

This racket requires a more honest probe

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Recent happenings in the scheduled area of West Godavari district have not received the publicity they deserve.

I am referring to the discovery of a racket in forged and fabricated Court documents – including High Court orders! – at the instance of non-tribal landholders in the scheduled area of Jeelugumilli. Around the end of April the police arrested a former *karanam* of Mulagalampalli by name Somasekhara Rao and his associate Naga Venkata Srinivasa Rao, and recovered fake Court seals as well as pattedar pass books. The Court seals range all the way from those of the Special Deputy Collector (Tribal Welfare), the primary authority under Regulation 1 of 1970, the Settlement Officer, the primary authority under Regulation 2 of 1970, to those of the High Court of Andhra Pradesh. Needless to add, the fake seals were not made for fun. A properly ‘sealed’ document can seal the fate of whole estates of land. It is evidence in every Court, and weighty judgements are pronounced on its basis. It is now clear that whether or not the former *karanam* of Mulagalampalli is the only practitioner of this racket, large tracts of Agency land have been confirmed in favour of non-tribals by the Courts on the basis of fabricated documents carrying the right seal and stamp.

Those who have been observing the legal vicissitudes of the tribal-nontribal conflict in that district are not surprised. The nontribal landholders, with the able assistance of some unscrupulous lawyers, the connivance of corrupt revenue officials, and either the mechanical non-application of mind or the careless indulgence of sections of the judiciary, have been abusing the process of law left and right. They have been doing this by seemingly lawful means, so what is surprising if they are now found to have been using unlawful means as well?

Regulation 1 of 1970 gives the Special Deputy Collector (Tribal Welfare) the power to initiate cases suo motu, that is to say without any complaint from a tribal, against non-tribals having land in the scheduled areas. That officer can on his own serve notice on the non-tribal to come and explain how his possession is not contrary to the Land Transfer Regulations. This beneficent provision motivated presumably by the consideration that illiteracy is widespread among tribals, has been abused no end by non-tribals with the aid of pliant officials, and a wooden interpretation of the law by our High Court. A non-tribal with land-holding of dubious legality in the scheduled area ‘requests’ the concerned authority to take up an enquiry suo motu before any tribal gets hold of enough material and resources to do so. The enquiry proceeds between the willing official and the eager non-tribal without notice to the tribal population of the area, and of course ends with a ‘finding’ that the non-tribal’s holding is perfectly lawful.

If any tribal later wakes up to his rights and files a fresh complaint concerning the same land, our High Court will come to the non tribal’s rescue by declaring that what the tribal is now asking

the Special Deputy Collector (Tribal Welfare) to do, is to review his own earlier judgement, which is a power that official does not have. One or two judges of our High Court have had the far sight to say that Courts should be slow to apply the principle of estoppel to complaints by tribals concerning violation of Regulation 1 of 1970, but the common wisdom of our High Court runs contrary to that. It is doubtful that this wisdom will stand up to considered scrutiny, but since the tribals do not have the wherewithal to go to the Supreme Court, this dubious wisdom is the final word for the present.

With increasing awareness among the tribals, and with the help of tribal movements, they are moving faster to file cases. So the non tribals are cutting faster corners. The modus operandi is as follows: As soon as a tribal files a complaint about a non-tribal's illegal holding of land in the scheduled area, the non-tribal approaches the same authority who is hearing that complaint and asks him to register a pre-dated suo motu complaint on the same land. This fictitious case is then heard fast, even as the non-tribal's lawyer seeks adjournments in the complaint filed by the tribal, and is decided in favour of the non-tribal. That order is then shown to the High Court to get the complaint filed by the tribal stayed, and ultimately quashed, because as I have said above our High Court has been taking the view that a second complaint cannot be entertained concerning the same matter. Some times it is not even the actually existing complaint of the tribal that is stayed, but another fictitious complaint by a fictitious tribal is pulled out of thin air, shown to the High Court, and a stay order obtained, which is then put into effect against the actually existing complaint being prosecuted by a tribal. I need not add that this requires not only pliant revenue officials but also unethical lawyers and a judiciary lacking in diligence.

From this to straight forward fabrication is but a short step. I have myself seen at least one order of the High Court – carrying the proper seal, signature and all that – wherein a stay order obtained by one non-tribal landholder of a village of Jeelugumilli mandal has been converted by altering the names and addresses of the parties without changing the number of the case, into a stay order in favour of another landholder of a different village of Buttaigudem mandal! The High Court has even entertained a Contempt Case for violation of this fabricated order. But nobody as yet knows how extensive is the forgery and fabrication, and therefore nobody knows how much land is being held by non-tribals with the aid of such fictitious and fabricated documents.

It is reported that the investigation has been handed over to the CID, but there is a strong suspicion that the very powerful nontribal interests of the West Godavari agency and that of the contiguous agency of Khammam district, who have two influential Cabinet Ministers with them, will do their worst to ensure that the investigation does not go beyond the doings of the *ex-karanam* of Mulagalampalli. And that may well be no more than the tip of the ice berg.

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