rations delivered to the most marginalised populations. However, only a few of the hundreds of villages have taken such a radical stance – the majority of the villages are merely claiming their rights as per the PESA and the FRA. By putting focus on these outlier cases, the media created a distorted image of the movement. This has been reiterated in the political sphere, and the movement has been described by ruling party politicians as anti-national, and as a front for Maoist-led opium cultivation.

During a field visit to a village in Khunti which had declared Pathalgadi, where representatives of five such villages were present, people expressed concern regarding how their communities were portrayed by media and those in power, and were fearful of

retribution or violent intervention by the state. The fear was not unfounded, as the police filed cases against about 200 individuals as a result of the movement, though the current government has pledged to drop the charges.

While the Khunti movement has taken a broad approach with their focus on governance through the Gram Sabha as per the PESA Act, the Simdega movement has taken a narrower approach, focusing specifically on forest rights as per the FRA, and the ceremony of declaring Pathalgadi is often done in tandem with claiming formal rights to the forest. The Jangal Bachao Andolan (Save the Forest Movement, JJBA) has been instrumental in this process, so it can be argued that the movement has been to a certain extent influenced by outsiders. Khunti Pathalgadis consist of large stone slabs, painted in green (the colour of Adivasi) with the provisions of PESA inscribed on them and sometimes warnings for outsiders not to enter the village without permission. However, in lieu of stone slabs, the JJBA has introduced green signboards where provisions of the FRA are explained. Villages #1 and #2 had signboards, while Village #3 had raised a traditional megalith. Both processes involve a ceremonial gathering of people, where the rights to land and resources are celebrated.

The basis of the Pathalgadi movement as it emerged in Khunti and Simdega stems from the same root, yet the movements have followed vastly different trajectories and motivations, as well as inciting quite differing state responses. In Simdega, the focus has primarily been on forest rights, and thus far the movement has not been perceived as radical or 'anti-constitutional'. In the following section I will further explore the strategies of resistance that emerged within the movement in Simdega.

Carving one's rights in stone

In their work on 'guerrilla agriculture', Cavanagh and Benjaminsen⁵² demonstrate how farmers in Mount Elgon, Uganda, employ a variety of tactics to engage in illicit cultivation within conserved areas. The four empirically identified categories are useful as a point of departure towards analysing the strategies of resistance at play within the Pathalgadi movement. The subsequent sections present the theoretical anchoring of non-violent, discursive, formal-legal and militant tactics, and elaborate on the empirical findings of resistance in the context of the Pathalgadi movement in Simdega.

Non-violent tactics

Non-violent tactics include 'everyday resistance', or what Scott⁵³ defines as 'weapons of the weak'. Everyday resistance rarely escalates to outright defiance, but rather provides a means to subsist under oppressive conditions. It is 'informal, often covert, and concerned largely with immediate, de facto gains'.⁵⁴ In this view, revolutions are few and far between, but that does not mean that oppressed communities fully succumb to domination. Rather, they find ways to covertly resist in the form of 'passive noncompliance, subtle sabotage, evasion, and deception'.⁵⁵ As such, everyday resistance is a broad definition, encompassing action that is 'individual and collective, material and symbolic, failed and successful'.⁵⁶

In Simdega, Adivasis are by and large dependent on forest resources for their livelihoods. That is not to say that forest is their main source of income, but it is economically

and culturally important. Women collect firewood that is used for cooking, branches as fodder for the livestock, and seasonally fruits and wild vegetables are picked to consume or to sell. This type of use of forests has in some cases been challenged by the Forest Department, in particular in areas where plantations have been implemented within the boundaries of a forest. As a form of defiance against such top-down management of forests, non-violent tactics are commonly used. This is particularly evident in looking at reactions to plantation work implemented by the Forest Department. In all three villages where fieldwork was conducted, there had been attempts to raise plantations within the boundaries of the forest. This was met with varying degrees of resistance. In Village #1, the plantation was still being maintained and protected by a local guard employed by the Forest Department as a 'cattle guard'. His main role is to protect the plantation from grazing animals, which pose a major threat to the survival of early-stage tree plantations. During field observations, it became apparent that the local communities had found a way to coexist with the plantation while still deriving benefits from it. Some areas within the plantation where plants had become resilient enough would allow grazing, and women would enter the forest early in the mornings to fetch firewood used for cooking. This can be seen as being aligned with 'everyday forms of resistance',⁵⁷ but it is to be noted that it seemed to be accepted to some extent by the Forest Department, indicating a level of coexistence and acceptance for other types of use of plantation land. There is, however, an issue of the low survival rate of trees in the plantation, which could indicate purposeful negligence. In Village #2 the villagers had removed the trees planted by the Forest Department, and in collaboration with JJBA they planted species of value to them, such as fruit-bearing trees and trees useful for fodder and firewood. As told by a local woman 'these trees are not useful to us, they don't provide us any benefit'. This is a common concern in communities where forest plantation projects are implemented without consulting the local population.

Discursive tactics

In conceptualising discursive tactics, I look to contributions from social movement theory and prefigurative politics, defined as 'local, situated efforts by people to imagine different futures'.⁵⁸ Central to social movement literature is the concept of ideology and its intrinsic links to social action. An ideology encompasses a range of values, and is rarely stable and static. Rather, it is dependent on collaboration among different actors, and relies on a certain level of improvisation. As explained by Jeffrey and Dyson⁵⁹ in their work on prefigurative politics, ideology relies on 'improvised action in the present results in the temporary coalescence of a vision of the future'. Seen in this way, discursive tactics are a dynamic process of framing issues, ideologies and ideas of a better future, rooted in 'discursive fields'. The set of actors constituting a discursive field continuously articulate and give meaning to events that occur, and as such it is a dynamic interaction that shapes the framing of the discourse. These processes are deeply embedded in the broader political context. As a mode of resistance, discursive tactics employ framing as a means of justifying a certain cause of action. Framing inevitably excludes certain elements, while promoting others.

The Pathalgadi movement in Simdega is working from the premise of the assumption that tribal peoples are the rightful owners and managers of the forest. The rights to 'jal,

jangal, jamin' (water, land and forest) are the core of the ideology that ties the movement together. As previously mentioned, the threats to the Adivasi way of life and in particular the set of laws that protect their rights to land, were part of what led to the start of the movement. In the current political climate, encouraging investment in the region, there is substantial fear of outsiders and this fear has become part of the discursive field of the movement. Central to this is the demand that local communities control their own development, as summarised in a statement by a young, local activist: 'The government says that we are anti-development, without giving us our rights. First give us the rights and see if we develop.'

In all three villages, local activists from the JJBA were central in motivating the communities to claim their rights. In the process of declaring Pathalgadi, the communities organise a celebration. While attending one such ceremony, the symbolic, discursive nature of the movement was palpable. Hundreds of people from the village declaring rights as well as neighbouring villages joined together in a day-long gathering, organised by local leaders and representatives of JJBA. The prolonged history of Adivasi struggles and resistance was a recurrent theme of the many speeches given by a variety of actors. Local politicians sympathetic to the cause were invited. Women, dressed in Jharkhandi sarees, performed traditional dances and sang songs celebrating the victories of Birsa Munda and other freedom fighters. Long speeches and political slogans reiterated the identity of Adivasis as the original forest dwellers and their rightful claim to land and resources. As a state with a high percentage of tribal people, the history of successful Adivasi resistance is important to the tribal identity. Symbols reminiscent of the tribal rebellions are found across the state, such as statues of Birsa Munda and others who fought for Adivasi rights.

The discursive tactics of resistance within the Pathalgadi movement rely heavily on the creation and circulation of narratives.⁶⁰ These narratives are naturally dynamic and shifting, but can be divided into three broad categories. First, narratives of tribal identity and their inherent rights and connection to the forest justify the claims made. Second, narratives about the detrimental effects of industrial growth give a sense of urgency to act. Third, narratives of the danger of outsiders and government officials strengthen the ideology that the Gram Sabha should be in control of the local resources. In tandem, these narratives create a powerful discourse that legitimises the need for the movement.

Formal-legal tactics

Formal-legal tactics include resistance through legal mechanisms. Here, I draw from the concept of 'rightful resistance', defined by O'Brien and Li⁶¹ as a

form of popular contention that operates near the boundary of authorized channels, employs the rhetoric and commitments of the powerful to curb the exercise of power, hinges on locating and exploiting divisions within the state, and relies on mobilizing support from the wider public.

It is defiance anchored in established principles, such as existing legal frameworks, and it frames claims using normative language and turns legal institutions to sites of contestation.⁶² From this perspective, resistance is a process of negotiation within the existing legal structures, often defined by those in power, and does not imply system change or revolutionary outcomes.

As has been discussed previously, the Pathalgadi movement is deeply anchored in the existing legal frameworks for Adivasi rights to land. First, the movement started as a response to the attempt of the government to remove the CNT Act. Second, the way the movement has emerged in the district of Simdega, it is primarily concerned about adequate implementation of the FRA. In the process of declaring Pathalgadi, communities often send in their claims for Community and Individual Forest Rights (CFR and IFR). As such, those engaged in the movement are ‘deploying the policies, laws and commitments of the state to combat local officials who were ignoring those policies, laws and commitments’.⁶³ Of course, there are close linkages between ideology and law, and while the ideological basis of the Pathalgadi movement is set within the realm of the law, notions of indigeneity function as a political tool to legitimise and strengthen the claims. The signboards and stones put up are carefully articulated and directly derived from the letter of the law, providing a constant visual reminder for any passers-by of the legal rights given to Adivasi communities, as well as the lack of implementation of said laws.

For rightful resistance to emerge, basic knowledge of legal rights is essential. In all three villages, interviews and observations seemed to indicate a clear distinction of ‘before and after’ rights awareness, often described in a timeline narrative. As said by a villager in Village #3, ‘Before, we didn’t have awareness, or idea of what to do in the situation, until we became aware of the FRA. FRA gives us the right to protect our land, our jungle.’

In Village #2, knowledge of the FRA empowered the villagers to engage in more direct forms of resistance to a Forest Department tree plantation. The 40 hectare plantation in the village was established in 2013/14, and mostly consisted of Chakundi and Acacia – trees commonly described as ‘foreign and useless’ by the local people. In 2015, people became aware of the provisions of the FRA, and since then they have resisted any intervention from the Forest Department. As such, the knowledge of the law and support from activists and sympathetic politicians has empowered the communities to resist.

Militant tactics

Finally, militant tactics use extra-legal, often violent means to resist. As such, they are an illegitimate mode of resistance. Simdega has been a major site of Naxal insurgency and perhaps even more so by the violent counter-insurgency movements led by the state. While fieldwork did not reveal any links between the Naxal groups and the Pathalgadi movement, their presence has certainly impacted the management of forests and the lives of those residing in and around them. It can be argued that Simdega has remained relatively free of industrial intervention as a direct result of the Naxal presence, due to corporate actors being reluctant to enter a conflicted area.

In the context of forests, the three villages in Simdega were adverse to any interference from the Forest Department, in particular to monocrop plantations. As said by a respondent: ‘I won’t allow the Forest Department to do anything, unless they give us the rights. They are not going through us.’ There have been instances of threats to Forest Department officials attempting to intervene in management of forests, but they have not escalated to violence. There is a level of understanding among officials, and sympathy to the rights of Adivasis to defend their resources. As stated by the superintendent of police: ‘People are not against the government. But if you go into their area and cut down their trees, they will revolt.’

While the movement is non-violent in Simdega and has remained within the realm of the law in staking claims through the existing legal mechanisms, there are imminent threats of that changing if rights fail to be recognised, or if a forceful intervention occurs. As stated by a villager in Village #2: 'If we don't get the rights through the law, we will go another way. But we will not go back to being oppressed.' This summarises the sense of empowerment and hope provided by the law, but also gives an indication of potential for violence if the law remains in name only, rather than being fully implemented.

Official narratives

In its discursive as well as material enactments, forest represents an ongoing ontological struggle in Jharkhand, which becomes apparent through the narratives produced by and about the Pathalgadi movement. As has been discussed, official narratives produced by the state and reiterated in media described the movement as 'anti-constitutional' and fuelled by ideas of separatism. While the official narratives in the context of local government officials interviewed in Simdega were more benign, the national attention the movement received tended to conflate the movement in Simdega with Khunti.

Within the villages involved in raising Pathalgadis in Simdega, fieldwork revealed distrust in authorities and in particular a strong distrust in the Forest Department. Several forest officials interviewed claimed that this distrust had its roots in outside influence, causing a fearful reaction to any intervention from the Forest Department. One forester stated

[T]hey think that if they allow plantation work in their communities they will end up being displaced and excluded from the forest, and will therefore not allow any kind of interference in their forests. When we build the boundaries and pillars, people think we will hand over their land to industry.

Of course, these narratives of collaboration between the state and extractive industry exist for a reason, as many communities in the region have borne the brunt of state-led industrial development, losing rights to their lands and forests in the process, but the narratives produced by local officials render these responses misguided, paranoid and a result of outsider influence.

A recurring narrative produced by local-level officials in Simdega was that of the 'innocence' of the Adivasis. They were often portrayed as simple people, described as 'easily manipulated', making them subject to outside intervention. For instance, the superintendent of police stated that 'Pathalgadi has been misrepresented by the media, and innocent tribal people have been manipulated by outsiders with ulterior motives'. While this does indicate a level of sympathy to the misrepresentation of the movement, it also points to a constructed identity within the policy sphere of the Adivasis as without agency, which can act as a means to delegitimise the movement's cause of claiming rights through the letter of the law.

Conclusion

Indigenous populations are increasingly caught in the crossfire of development, industry and conservation⁶⁴ and these processes of accumulation continue to be met with resistance from the ground.

This contribution has set out to situate the forms of resistance present within the Pathalgadi movement, thus contributing to emerging literature on new subaltern politics.⁶⁵ Fieldwork conducted in the Simdega region has shown that the movement employs a number of tactics. However, I would argue that ‘rightful resistance’ is situated at the core of the movement, as it has been shown to consistently use the lack of adequate implementation of the FRA as a justification to resist, while seeking legitimacy as the true managers of forests through the claiming of rights. As such, the movement is firmly entrenched within the logic of the state, though it is worth noting that the historical trajectory of the FRA was heavily influenced by activists and civil society movements, and as such may not be fully representative of ‘the state’.

In conclusion, the concept of rightful resistance does not grasp the full extent of resistance within the political realm of the Pathalgadi movement. Discursive tactics have been successful in establishing and spreading narratives that support the transfer of power over forest land and resources to the Adivasis. Non-violent tactics exist on the periphery of the movement, and are a symptom of the oppression felt by forest dwellers. Finally, militant tactics have not materialised, but could potentially manifest if and when other tactics remain unsuccessful. The confluence of these tactics form an overarching strategy to resist against a state that has failed to meet the needs and rights of marginalised populations living in and around Simdega’s forests. Echoing O’Brien,⁶⁶ the Pathalgadi movement in Simdega is ‘more noisy, public, open, and consequential than James Scott’s⁶⁷ “everyday forms of resistance,” yet still falls short of rebellion or revolution’.

Notes

1. Ramachandra Guha, ‘Forestry in British and Post-British India: A Historical Analysis’, *Economic and Political Weekly* (1983): 1882–96; Uday Chandra, ‘Beyond Subalternity: Land, Community, and the State in Contemporary Jharkhand’, *Contemporary South Asia* 21, no. 1 (2013): 52–61.
2. James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (London: Yale University Press, 1985).
3. Kevin J. O’Brien and Lianjiang Li, *Rightful Resistance in Rural China* (Cambridge: Cambridge University Press, 2006); Kevin J. O’Brien, ‘Rightful Resistance Revisited’, *Journal of Peasant Studies* 40, no. 6 (2013): 1051–62.
4. Nandini Sundar, *The Burning Forest: India’s War in Bastar* (New Delhi: Juggernaut Books, 2016); Connor Joseph Cavanagh and Tor A. Benjaminsen, ‘Guerrilla Agriculture? A Biopolitical Guide to Illicit Cultivation within an IUCN Category II Protected Area’, *Journal of Peasant Studies* 42, no. 3–4 (2015): 725–45; Sarah Jewitt, ‘Political Ecology of Jharkhand Conflicts’, *Asia Pacific Viewpoint* 49, no. 1 (2008): 68–82.
5. Saturnino M. Borrás Jr. and Eric B. Ross, ‘Land Rights, Conflict, and Violence Amid Neo-Liberal Globalization’, *Peace Review: A Journal of Social Justice* 19, no. 1 (2007): 1–4.
6. Cavanagh and Benjaminsen, ‘Guerrilla Agriculture?’, 725–45.
7. Mahesh Rangarajan and K. Sivaramakrishnan, *India’s Environmental History: From Ancient Times to the Colonial Period: A Reader* (Hyderabad: Permanent Black, ‘Himalayana’, 2012).
8. Cavanagh and Benjaminsen, ‘Guerrilla Agriculture?’, 725–45.
9. UN General Assembly, ‘United Nations Declaration on the Rights of Indigenous Peoples’, *UN Wash* 12 (2007): 1–18.
10. Purabi Bose, ‘Forest Tenure Reform: Exclusion of Tribal Women’s Rights in Semi-Arid Rajasthan, India’, *International Forestry Review* 13, no. 2 (2011): 220–32.
11. Ministry of Tribal Affairs, ‘Change in Criteria for Inclusion in St List’, 2017, <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1514486>.

12. Alpa Shah, 'The Dark Side of Indigeneity?: Indigenous People, Rights and Development in India', *History Compass* 5, no. 6 (2007): 1806–32.
13. IWGIA, 'Iwgia Urgent Alert Regarding Gross Human Rights Abuses Towards Adivasi Forest Dwellers in Jharkhand, India', 2017, https://www.iwgia.org/images/documents/urgent-alerts/Urgent_alert_Jharkhand_India2017.pdf.
14. Sanjoy Patnaik, 'Pesa, the Forest Rights Act, and Tribal Rights in India' (paper presented at the International Conference on Poverty Reduction and Forests, Bangkok, 2007).
15. Anne M. Larson and Jesse C. Ribot, 'Lessons from Forestry Decentralisation', *Realising REDD+: National Strategy and Policy Options* (2009): 175–87.
16. Pratap Mohanty and Rabindra Garada, 'Forest Rights Act & Community Conservation Initiatives in Odisha: Exploring an Alternative Regime of Forest Governance', *Journal of Politics and Governance* 5, no. 3 (2016): 35–47.
17. Soumitra Ghosh, 'Compensatory Afforestation: "Compensating" Loss of Forests or Disguising Forest Offsets', *Economic & Political Weekly* LII, no. 38 (2017): 67–75.
18. Kanchi Kohli et al., *Pocketful of Forests: Legal Debates on Valuating and Compensating Forest Loss in India* (New Delhi: Kalpavriksh & WWF-India, 2011).
19. K. B. Saxena, 'Compensatory Afforestation Fund Act and Rules: Deforestation, Tribal Displacement and an Alibi for Legalised Land Grabbing', *Social Change* 49, no. 1 (2019): 23–40.
20. Shiba Desor, 'Forest Governance at the Interface of Laws Related to Forest, Wildlife & Biodiversity', *Natural Justice and Kalpavriksh*, Pune (2015): 64.
21. Alf Gunvald Nilsen and Srila Roy, *New Subaltern Politics: Reconceptualizing Hegemony and Resistance in Contemporary India* (Oxford: Oxford University Press, 2015); Aradhana Sharma, 'Specifying Citizenship: Subaltern Politics of Rights and Justice in Contemporary India', *Citizenship Studies* 15, no. 8 (2011): 965–80; Uday Chandra, 'Rethinking Subaltern Resistance', *Journal of Contemporary Asia* 45, no. 4 (2015): 563–73.
22. Ranajit Guha, ed., *On Some Aspects of the Historiography of Colonial India., Ubaltern Studies: Writings on South Asian History and Society* (Delhi: Oxford University Press, 1982).
23. Ranajit Guha Gayatri Chakravorty Spivak, and Edward Said, *Selected Subaltern Studies* (Oxford: Oxford University Press, 1988).
24. Vivek Chibber, *Postcolonial Theory and the Specter of Capital* (London: Verso Books, 2014).
25. Partha Chatterjee, 'After Subaltern Studies', *Economic and Political Weekly* (2012): 44–9.
26. Nilsen and Roy, *New Subaltern Politics*.
27. Chandra, 'Rethinking Subaltern Resistance', 563–73.
28. Ibid.
29. Alf Gunvald Nilsen, 'Adivasis in and Against the State: Subaltern Politics and State Power in Contemporary India', *Critical Asian Studies* 44, no. 2 (2012): 251–82.
30. John L. Comaroff, 'Colonialism, Culture, and the Law: A Foreword', *Law & Social Inquiry* 26, no. 2 (2001): 305–14.
31. Ibid.
32. Minati Dash, 'Rights-Based Legislation in Practice: A View from Southern Orissa', in *Social Movements and the State in India* (London, UK: Palgrave Macmillan, 2016).
33. Mindie Lazarus-Black and Susan F. Hirsch, *Contested States: Law, Hegemony and Resistance* (New York: Routledge, 2012).
34. Nandini Sundar, 'The Rule of Law and Citizenship in Central India: Post-Colonial Dilemmas', *Citizenship Studies* 15, no. 3–4 (2011): 419–32.
35. Arun Agrawal and Joanne Bauer, 'Environmentality: Technologies of Government and the Making of Subjects' (Durham, NC: Duke University Press, 2005).
36. Bose, 'Forest Tenure Reform', 220–32.
37. Ibid.
38. Ramachandra Guha, *The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya* (Berkeley: University of California Press, 2000).
39. James C. Scott, 'State Simplifications: Nature, Space, and People', *Nomos* 38 (1996): 42–85.
40. Bose, 'Forest Tenure Reform', 220–32.
41. Chandra, 'Beyond Subalternity', 52–61.

42. Alpa Shah, *In the Shadows of the State: Indigenous Politics, Environmentalism, and Insurgency in Jharkhand, India* (Durham, NC: Duke University Press, 2010).
43. Shah, 'The Dark Side of Indigeneity?', 1806–32.
44. Sherry B. Ortner, 'Resistance and the Problem of Ethnographic Refusal', *Comparative Studies in Society and History* 37, no. 1 (1995): 173–93.
45. Chandra, 'Beyond Subalternity', 52–61; Tania Murray Li, *The Will to Improve: Governmentality, Development, and the Practice of Politics* (Durham, NC: Duke University Press, 2007); Alf Gunvald Nilsen, 'Power, Resistance and Development in the Global South: Notes Towards a Critical Research Agenda', *International Journal of Politics, Culture, and Society* 29, no. 3 (2016): 269–87.
46. Crispin Bates and Alpa Shah, *Savage Attack: Tribal Insurgency in India* (New Delhi: Social Science Press, 2017).
47. James C. Scott, 'Domination, Acting, and Fantasy', *The Paths to Domination, Resistance, and Terror* (1992): 55–84.
48. Chibber, *Postcolonial Theory and the Specter of Capital*.
49. Chandra, 'Rethinking Subaltern Resistance', 563–73.
50. K. S. Singh, 'The Munda Epic: An Interpretation', *India International Centre Quarterly* 19, no. 1/2 (1992): 75–89.
51. Chandra, 'Beyond Subalternity', 52–61.
52. Cavanagh and Benjaminsen, 'Guerrilla Agriculture?', 725–45.
53. Scott, *Weapons of the Weak*.
54. Ibid.
55. Ibid.
56. George Holmes, 'Protection, Politics and Protest: Understanding Resistance to Conservation', *Conservation and Society* 5, no. 2 (2007): 184–201.
57. Scott, *Weapons of the Weak*.
58. Craig Jeffrey and Jane Dyson, 'Geographies of the Future: Prefigurative Politics', *Progress in Human Geography* (2020): 0309132520926569.
59. Jeffrey and Dyson, 'Geographies of the Future'.
60. Cavanagh and Benjaminsen, 'Guerrilla Agriculture?', 725–45.
61. O'Brien and Li, *Rightful Resistance in Rural China*.
62. O'Brien, 'Rightful Resistance Revisited', 1051–62.
63. Ibid.
64. Cavanagh and Benjaminsen, 'Guerrilla Agriculture?', 725–45.
65. Nilsen and Roy, *New Subaltern Politics*; Chandra, 'Rethinking Subaltern Resistance', 563–73.
66. O'Brien, 'Rightful Resistance Revisited', 1051–62.
67. Scott, *Weapons of the Weak*.

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