

TRIBAL LAND ALIENATION- A CASE STUDY OF BAVURUWAKA VILLAGE

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 tribal 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 tribal 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 poramboku 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 up asarpanch 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, Shirr. M.V.P. C. Sastry and the Project Officer, ITDA, Rampachodavaram, Shirr, T. Vijay Kumar, in November 1987. Subsequently in January 1988 Shirr. 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 proceeding 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 pressurise 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 intervened in the issue. This led to a lot of tension and 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 the lands under dispute. In '90 when the naxals intervened, we had to withdraw our involvement 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 in the 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 of sale can be prevented as per Prohibition of Registration of Assigned Land Central Act 16/1908;

- 2) Transparency of village records to the people of utmost importance;
- 3) Implement the acts in the true spirit 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.

Bhanumathi Kalluri, 1992, Tribal land Alienation- a Case Study of Bavuruwaka village

Source: *www.dhaatri.org/Resources*