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TRIBAL UNREST IN WEST GODAVARI :
Fact, Fiction and First Information Reports

By Dr K Balagopal

Tribal-nontribal clashes in West Godavari district have been in the news of late. There are reports of tribal raids upon the fields and orchards of non-tribals, destruction and theft of crops and other produce, and physical assault upon non-tribals with the traditional bows and arrows of the tribals. The tribals are further accused of not sparing even the poor among the non-tribals. The voice of the tribals is rarely heard in the newspapers, which are full of the version and the complaints of the administration and the non-tribals.

There is a scheduled area (or 'Agency', in popular parlance) in nine districts of A.P. but West Godavari alone has been in the news regarding the tribal-nontribal problem, or the '1 of 70' problem as the Press refers to it. This is not because West Godavari has a larger agency than the other districts. Quite the contrary, in fact West Godavari has a relatively small scheduled area, comprising only three mandals: Polavaram, Buttaigudem and Jeelugumilli. Unlike the other coastal Andhra districts across the Godavari river, the scheduled area of West Godavari is not hilly nor very heavily forested. It is, for that reason, easily accessible to the non-tribals. Over the decades, they have gradually invaded the forests and occupied large tracts of land. Much of it was simply taken over from the tribals, either by force or at a cheap price or by merely staking claim at the time of survey and settlement. For, the tribals being accustomed to shifting cultivation, at any given point of time, only about one-fifth of the land cleared by them would be under cultivation, and the rest fallow, to be claimed by any alert non-tribal as his own and settled in his name.

It is well known that the late part of the 19th century and the early part of the 20th century saw many tribal rebellions in the Godavari region (collectively called Rampa rebellions by the British rulers). Land alienation was one of the causes of the rebellion. The British rulers therefore decided to set themselves up as the protectors of the tribals, and enacted what is briefly called the Land Transfer Regulation Act, 1916, which among other things prohibits transfer of tribal land to non-tribals without the permission of the Agent i.e. the Collector. Nevertheless, encroachments continued to take place and much of it was given official sanction by being recorded in the Re-settlement Registrar (RSR) of 1933. There is no way of unearthing the means by which non-tribals managed to get their title recorded in the RSR of 1933, for that was a time when tribals were totally illiterate, and there were no tribal, political or human rights organisations, to keep an eye on what was happening. The village munsiffs, karanams and tahsildars ruled the roost and there was no check on them excepting their own integrity, if any.

After independence and the formation of the State of Andhra Pradesh, the land transfer law for scheduled areas was amended and re-named AP Scheduled Areas Land Transfer Regulation Act (APSALTR ACT), 1959. This Act forbade all transfer of land from tribals to non-tribals, leaving no room for official permission or sanction. Yet, transfers continued to take place because the law could be activated only by a claim filed by a tribal. Tribal restlessness continued, and culminated in the Srikakulam revolt of 1968, led by the CPI-ML.

This was followed by a crucial amendment to the LTR Act in 1970, which is usually referred to as Regulation 1/1970 or colloquially simply as '1 of 70'. This amendment banned transfer of land in scheduled areas from not only tribal to non-tribal but also

from non-tribal to non-tribal. As the non-tribal ideologues are making much of this prohibition, complaining that it prohibits the sale of non-tribal land even in the case of dire need, it must be added that Regulation 1 of 1970 allows the government to buy up the land put on sale by a non-tribal, so that if dire need is the only problem, the non-tribal can sell to the government at a fair price, and what is prohibited is only commercialisation of land in scheduled areas.

Perhaps more importantly, Regulation 1/1970 puts on the non-tribal the burden of proving that the land owned by him in scheduled areas was acquired lawfully. This enabled, though very belatedly, the government to issue notices to each non-tribal land owner in scheduled areas to establish their title. A flood of notices were issued by the officers (Special Deputy Collectors etc.) appointed for this purpose all over the State, and enquiries were held under Regulation 1/1970, or rather the APSALTR Act as amended by Regulation 1/1970.

Welfare legislation that puts the responsibility on the State of looking after the interests of the weak who are disabled socially from safeguarding them is a good thing in principle, but in the cultural practices of our bureaucracy, such protective legislation soon turns into patronising legislation. The State replaces the victim and drives them out from the act of protecting their interests. And any independent action on their part to protect their own interests is viewed with distrust and dubbed illegitimate and uncalled for, even when it is not violent.

So the implementation of '1 of 70' soon became a matter of the State vs non-tribals, with the tribals left entirely out. The State issues notice to the non-tribal, who comes with his evidence and either does or does not convince the official that his title was lawfully acquired, and that is that. The tribals living in the same village usually do not even have notice of the case, unless they themselves file a claim upon the same land or voluntarily implead themselves in the case. Even if they do come to the Court of the Spl. Deputy Collector, the only evidence they can produce is (or atleast was, until recently) the uncertain memory they have of forcible or fraudulent appropriation of their land by the non-tribals. Such evidence, unsubstantiated by revenue records, is of no value in the eyes of the law of evidence followed by our civil and revenue courts. A more informal nyaya panchayat type of adjudication may do justice to these '1 of 70' cases but the government has never thought of instituting such procedures. It is not too late even now, since there is no bar of the *res judicata* type for reopening settled cases under the APSALTR Act. Nyaya panchayats which follow a more informal procedure in assessing evidence can still be set up and notices issued afresh to all non-tribal landholders as well as to the tribals living in the same villages to reopen the cases and resettle them.

This is necessary now, since the record of settlement of cases under '1 of 70' as of date is that cases pertaining to 2.17 lakh acres have been settled all over the State and 54 percent of the adjudicated acreage has been declared to be lawfully in the possession of the non-tribals. Only cases pertaining to 7653 acres remain to be adjudicated. Thus, as far as the government is concerned, settlement of cases under '1 of 70' is all but completely done. But the upshot is that it leaves more than half the population in the scheduled areas non-tribal, and more than half of the land in the scheduled areas in the ownership of non-tribals.

This is the context in which one has to see the tribal unrest in the three agency mandals of West Godavari district. While the State-patron of the tribals has been thus 'looking after' the interests of the tribals, the beneficiaries have woken to literacy and political awareness, thanks in part to the CPI-ML groups and in part to voluntary organisations. They are not satisfied with the way the revenue officials have decided the LTR Act

cases. They and the organisations helping them are looking up old records, digging up old documents and recalling from memory old incidents of dispossession of their land by non-tribals.

A wrong impression has been given that the tribals in the West Godavari agency have stopped all the cultivation of non-tribal farmers. As a matter of fact, they have stopped the cultivation and harvesting of only specific lands in each village, which they regard as illegally appropriated. What they are demanding is that until a thorough enquiry takes place about that land, the non-tribal farmers should not enjoy the fruits of that land. Moreover, there is not a single instance where the small farmers have been targeted by the tribals.

It is the government which has by its response to the tribal agitation created conflict between tribals and non-tribal poor. For instance, in Jeelugumilli mandal, the tribals raised a dispute over nearly 995 acres of land in the ownership of non-tribal landlords of Panduvarigudem and Barenkalapadu. To satisfy them, instead, the district authorities decided to dispossess 20 Dalit families of Lakshmipuram of the 25 acres of land they had purchased unlawfully from non-tribal upper castes in 1971 and distribute it to the rebellious tribals! It is this act of the administration, and not any demand of the tribals, that led to conflict between the tribals and Dalits which has been much publicised.

A similar thing happened at the village Busarajupalli in Buttaigudem mandal. Here the tribals raised dispute over nearly 200 acres owned by non-tribal landlords and farmers. The response of the administration was to advise the tribals to keep away from the private land of non-tribals, in lieu of which the administration would unearth illegally occupied poramboke or waste land and hand it over to the tribals. This is the advise given to the tribals all over West Godavari district. Since poramboke or other waste land is likely to be held mainly by poor non-tribals, this too is likely to create conflicts between the tribals and the non-tribal poor. This is what happened at Busarajupalli. The revenue officials, unwilling to reopen the LTR Act enquiry on the 200 acres of land claimed by the tribals, hunted instead for poramboke land and discovered 35 acres of land which was given to Dalits on assignment in 1967. They told the tribals that this land would be handed over to them, following which the tribals occupied the land and sowed paddy in it. This offered the non-tribal landlords, whose land was among the 200 acres originally claimed by the tribals, to use the dispossessed dalits as a political shield to hit at the tribals. On 5 Aug 1996, Karatam Rambabu, big non-tribal landlord and son of former village munsiff of Buttaigudem, led a large mob of non-tribals from many villages in two wheelers and tractors to Busarajupalli to destroy the crop sown by the tribals in the land of which the Dalits had been dispossessed. The tribals too gathered in a large number and resisted the invaders, with their traditional bows and arrows. There was daylong argument in the presence of the police, and some conflict at the end, which resulted in 45 tribals being jailed for a long time.

A final word about the police and their role. An act of violence, even if it is motivated by just anger, is a crime and the police will necessarily step in, both for prevention and investigation of offences. This authority is given by the law to the police to maintain order but not to be misused to suppress the weak and powerless. In situations such as that prevalent in the West Godavari agency, what is required is a sensitive police officer who will ensure that the just demands of the tribals are not suppressed in the name of order. For a long time last year, police interference in the agency was kept to a minimum but this year things have changed with the transfer of the District Collector. At the beginning of summer this year, the non-tribal farmers managed to persuade the DSP, Jangareddygudem, to send his police to make large scale arrests in a series of villages

in Jeelugumilli mandal where the tribals had threatened to stop the harvesting of the cashew crop of non-tribal farmers on disputed land. So even before the tribals actually took away any cashew crop from the non-tribals' land, the police swooped down upon 5 hamlets on 21 and 22 March and arrested 47 tribals, 31 of them women. Their homes were raided, and whatever produce was found there, including produce harvested from the tribals' own land, was seized as stolen material. At the hamlet of Patha Cheemalavarigudem, Naram Dharmiah, a tribal who had sold his flock of goats to raise money to build a house found Rs.50,000 missing after the police raid. There is no need to guess who stole it.

Subsequently, both the SP of the district and the DSP of Jangareddygudem, Mr Brahma Reddy, against whom a complaint of unlawful use of force against agitating labourers is pending in the Human Rights Court at Kurnool in which district he worked as DSP, Atmakur, before he was shifted to West Godavari district, have been issuing what they call stern warnings to the tribals that the police will not keep quiet hereafter. The non-tribal farmers' association has been emboldened to complain that if the police had been stern from the beginning, things would not have come to such a pass. Let us remind ourselves that the tribal unrest of West Godavari is being led, not by the Naxalites or any violent group but by an entirely law abiding voluntary organisation 'Shakti'. Can one hope that sense will prevail somewhere in the official hierarchy concerned with the welfare of tribals, and the tribal unrest will be met with justice and not further threats of 'stern' action and police cases?

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