

TRIBAL LAND ALIENATION

A Case Study of Bouruwaka

The study of the tribal people of East Godavari sub-plan area is a poignant tale of land alienation, high mortality rate, illiteracy, high indebtedness, seasonal migration, food insecurity and a total lack of primary facilities like drinking water, roads, electricity, medical-aid, schools, etc and face both State and extremist harassment.

In East Godavari, the sub-plan area consists of forty-nine tribal revenue villages split into three mandals of Sankhavaram, Prattipadu and Kotananduru, with a total population of approximately fifteen thousand. The tribal inhabiting these villages are kondakapus, kondadoras, Valmikis, Kondakammaras and Manyadoras, all with their own socio-cultural identities. The primary occupations of the tribal here are agriculture and collection of Non Timber Forest Produce like gum, tamarind, honey, soap nuts, etc. Although only 30 kms away from the national highway, the area was totally neglected by the government until as late as 1987.

The term sub-plan area (unscheduled area) denotes a tribal area where the protective legislations under the Fifth Schedule of the Indian Constitution are not applicable. In effect, the only reformative legislations are the A.P. Assigned Lands (prohibition of Transfer) Act, 1977, i.e. Act 9/77 and the A.P. Land Ceiling Act of 1976. The tribal sub-plan villages in East Godavari were a part of the erstwhile Pithapuram Zamindari and most of the villages were Estate villages. Since the tribal people are, fundamentally, an innocent and simple-minded community, and lack the knowledge of legal procedures, when the ryotwari settlement took place around 1962, they fell victims to the land-hungry non-tribal and traders who connived with the local revenue officials.

Samata:

Therefore, the cardinal issue that we could identify when we entered the area as a group of youth in 1987, was that of land alienation. Our organisation 'Samata' was formally formed in 1990, after working in the area for three years with the help of Mr. Tilak of Spandana, and we started operating from Peddamallapuram, the nodal village in the area. Since 1987, the focus of our activity has been to organise the tribal of these forty-nine villages into:

- a) struggling for restoration of their lands;
- b) to establish locally a countable people's institutions;
- c) to raise consciousness among tribal for overcoming external exploitation; and
- d) to build up pressure groups for mobilising the government and fighting for tribal rights.

The Problems of land alienation in the sub-plan area:

The main problems concerning tribal lands and the process of land alienation has been:

- a) mortgage of land and standing crops to money-lenders and traders;
- b) alienation of land to non-tribal through fraudulent means by karanam and other revenue officials;
- c) benami land holdings;
- d) lack of title deeds over lands enjoyed by tribal;
- e) sale and registration of government banjar lands to and by non-tribals;
- f) Irregular assignment of lands to ineligible holders; and
- g) Absentee landlordism.

Bouruwaka – A case study:

Of the varied land problems mentioned above, one of the major cases Samata has been actively involved in from 1988 onwards, is that of Bouruwaka village where, 284.62 acres of government banjar land is under dispute between the tribal people of Bouruwaka and the non-tribal landlords of Pithapuram and Kakinada. This is an archetypal saga of how poor tribals are mercilessly thrown out of their own lands by scheming karanams and corrupt revenue officials tampering with government records, and hoodwinking the government itself. It has taken two decades to expose this mischief, even after which justice has not yet been rendered to the tribals due to the callousness of the courts and the district administration.

History of Bouruwaka land struggle:

Bouruwaka is a village in Prattipadu mandal of E. Godavari district. It consists of hundred and fifty families, of which thirty are non-tribal and the total revenue area in the village is 619.17 hectares. Bouruwaka is an Estate village, wherein the ryotwari settlement took place in 1962. In 1969, the then karanam, a revenue inspector and tahsildar of Prattipadu assigned 284.62 acres of poramboke land to 84 assignees, both tribal and non-tribal. Of the 84 assignees, some of them were close relatives of the above mentioned karanam and other revenue officials. The tribals were totally unaware of the process of assignment. This particular patch of land of 284.62 hectares was covered under two survey numbers prior to assignment (44.62 & 240 acres). For the sake of assignment, sub-division of survey numbers was done and new numbers from 120-145 were given. The village karanam took all the D-Form pattas of the tribals within their knowledge and, over a period of time, the entire land was sold to landlords from Kakinada and Pithapuram.

At the time when this process was underway, the upasamith of Bouruwaka rallied the tribals and petitioned the then RDO of Peddapuram who issued a proceedings staying the whole operation of assignment and stated that the whole process of assignment was mischievous and fraudulent. Nevertheless the process of alienation continued undeterred and by the time Samata took up the issue, the lands had changed four to five hands.

Our efforts and the problems encountered:

In 1987 October, after a series of meetings with the tribals of Bouruwaka, the problem was clearly disclosed to us, and we could get hold of an old Stay Order by an RDO in the 70's from a tribal leader. Equipped with this, we represented the case to the then District Collector, Shri. M.V.P. C. Sastry and the Project Officer, ITDA, Rampachodavaram, Shri. T. Vijay Kumar, in November 1987. Subsequently in January 1988 Shri. S. Narsing Rao, Assistant Collector under training was put on the job of enquiring into our representation. Together, we conducted a survey of actual enjoyment and recorded how the D-Patta lands were alienated to the non-tribals. Based on the enquiry report of the Asst. Collector, firstly, the revenue inspector involved in the assignment in 1969, who was now MRO, Kapileswaram, was placed under suspension, and secondly, action was initiated under Section 324 of Act 9/77 against the non-tribals who had acquired the lands by way of sale deeds because, land transfer in Bouruwake was illegal for: "violation of conditions of assignment of D-form pattas"; Notices were sent to the non-tribals who approached the High Court for a Stay. A caveat was filed in the High Court by the MRO after which the lands were restored to seventy tribals and three SC families on 12.3.88, for an extent of 170.15 acres. Later, an extent of 34.53 acres more was restored to twenty-three families. Totally, ninety-six families were restored an extent of 204.68 acres. Meanwhile, thirteen non-tribals got a stay order for 98 acres of land and a contempt proceedings was issued on the MRO. We helped the forty-three tribal families in approaching the High Court and impleading their case

for the vacation of the Stay. Unfortunately, the High Court gave a verdict saying, "due to procedural irregularities in the process of restoration, possession with the tribals is illegal. Therefore, give the land back to the non-tribals and restart proceedings". (Justice U.L.e). With this negative judgement, the situation reverted back to its original state except that of the 204 acres, 98 acres only was under dispute. It took us another whole year to mobilise the government again and prssurise the MRO, Prattipadu to initiate action for restoring the 98 acres to 46 families. This delay was caused because, firstly, the district officials (the Collector & Project Officer) who were positively inclined towards the tribals, were transferred and, secondly, the earlier MRO, Prattipadu was fined Rs. 1,500 for contempt of court. The Thirteen non-tribals, got a stay for the second time. Before we could approach the High Court for vacation of the Stay, the naxalites of PWG entered the scene and intervned in the issue. This led to a lot of tensionand police harassment of the tribals from July 90 till to date. The situation grew worse when the naxals killed the non-tribals landlord of Bouruwaka who had got the Stay order from the High Court. There was utter chaos in the village and this strained situation was taken advantage of by few other non-tribals from the neighbouring plains villages. They colluded with the local police and occupied thelands under dispute. In '90 when thenaxals intervned, we had to withdraw our involvemnet from the issue, but since the tribals have again approached us for help, we decided to appeal to the High Court for vacation of the Stay. The issue has been int e doldrums for some time and we are again mobilising the tribals and the government for restoration of land.

Our Recommendations:

Executive:

- 1) A list of assigned D-patta lands should be regularly sent to the respective Registrar offices so that registration by way f sale can be prevented as per Prohibition of Registration of Assigned Land Central Act 16/1908;
- 2) Transparancy of village records to the people of utmost importance;
- 3) Implement the acts in the true sprit and word.

Judiciary: The court should hear the side of the poor also before issuing a Stay because the interests of the poor are affected. The whole objective of land reforms would otherwise be defeated.