

*A process documentation study on land rights struggles of SAKTI*

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**Acronyms and Abbreviations**

DC	Deputy Collector
ESR	Enjoyment Survey Register
FSR	Forest Schedule Rates
ITDA	Intergrated Tribal Development Agency
LTR	Land Transfer Regulation
MRO	Mandal Revenue Officer
NGO	Nongovernment Organisation
PESA	Panchayat Raj Extended to Scheduled Areas
RDO	Revenue Divisional Officer
RSR	Resettlement Register
SDC	Special Deputy Collector
SAKTI	Search for Action and Knowledge of Tribal Initiative

## **Summary**

*Oxfam(GB) and SAKTI cherish a long term partnership. Oxfam (GB) has been a partner and supporting SAKTI's work since 1985. The main objective of this book is to present the processes, methods, strategies that were used by the organisation and the various stages between 'issue framing' to 'policy change'.*

*The strength of SAKTI lies in its approach to empower the tribals, through the realization of the constitutional and legal provisions available to them. The work was concentrated and diversified from providing developmental assistance to empowerment through legal advocacy. SAKTI has grown with the time and experiences but the core has remained soulfully the same. The staff were harassed, threatened and jailed but the compassion continued. Over the years, the organisation has gained the insights working with tribals, the Revenue, Forest, Police and Judiciary. SAKTI's role as a catalyst strengthened the capacities and transformed the livelihoods of tribals. Today they are confident and negotiate with the government institutions to seek justice for their ignored rights.*

*The report is divided in to three parts. The first section introduces sources of the land problems and the historical background of the legislations enacted in pre and post independent India. The second section focuses on the SAKTI's work, the resistance and tribal struggles. The third section is a concluding one, describing the lessons and experiences gained by the organisation over a period of two decades. These experiences and methods can be useful for activists and organisations working for the Rights of the tribals in other parts of the country. Though the experiences are specific to agency areas in Andhra Pradesh State, can be applied to tribal struggles in other parts. One can learn from the experiences of others and avoid reinventing the wheel.*

Land is the most crucial form of property, valued for its economic, political and symbolic importance from known times. It is a productive, wealth creating and livelihood-securing asset. Traditionally it has been the basis of political power and social status. Sense of identity and belongingness comes with the land that one owns. Rights to land can be defined as claims that are legally and socially recognized and enforceable by an external legitimised authority. It could be a community recognized or village level institution or an executive body of the state. Legal rights to land can stem from inheritance, membership, transfers, purchase and tenancy arrangements. The rights can be distinguished in the form of ownership, co-ownership, and usufruct, associated with different degrees of freedom to lease out, mortgage, donate or sell. The rights in land can be chronological and some times location specific. For example a membership in the community will provide usufruct rights over a piece of land owned by the community. As distinct from rights a person may also enjoy access to the land through the concessions granted by a legal institution. Some may enforce their power to procure the access to land. Access to land through 'Rights' provide a measure of security, where as other forms of access can be challenged any time.

Search for Action and Knowledge of Tribal Initiative(SAKTI) a non governmental organisation has been involved with the land struggles of tribal communities in East Godavari, West Godavari and Khammam Districts in the State of Andhra Pradesh. The work was supported by Oxfam for about 17 years<sup>1</sup>. The main objective is to support the organisation in restoring the constitutional land rights of tribals and capacity building of the communities. As a result the tribals understand the land issues and acquire necessary skills to deal with the administrative machinery for securing their land and rights. SAKTI's experiences working with tribal communities in the agency areas reveal us the strong feelings that are attached to the land. The conflicts took place between the tribals and the non-tribals and went to the extent of loss of life of the members. To suppress the movement the tribal leaders were offered bribes, harassed and jailed, women members were abused. The staff of SAKTI were also harassed, threatened, jailed and false cases were booked. But the support and struggle had continued. In the process, the tribals were empowered. They demanded their land legally and learnt the skills to recognize the illegal transactions.

### **1.1 The genesis of confrontation**

The ever-recurring struggle of tribals for their survival has a history of more than two centuries. It has been waged against stringent forest conservation laws, ruthless exploitation by non-tribals landlords, moneylenders, liquor vendors and contractors. *Zamindari* and *Muttadari* systems were introduced by British from the year 1765 in the colonial India. The excessive collection of land tax, indebtedness to money lenders and traders and the resultant alienation of lands had been the major reasons for the dissatisfaction in the tribal agency areas. The licences to the commercial trade of toddy and arrack in the agency areas from 1808 had added to the discontent. There were rebellions against British company in 1813, 1835 and 1839. The Rampa Rebellion was fought in 1879 by Konda Reddy and Koya revolts of Godavari Districts, against the Revenue policy and excessive exploitation of the area by the Government and traders. In 1882, the Madras Forest Act had curtailed the traditional rights of hill men to collect forest produce, to graze the cattle and to do *Podu* ( shifting cultivation) in reserve forests. It resulted in 1916-17, Lagarayi Rebellion and later the Alluri Sitaramaraju Revolt in 1920-24. In 1940 the *Gond* uprising of Adilabad district was another important revolt against British rulers.

### **1.2 Land tenure System in Agency area**

The tribal communities are only present in 7 districts of the total 23 districts of the Andhra Pradesh State. The tribal areas in the districts of Srikakulam, Vizianagaram, Vishakapatnam, East Godavari and

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<sup>1</sup> Out of 17 years Oxfam supported along with Bread For the World(BFW) for about 8 years.

West Godavari Districts and Bhadrachalam division of the present Khammam District which formed part of British India till independence are popularly known as “ Agency Areas”, while the tribal areas in Adilabad, Warangal and Khammam Districts have been known as “Notified areas”. The notified areas formed part of the former Hyderabad State. All these areas have been redesigned as “Scheduled Areas” under the constitution of India.

The agency areas of Andhra region forming part of British India had distinct land tenure systems called *Muttadar* or *Mhaldari* systems. The schedule villages under Telengana (former Hyderabad State) were part of *Jagirs, Iaras, or Makthas*. They are under feudal land tenure system and the landholders had the right to evict a tenant if some one offered higher rent. Tribal tenants are the worst effected in this system. The exploitation of tribals by outsiders assumed serious dimensions in the tribal areas of north coastal district of the State as long back as 1836. The then Government of Madras enacted the Ganjam and Vishakpatnam Districts Act of 1839, which laid the foundations for a policy of ‘protective discrimination’. This was extended to entire British India by Scheduled Districts Act, 1874. Under the act of 1839 the tribal areas were excluded from the purview of ordinary laws and the same was continued till India adopted its own Constitution.

### 1.3 The Agency Laws

By enactment of *Scheduled Districts Act of 1874*, the agency areas are given special status. As a response to the Rampa Rebillion of 1879 *The agency Tracts Interests and Land Transfer Act 1 of 1917* was promulgated to prevent alienation of tribal lands in scheduled areas and it came into force from 14 August 1917. This act was enacted with an objective to save the tribals from the exploitation of moneylenders and to prevent land alienation

According to section 4(1) of the Act,

‘any transfer of immovable property situated within the agency tracts by a member of hill tribe shall be absolutely null and void unless made in favour of another member of hill tribe or with previous consent in writing of the Agent (the district collector) to the Government or any prescribed officer’.

The act prohibited the alienation of a land of hill tribe to a member of non-hill tribe. But in the absence of a conclusive survey, the lands so transferred could not be identified. The Act could not arrest the alienation of land to traders and money lenders.

The Regulation of 1917 further evolved in the *Government of India Act of 1919* which provided ‘the Governor General to declare any territory in British India to be a backward tract and that no Act of India Legislation should apply to such backward tract until the Governor General so directs’. In contrast to the administration of adjoining province of British India, the Government of Hyderabad state had not provided any special privileges to the tribal community until 1940s. The reason behind this could be that the land revenue was the prime concern of Nizam’s rule. It was the policy of Nizam Government to open up the tribal tracts and encourage the influx of new settlers and grant them *Pattas* (Land ownership document) with a view to augment the revenue of the state.

The non-tribals have managed to procure the permission of the then special agent to the Government. On account of this provision, more than half of the tribal lands were purchased by non-tribals in West Godavari District. As this Act could not achieve the desired purpose, it was partly repealed by *Andhra Pradesh Land Transfer Regulation 1 of 1959* that came into force from 4 March 1959 in the scheduled areas of Andhra region<sup>2</sup>. In Regulation 1 of 1959, a similar provision has been provided as in the section

<sup>2</sup> Andhra region includes the erstwhile Bhadrachalam and Nagur Taluks, which are now in Khammam District.

4 of Act 1 of 1917. This regulation again could not achieve the desired result. The Act was further amended by *Regulation 1 of 1970*.

According to section 3(1a) of this Regulation, there should be “no transfer of land in scheduled areas between the tribals and non-tribals and even among non-tribals. Such transfers shall be null and void, unless made in favour of a scheduled tribe member or a society composed solely of scheduled tribes”.

#### **1.4 History of Agency Land Survey(s)**

The earliest survey in villages directly governed by British was done in 1815. In some other parts, survey was conducted in 1902. A resurvey was again done in 139 villages in East Godavari District covered by Muttas and Estates. No survey was done, after 1970. Since 1970 several thousands of hectares are brought into cultivation by tribals without proper *Pattas*. In order to identify all such cases and in an attempt to update and classify the land records<sup>3</sup>, a systematic Agency Survey was started in 1986.

The classification of the village records was made into the 8 proforma (A -H ). The classification of land itself could be a source of exploitation. The tribals were not aware of the type of the land and hence the transactions made by them were not recognised by the law in most cases. Where as the non tribals were favoured by classifying a land in their favour.

- A. Sivajama Cultivation in Government lands under - Tribals, Non-Tribals.
- B. Government lands assigned on D - *Pattas* ( Tribals - Non-tribals.)
- C. Settlement *Pattas* granted under Regulation 2/69, 2/70 ( Tribals - Non-tribals.)
- D. Settlement *Pattas* prior to Settlement 2/69, 2/70.
- E. Government waste lands available for cultivation.
- F. Landless tribal eligible for assignment.
- G. Details of land with Forest growth.
- H. Abstract of land holdings are classified into proformas 1 to 5.
  - 1. Lands held by non-tribals and being cultivated by them
  - 2. Lands held by non-tribals on *Patta* but left fallow.
  - 3. Lands held by non-tribals with forest growth.
  - 4. Land being cultivated by non-tribals but *Pattas* granted to tribals.
  - 5. Lands cultivated by tribals but *Pattas* granted to non-tribals.

##### **1.4.1 Girijana Magana Samaradhans (GMS)**

After the abolition of *Mahlas* and *Muttas* and the enactment of *Andhra Pradesh Scheduled Areas Ryotwari Settlement Regulation 1970*, the survey and settlement work in the agency was launched. The main objectives of the survey are to determine the exact area of holding of each tribal ryot and to confer ryotwari *Pattas* to every tribal ryot for the lands held by him or her and to enable the tribal ryots to secure loans and other benefits. However the survey objective were not met. It was felt that the survey work carried out was not comprehensive and local representation was taken seriously. The publication of the survey results are pending.

##### **1.4.2 Telugu Girijana Magana Samradhana (TGMS)**

<sup>3</sup> The Government of Andhra Pradesh requested SAKTI in the year 1997, to facilitate the verification process of land records of West Godavari agency area responding to the agitation of tribals and also invited to represent in the preparation of Guidelines issued by the Government and to present the issue to the Cabinet sub committee, 1997.

During the government headed by the then Chief Minister (late) N.T.Rama Rao, a crash programme of assignment of lands to tribals under the name Telugu Girijana Magana Samradhana (TGMS) was launched in 1986. Additional Revenue and survey staff was sanctioned for this purpose. These are some of the policy interventions of the Government to promote the tribal development by minimizing the conflicts and to increase the productivity of the land. These records are famous and called as *Ramanna records* in the tribal villages. They used to demand for these records in the local Mandal revenue offices.

### 1.5 Problems in Survey

The problems in the survey occurred due administrative reason. There was no clear definition available to demarcate a tribal village. The forest acts often did not allowed the revenue authorities to demarcate the village boundaries. Though the tribal habitats are classified as scheduled areas non-tribals settled in these areas. Tribal villages are classified as villages in the revenue records but the forest department claims over the settlements as under Revenue Forest Areas. Hence some of the villages are Gram Panchayats but legally are Reserve Forest lands. Many of them are not-surveyed villages and the records were manipulated.

Land records of scheduled areas were outdated, manipulated and tampered. The village maps were not updated. There was little or no comparison between the village map, the Adangal or Pahani<sup>4</sup> and the actual field occupation. The actual tillers did not hold the rights since many of their names are not entered into the land registers. In some cases it was found that the names of the Pattedars had been destroyed beyond recognition some by deliberate attempt and some by default. The situation lead to a situation where some cultivate lands but no *Pattas* and those who had the title had no land. This has lead to the endless litigation and conflicts. The process of alienation of tribal land has a long history. It is the result of a prevailing conditions of historical factors which continued to succeed and thrive even in the post independent era.

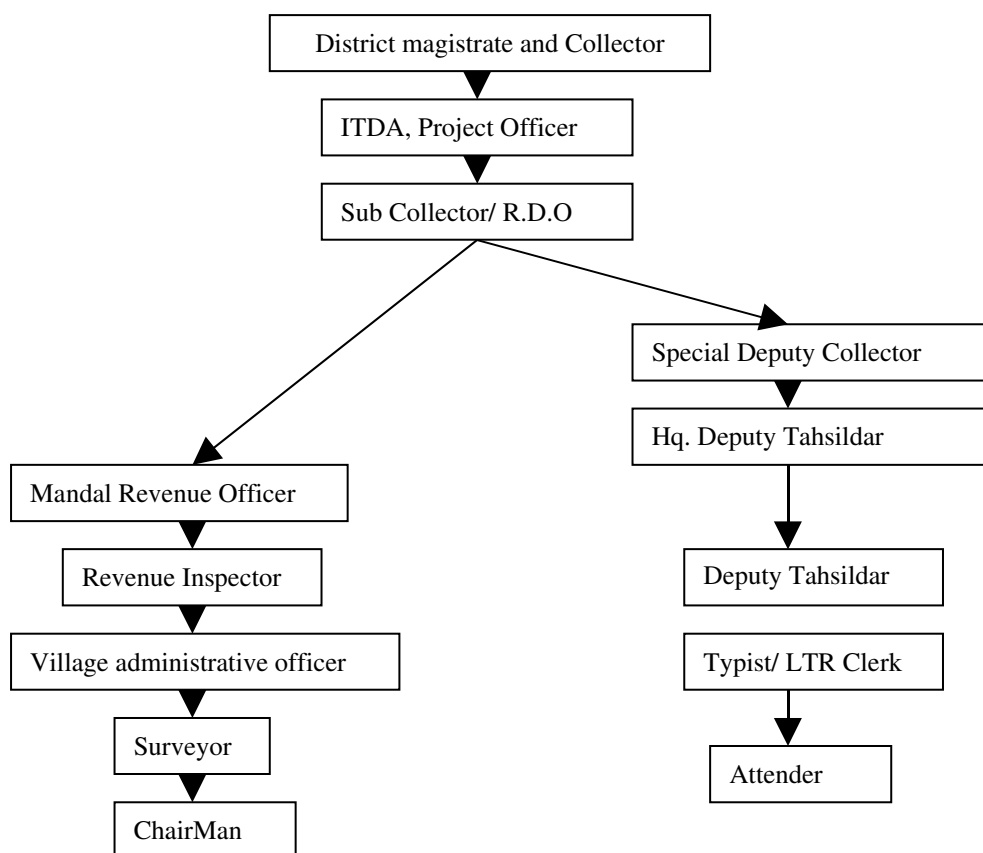
### 1.6 The Enforcement Machinery

In addition to the District Collector (Agent) and the Agency Divisional officer, the Deputy Collector (tribal welfare), Special Deputy Collectors (SDC) and Project officers of Integrated Tribal Development Agency (ITDA) are competent to decree ejection against any person in possession of the property situated in scheduled areas claiming under transfer and restore it to the transferor or his/her heirs. The special deputy collector (Tribal Welfare) assisted by his/her subordinate staff detects the cases of violation of Land Transfer Regulation and passes orders as deems fit after conducting enquiry as ordained by the Regulation. In case the SDC decided that the person in possession should be ejected, the SDC passes a decree of ejection and restores it to the transferor. It is open for the aggrieved party to seek redressal from any of the said courts. The burden of proof that they are not hit by the provisions of Regulation of 1 of 1970 lies with the non-tribal who acquired lands. An appeal against any decree or Order passed under Land Transfer Regulation (LTR) by SDC (Tribal Welfare) lies to the Agent (District Collector). The Revision against any decree or order passed by the Agent lies with the State Government.

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<sup>4</sup> Register that shows the details of land and the name of the cultivator. This record is often not accurate. For example if a land was given for tenancy the name of the tenant should be recorded in the column provided in the register. But the practice is that the owner of the land would bribe the village accountant/ secretary and see that his/her name will be registered in the register rather the tenant name. The fear is that if the tenant name is entered in the register the owner will loose the ownership of the land. Due to these practices the tenant's rights are overlooked.



**Chart I: The Judicial machinery in Agency areas**

The legal machinery has responded to the tribal unrest. The process of alienation of tribal land has a long history. It is the result of a prevailing condition of historical factors, which continued to succeed and thrive even after post independent era. The tribals found in disarray, under pressure, threat of violence and loss of livelihood when they started questioning the non-tribals for their land rights. The tribals have realized lately that several hundreds of acres of fertile land had already been transferred to the hands of non-tribals in the agency area. In spite of the Laws to protect the tribal interests the manipulation had taken place. The Acts are empowered with eviction of non-tribals and restoration to the legal tribe, but more than twenty percent of the cultivated land officially is still with the non tribals.<sup>5</sup> More than fifty percent of the total land is under the ownership of non tribals who had migrated to tribal areas. Had the history been more considerate, nearly 5lakh tribal families living in scheduled villages of the State would have been the proud owners of 18.5 lakh acres (7.5 lakh Ha)of land available for cultivation in the scheduled areas. Each family would have own on an average 3.7 acres( 1.5ha approximately) of cultivable land and lead a better life. Many of them are working as agricultural laborers on the lands which once belong to them. The poverty stricken tribals are trapped in to the vicious cycle of indebtedness and consequent alienation of land.<sup>6</sup>

<sup>5</sup> As it exists today, 16789.515 Hectares of land is with non-tribals. (Of the 850341.5 hectares of land) which constitutes 19.7% of the total cultivated area. The problems of land transfer to non-tribals still persist ( Source: SAKTI note)

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## 2.1 The inception of SAKTI

Siva Ramakrishna, a young government teacher was transferred to Gedda village in East Godavari in 1971. After teaching in the school in Geddada, he used to walk or cycle about seven kilometers to reach Rampachodavaram. There he taught patriotic songs and stories to the children from the government school. In the agency area continuous presence of a teacher was rare. Hence in no time Sivaramakrishna gained the confidence of the local tribals and commanded respect. He was fondly known as *Geddada Maastaru*. He had to quit his teaching job to pursue his Doctoral studies at Osmania University. In the year 1982, Sivaramakrishna took his doctorate on 'Tribal Knowledge Systems'. "Working towards the doctorate I had visited all the tribal areas in the state and this has changed my life. Even though I had taught tribals at Geddada for seven years, I was taken aback when I discovered the richness of tribal life while documenting tribal knowledge in their songs and lore. With this discovery I became so restless that I could not go back to formal teaching," shares Dr.Sivaramakrishna.

After working for a voluntary organisation in Chintur for a short time and he returned to Geddada in 1984. SAKTI was set up in the 1985. Some of his students at Geddada and Rampachodavaram were influenced by his teaching joined him as colleagues at SAKTI. "Even today we call him as *master* as we used to call him during our student life," remembers Mr.Joga Rao who joined the organisation in 1987. Ms.Sarada Devi who is actively involved in social work married Sivaramakrishna and joined the organisation in the same year. Oxfam came forward to support the SAKTI's efforts in tribal empowerment programme since 1987. (photo)

## 2.2 The Evolution

Many individuals other than the staff supported the SAKTI's work. They are the committed bureaucrats, journalists and advocates. Their genuine interest in the tribals' struggles resulted in the form of providing records and information, publicising the issue in the press and reports in the press and arguing cases in the courts. "The executive is satisfied by merely filing the cases and keep them pending and showing figures for statistical purposes. But, there is no concerted study with regard to the beneficiaries of legislation in the absence of which it cannot be said that the law in any way helped the tribes. There is a vast gap between precept and practice. The laws are merely on the statute book and there is no one who is taking genuine interest in the implementation of the said laws," comments a senior Advocate Shri. Ramalingeswara Rao who argues the tribal cases on behalf of SAKTI in the High Court of Andhra Pradesh.

Initially the organisation concentrated on the developmental activities in the tribal villages in East Godavari. The focus was mainly on training programs for skill generation, community forestry<sup>7</sup> and formation of thrift groups. While working closely with the tribal groups SAKTI came to know the ways the people were being cheated by outsiders. "We were implementing a social forestry program in villages with support of the Integrated Tribal Development Agency (ITDA). In Kakavada village, located 15 kms from Rampachodavaram, the tribals were agitated over the illegal sale of liquor by an outside contractor. On 13 June 1985, the tribals destroyed the stocks. In response, the contractor used his muscle power," reflects Shiva Ram Krishna. SAKTI came forward to support the cause. The contractor filed a police case. "Realizing the support behind the tribals, I was also arrested along with them. We spent that night in the police lock up. The contractor sent his men to negotiate with us. I could have agreed but the tribals stood by me and said that there is no point of compromise. Rather they prefer to wait and see till we come out on bail. I was taken a back to see the firm determination of the tribals to fight it back," he recalls.

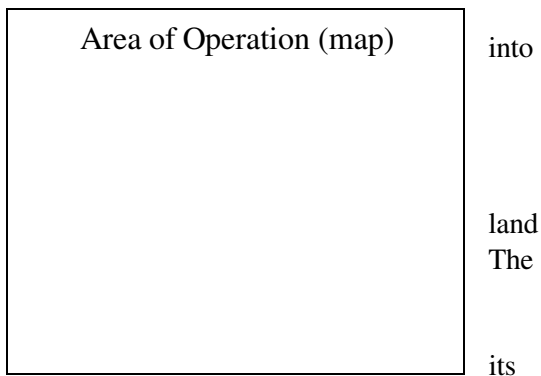
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<sup>7</sup> SAKTI represented by Dr.Sivaramakrishna as a member of expert committee to define forests. G.O Ms.No1, EFS&T (For1) dated 10.01.1997

On that particular day SAKTI understood what is lacking in its approach. Social empowerment is realised as important as economic strengthening. It became a landmark for the future work of the organisation. The law and the legal procedures should be demystified. Spending a night in the police lock-up or a couple days under custody is also part of the demystification process. There are laws to protect the citizen rights. But most of the times, the way rules are being used have been misleading the public. Hence the empowerment can only be achieved when the tribals are aware of their own rights and gain control over their own affairs.

### 2.3 The Issues

Tribals started identifying SAKTI as an organisation fighting for their rights. This has lead SAKTI to enter core livelihood issues. Issues like privatisation of Katha trade, illegal large scale felling, private mining, cheating by the contractors, non-compliance of minimum wages act, and commercial oriented forest management practices had been taken up. The illegal occupation by the non-tribals became the main issue. staff found it challenging to deal with the issue. Dealing with these issue meant challenging the power structure existing in the society. The SAKTI initially expanded scope of work in all seven tribal Mandal<sup>8</sup>s in East Godavari district but latter confined to four of them. By the year 1995, the work expanded to the neighbouring West Godavari and Khammam districts. The following are some of the issues taken up by SAKTI.



#### 2.3.1 Dhramkatha<sup>9</sup> as a symbol of Justice

The tribals sell minor forest products found in hills at weekly open market organised mostly in downhill at plains. They buy items like, matchboxes, salt, soap and cloths. Unfortunately, they are being cheated while weighing their products. SAKTI invested in buying a *Dharamkatha*, a big weighing balance and installed in the prime centres where the weekly markets was organized. The tribals can make use of the facility and weigh their produce free of cost. A staff member of SAKTI would be there through out the day to facilitate the weighing process. They noted down the exact weight on a white paper slip and gave it to the person so that the person can properly valuate the produce. The traders did not mind the installation of *Dharmakatha* at the beginning. When the tribals started selling only when they get their produce weighed at the *Darmakatha*, the resistance between non-tribals and SAKTI began to some extent.

The presence of SAKTI staff made a difference in procuring the minimum guaranteed price. The traders started showing their tactics. They get united and reduced buying price. SAKTI intervened and fight for the fair prices together with tribals. The traders bribed the police and Weights and Measures Officers and complained against SAKTI. They questioned the role of SAKTI in installing the balance. They threatened the staff. SAKTI approached higher officials and clarified their role as a catalyst involved in the issue of justice. The higher officials extended their support immediately. Even then, the friction continued in many other forms. The outcome of the whole friction is that the tribals became aware about their innocence and the way they were being cheated when they lack information about weight of their product. Their belief and strength to fight for injustice have increased. Even today the tribals use *Dharmakatha* if they want to sell their produce. If not available they think twice to sell. Thus the

<sup>8</sup> Mandal is the second level administrative unit in a district.

<sup>9</sup> Dharmakatha refers to a weighing balance in local terminology.

organisation entered into the game of conflict by introducing *DharmaKatha*, a symbol of justice to alert the innocence.

### 2.3.2 Tribal women fight their cases

Year	No of cases filed	Awarded
1985 to 2003	105 cases	Infavour of Tribal Women = 80 cases, Both parties compromise in court =10 cases, Dismissal/Disposed = 10cases, Pending = 5 cases.

“The number of tribal women deceived by people from plains in the name of marriage is more than the number of the land disputes,” asserts Sharadadevi, the coordinator of the SAKTI. To manipulate the provisions of 1of 70, some of non-tribal men have deceived tribal women in the name of marriage. In the local language he ‘maintain’ a tribal woman and live with her for some time. During this time they buy land in her name so that the transactions can be made legal. Most of the time the woman does not know how much land got registered in her name. The harvest from the lands will be enjoyed by the non-tribal’s family in the plains but not by the woman who is real owner of the land. Some of the non-tribal men have managed to get a tribal certificate and contested for political posts reserved only for the tribals. In most of the cases these tribal women and children are ill treated and deceived once the land comes into the possession of the non-tribal. The children are facing difficulties in getting identified their caste. According to the patriarchal society the offspring is supposed to carry father’s caste. Since the marriage is not legal and the father is not interested , the children become orphans. This is creating social tensions within tribal community. The children are looked down and do not receive the equal status either in the tribal community or in the outside.

SAKTI provided support to these women and helped them to argue their cases in the courts for compensation and maintenance. The staff will try to trace out the whereabouts and the address of the person who left the woman so that she can file the case. Then the court can send summons to the particular address. In most of the cases, the culprit is careful that he will not leave any evidence of the marriage. Dr. Sivaramakrishna had argued in the relevant forums that interpretation of law robbed many tribal women of their case for maintenance. The judgments were not in favour of the tribal women because they could not show any proof of their marriage or the marriage was not legal. He appeals that while dealing with these cases the *tribal customs* (tribal law) should be taken into account. In the tribal communities a concubine is treated on par with the legal wife.

“The State government will examine the possibility of implementing the provisions of Cr.PC for awarding maintenance to women in tribal areas. Replying to a question on pending maintenance cases filed by tribal women in Rampachodavaram agency area”.

-Tribal welfare Minister K.BhimRao told to the BJP floor leader  
Mr.Ch. Vidhyasagar Rao (news excerpt from Indian Express dt.7-10-1990)

**Even after a decade the Government is**

so

In a petition before the A.P High Court, Mrs. Lakshmi from Maredumilli contented that as a tribal, the provisions of Hindu Marriage Act and the Hindu Adoption and Maintenance Act do not apply to her. The only remedy for maintenance is available under the benevolent provision in the code of criminal procedure. She further pleaded that if she were asked by the court to establish that she is a legally wedded wife and her son is born to Suryanarayana Raju, she would be deprived of only remedy of maintenance. An order was passed by Justice D.J JagannadhaRaju of A.P high court on 8 April 1993,

directed Mr.Pakalapati. Suryanarayana Raju, contractor of non-tribal origin, to undergo a DNA paternity test to determine the parentage of P.Jogi Raju who claims to be his son. But Centre for Cellular and Molecular Biology (CCMB) declined to take up the case on the pretext of the centre's preoccupation with the research work. The Case of Laxmi is one such example of the complexity of the issue. The present situation is a clear outcome of loopholes in the law. For that tribal women are paying the price. (This is only in cases which the petitioner approached High Court & Local Courts judgements are given in favour of Tribal Women).

“To address the issue we kept a record in the office to register the complaints. Once the complaint is noted we begin to trace the address of the person. Initial help and support will be given to the women in crisis to cope up with the shock. A case will be prepared and filed in the Court. Skill training and information will be given to argue their own cases in the courts so that the judgement can be fair and fast,” shares Mr.Joga Rao, (photo) a senior activist with SAKTI. “Our efforts are diluted when the ITDA formed a Free Legal Aid Committee in the year 1995 and entrusted it to local advocates there by distancing the tribal women from arguing their own cases but made them to depend on the external legal aid.”

### 2.3.3 Right to Food

*Mamidi Kottoddu .. maa potta kottoddu (Do not cut Mango trees that feed us)* is the main message behind this issue. The tribals preserve kernels of mango seed consumed in summer to be used as food during rainy season, when there is an acute scarcity for other sources of food. In contrast, the mango trees in their forest were cut down for plywood factories set up in the agency area in year ..... The high court stay on the basis of a letter written by me addressing an advocate affirmed my belief on the legal process. That time I do not even knew either what is a stay order or the forest management principles, shares Sivaramakrihsna. The High Court stay on feeling mango trees made us more responsible in watching the illegal felling. We have learnt the felling rules and the forest management principles.

### 2.3.4 Closure of Godavari Plywood Factory

The forest policy of the government had seriously affected the food supply of the Konda Reddy tribes. The government granted licenses and right to fell mango trees in the forest to a private Godavari Plywood factory set up in Rampachodavaram. SAKTI generated over 300 complaints about trees that had been cut or marked for felling in violation of rules. The staff learnt the felling rules and silvicultural practices in order to document the felling violations. Gram Sabhas were conducted and discussion were made on the violations. Community members from many villages started reporting such violations. They started opposing such unlawful feeling in first place and also fought legal battles right up to the High Court. The state sponsored deforestation was totally stopped by 1993 in Kondareddy tribal habitat. By order dated 15 March 1995 passed in W.P.M 6021/95 the High Court granted interim direction to respondents (Godavari Plywood and others) not to permit the felling of trees in the forests of Andhra Pradesh for nonforest purposes. Consequently the factory in Rampachodavaram had been closed down. “To fight the legal battle we ourselves have learnt the reporting and rules of feeling. With this preparation only we could file our case and win. The community was also made aware of the felling, which earlier they thought was legal. The misconceptions about the state and its power are still misleading ordinary people and at the same time are misused to gain individual interests”.

### 2.3.5 Development induced displacement

(Photo)

The dam affected and drought-hit peasantry is one of the most unorganised, vulnerable, neglected sections of the toiling people. Government officials are today in an appeasing mood when it comes to environmentally sensitive development projects. They have to give written and oral promises and

Cartoon

are forced to keep these promises. They promise land for cultivation, beautiful houses, and piped water supply with sanitary facilities, roads, health and education facilities in the relocated areas. They claim that resettled villages look better than the original ones. One such example is the case of dam construction on Burada canal in Surampalem village in the Gangavaram agency area in East Godavari District. The project is considered a boon for the non-tribal farmers from Gokavaram, Korukonda and Rajanagaram Mandals, who would be receiving assured-irrigated water for the cultivation of their crops. It was proposed to shift 57 tribal families from Donelapalli to a model colony under Kottada Panchayat limits. Another 166 families belonging to Kottada, Dibbalaveedhi and Tekulaveedhi would be housed at Chingarlapadu villages. The dam contractors lobby supported by the local politicians have tried to settle the matters at their earliest. In name of protecting the interests of submerged tribals the local non-governmental organisations also joined the discussions. "Some of them are happy when they were offered with the construction and other related works that they could get from the government to implement the rehabilitation program. They have become the pro-dam organisations at the cost of protecting the interests of the tribals," asserts Mr.B.Venkateswarulu, a senior activist of SAKTI. He had attended the discussions and had tried to bring the issue of tribals' interests on the forefront. But he could not succeed since the representatives from other organisations had different opinions.

From the beginning SAKTI was clear about its stand and consistently raised its voice to oppose the proceedings of the project. SAKTI demanded for the equal rights to water for tribals. The organisation argues that the few ITDA officers and representatives of NGOs who are interested in the project did not offer alternative plans. There are provisions under the PESA to propose for amendments in the project proposals, but the NGOs involved in the project endorsed the project proposals put forth by the officials. The project could have been equally helpful for the tribals to get assured irrigation instead of proposing them to relocate. There could have been some viable alternatives if the project is thoroughly discussed with the project-affected people. SAKTI further claims that the discussions were held in a hurried manner. Can the consent of few displaced persons become the final word of everyone? It was only two members from Kottada village, thirty-seven members from Surampalem village and thirty-nine from Donelapalli village who participated. Women representation was minimal. In the process the user rights of a large section of tribals had been deprived in the catchment area. SAKTI conducted a survey and the problems were identified. As a response to a writ petition filed by the organisation in the court, an order directing the authorities to produce the Rehabilitation and Resettlement (R&R) plan was given.

Mr.Venkateswararao ( [photo](#) ) gave an example of SAKTI's earlier experience in 1990, when the government proposed similar dam project near Rampachodavaram at Seetapalli Village. SAKTI had mobilized the public opinion and could impress upon the authorities to construct the project further interior in the tribal area so that more tribals can be benefited. The project design was changed and was pushed further 7 kilometers upstream from Seetapalli to Bhupatipalem village. The Bhupatipalem and Gandhinagar tribals were consulted and a visit was made to other submerged and rehabilitated areas in the neighbouring districts. They had a discussion and decided for themselves instead the organisation making decisions for the tribals. "When we visited Bhupatipalem in April 2003 the community members were up against the project to come. With the help of SAKTI and other organisations they have demonstrated their demands in a public meeting. As an outcome the project is stalled. When ever there are elections the local political leaders try to make statements to capture few votes, but we are aware of their inner motives," concludes the headman of the Bhupatipalem village. ([photo](#))

### **2.3.6 Right wages for work**

([photo](#))

Vetamamidi is a Kondareddy tribal hamlet in Addateegal Mandal, in East Godavari District. About hundred and thirty families live in the hamlet depending as agriculture labours and on collection of minor forest produce as the main sources of livelihood. In the year 1984, the ITDA decided to start a horticultural farm to provide skill training and income generation for the tribal families. Twenty-four families were selected. Four male members, twelve widows and eight women were employed initially in

the farm as daily wage labourers. The labourers were paid a daily wage of 18 rupees in 1984. In the nursery grafted/hybrid varieties of Mango, Cashew, Guva, Sapota, Soapnut were raised. Interested outsiders used to buy them at the farm and transport to their local area. The ITDA also supplied the saplings for the project beneficiaries at a subsidized rate. However, the farm did not paid attention to implement the minimum wage act and it continued paying under wages to the labourers.

SAKTI took the issue when the staff working in the village reported about the violation. The organisation has been fighting for implementation of minimum wages in the agency area since 1987. Be it cutting wood or laying a road the tribals are underpaid in most cases. The exploitation is open and huge sums are exchanged between the contractors, officers and even Naxalites<sup>10</sup>. Though the State Government revises the minimum wages time to time, the implementation depends on many other factors. While the minimum wages to be paid are specified in the State Government gazette, the Forest Department also brings out a Forest Schedule Rates(FSR) for works. FSR are supposed to be public information, but strangely kept 'confidential.' It is the forest department duty to publicize these rates in the visible important places of the village. The tribals' exploitation against minimum wages act is neither being enforced by the Labour Department nor the District Administration.

The labourers as many as 36 working in the ITDA horticultural farm filed a petition against the officer of the horticultural farm. The claimed before the enforcing authority their wages as per the order with the legal support received from SAKTI. The moment they filed the case in 1992 the sub assistant of farm became rude to the labourers. "He did not even allowed the nursing mothers to feed milk to the younger ones remembers," Chellayamma who worked in the farm. They continued to appear before the courts and the battle continued for three years. Each time two members used to appear to the court whenever the matter comes to the hearing. "From our daily wage we used to support the transport and food expenses of the people who went to the court and represented all of us," shares Sanyasireddy who is good at grafting and worked in the same farm. According to him they were being paid Rs.19 instead of 26 rupees at the time of petition. At the end the labourers won the case and the enforcing officer ordered the horticultural farm to pay the differential wages and compensation of to the tune of one lakh rupees.

The taste of the success of the labourers got evaporated soon, when the ITDA decided to shift the farm to some other place. The tribals made representation to the Project officer. But their appeals were turned down. The sub-assistant was transferred to some other farm. Today the labourers of are in search of other kinds of wage employment. There is no assurance of labour and hence daily income. "Our skills in the nursery raising and grafting are no more useful. We cannot invest so much of money and start a private nursery. We are not able to feed our children like in the past. Most of us are back to fire wood collection and animal grazing. We have lost our dignity of life." shares painfully Chellayamma. (This is only in Vetamamidi other farms are working).

## 2.4 The Land Movement

*When poor ask for distribution of land, the Government questions where is the land? When the government wanted land it finds it in the records in the name of development projects. The poor agitate and the state releases pieces of land in the name of eksal Patta<sup>11</sup> with only enjoyment rights. In most cases it only declares but never put the poor in the possession. They wait in hope that one-day they will own ...The day never comes until they learn to demand.....!!!*

On 3 August 1995 an interesting article appeared in a national newspaper under the headline "Awakening among tribals in agency tracts". The article may not have attracted the attention of many of

<sup>10</sup> The organization claims that they are fighting for the rights of people, but is not recognized by the state.

<sup>11</sup> Legal document giving right to enjoy a piece of land.

us but attracted those who are concerned with the struggles of tribals in the state. Series of events occurred in the first half of the year 1995 in the agency tracts of West Godavari District<sup>12</sup>, especially in the Mandals of Jeelugumilli, Buttayagudem and Polavaram. The tribal assertion over lands in the agency area has led to the law and order problem and also reveal the awareness of tribals regarding their land rights. They have started questioning the rights of non-tribals over the land in the agency schedule areas for the first time. They have argued the process of land transfers taken place and claimed that many of the transfers are not according to the law. “In the process our fore father lost their land to the non-tribals who are wise and tactful,” claims Sariyana Ramulamma from Tatiramannagudem, under Darbagudem Panchayat, Jeelugumilli Mandal. Another tribal leader Peda Kannaiah from Panduvarigudem (Darbagudem Panchayat) shares, “..as on today there are 136 cases filed on me for the simple reason that I started asking our rights over the land according to the law”. In similar vain Krishnaveni from Patacheemalavarigudem under the same Panchayat explains the harassment by the police for three continuous years. The demand for the return of their traditional lands is a response from years of oppression and survival. These voices can be heard if one cares to listen to the plights of these people. The growing awareness regarding their own rights has been achieved with the conscious efforts by SAKTI since its inception.

The history is reconstructed once again in the tribal agency areas. On 4 May 1995 a historic decision was taken by the Special Deputy Collector (Tribal Welfare), Kotaramachandrapuram, against the interests of powerful non-tribals. About 27 acres of fertile land in Jilellagudem village in Jeelugumilli Mandal was taken over by the authorities. In the face of strong pressure, specially on Mr. Arvind Kumar, then Sub-collector, Kovvuru, the land was distributed to tribals by May 30. This incident sent shock waves among the non-tribal farmers in the agency area. Understanding the danger before them, they got united. They went to the court and succeeded to get a stay order. In spite of the order, the officials argued that the time of 60 days due to the stay order was only meant for an appeal and in no way comes in the way of distribution of land. Hence the stay order brought by the non-tribals became invalid. This has led to the friction between the tribal and non-tribal communities. Encouraged by the Jeelugumilli incident, the tribals in other parts also started occupying the lands under the possession of non-tribals for several decades.

## **2.5 Experiences from the West Godavari**

The tribals attacked the police at Panduvarigudem on 29 May 1997 when the latter tried to interrupt the discussions between the SAKTI representatives and the tribals. The police arrested Sivamakrishna and Sarada Devi on the pretext that they were apparently encouraging the tribals to grab the lands from non-tribals. “As a protest we the women from tribal habitats within the Darbagudem Panchayat gathered and kidnapped the Mandal Revenue Officer,” shares Sariyana Ramulamma with a confident smile on her face.

The non tribal camps devised various methods to circumvent the provisions of the Law. They also put pressure on the government officials and used political connections for favorable judgments. At Koyyalagudem the mandal revenue officer along with his staff were locked up for 10 days. In June 2000 the non tribal settlers from Darbagudem detained the Kovuru Revenue Divisional Officer at their village for a whole day. In some other places they even went to the extent of destroying the revenue records and burnt the offices. But many times the non tribal aggression was not met with the police oppression. The interests of the non tribals were indirectly protected by booking them under non criminal cases, observed the tribal leaders who actively involved in the struggle.

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<sup>12</sup> By enactment of Scheduled Districts Act 1874, the agency areas of West Godavari District have been excluded from the general laws and the Collector of the district was made the agent to the Government. The agency areas were enjoying special status since then. West Godavari District is the smallest agency area (out of seven agency districts) comprising of only 3 tribal Mandals. The Mandals Palavered, Buttayagudem and Jeelugumilli are part of Kovur Revenue Division, which includes 15 other non-tribal Mandals.



## The case of Darbagudem

Darbagudem Panchayat is essentially a tribal Panchayat but dominated by the non-tribals who are mainly concentrated in the Darbagudem village. They are about 1000 families and many of them belong to powerful dominant castes. Hundreds of acres of fertile lands were under their control for years. A tribal person heads the Panchayat since the post was reserved for the tribe. However the power was with the Darbagudem non-tribals who used to spend lot of money in the Panchayat elections to elect the tribal candidate of their choice. Thus, they can influence the decisions related to the Panchayat. The conflict in Darbagudem started when the tribals in the neighbouring hamlets started questioning the legitimacy of the non-tribals land ownership who were enjoying the harvests from the fertile lands<sup>13</sup>.

### *Saryam Ramulamma: woman leader from Tatiramannagudem*

(photo)

Sariyana Ramulamma, aged 40 is one of the four leaders from Tatiramanagudam, a tribal hamlet who fought for tribal land rights. There are 100 families of her tribe. She was abused by the police and even broke her hand in the struggle. She along with other leaders were summoned and served a term in central jail twice.

She had a small family with her husband, two sons and a daughter. Her daughter got married in the same village. Both the sons also got married and started living separately. Her husband Singappa used to support the family by selling wood in the near by town, 25 km away from the village. She remembers that he used to earn 10 to 13 rupees a day and was able to buy two kilos of *Jonnalu*(maize) and *Ragulu*(millet) to meet their day-to-day food requirement. Ramulamma used to work as an agriculture labour in the lands of *Karanam* (village accountant) and *Munsib* (village head man), the nontribal community leaders and large landholders. Women like Ramulamma had to work on the land of these nontribals knowing that the actual landowners are her forefathers. She did not have any other means except working for these landlords.

She recollects that 8 years before (1995), Mr. Baburao, a SAKTI staff member who hails from tribal community in Jilledugudam approached them and explained about SAKTI's work. To discuss the issues landownership in tribal hamlet, he invited them to SAKTI field office in Rampachodavaram. A group of men and women visited SAKTI's office. A meeting was held in the office premises. Sivaramakrishna raised a question regarding land ownership in tribal area. The group told that the land belongs to them, but do not have any evidence to claim. SAKTI explained the causes and the process of land transfer from hand of tribal to non-tribals. How the non-tribal grabbed their land resource from the illiterate tribals. The SAKTI provided them a Resettlement Register(RSR) prepared in 1933. In the register, the names of the forefather of the group members were figured out as landowners. It fuelled their confidence. The discussion challenged the group whether they can unite and fight for their right within the special provisions given to the tribals in the constitution. The process ignited the fire on them and the meeting went on till the late night. At the end of the meeting for the first time, the tribal group members had a hope to get back their land. Finally, the outcome of the deliberation is that “*Tinte government tintam: Leda government mungala chastam*”. “If we eat we will eat the government (jail) food or we will die before the government(jail) in fighting for our rights”.

The villagers went back to the village and next morning stop agriculture operations of the non-tribal landowners. The confrontation began. Ramulamma and her colleagues raised questions with the landowners “we know that the entire land belonged to our grandparents. How did they lose all their land

<sup>13</sup> The land in West Godavari is fertile, irrigated and valuable. This is the reason it attracts many outsiders into the agency area. Three Mandals in the district are designated as scheduled area. A conservative estimate of the market price is that an acre of land would fetch IRs. 1,50,000 at present.

to you? And no agriculture operation should take place till the government decides the right owner". Not all the landowners took it seriously rather transplanted paddy. Ramulama and others waited till the crop grown and then harvested forcefully.

Non-tribal communities like Chowdhary, Vaishya and Rajulu had been enjoying the 600 acres of land. The land was under cultivation of cash crop like cashew plantation and tobacco. With the help of SAKTI, Ramulamma and others filed Land Transfer Regulation(LTR) cases against the non-tribal land enjoyment at Special Deputy Collector (SDC) court. In one hand they were in the process of getting their land back with legal assistance received from SAKTI. In other hand, they were harassed by police in order to suppress the movement. The police used to visit the village and threatened the women when male members are out in the work. The community had to exert their pressure in government administration so as to accelerate LTR cases filed. Demonstration and dialogue became part of their day-to-day activities. She shares that she did not have this confidence before the SAKTI came into their life. "SAKTI staff taught us about revenue rules, tribal rights and how to consult government officers in order to ask for justice. We learnt the technique to read the land records. Without these skills we would not have the capacity to argue our case before the government officers. In the past, we used to scare when the government officers used to visit our villages," Ramulamma said.

"From the situation of not much food to eat and cloths to wear, today we have 240 acres of land and are harvesting crops from the land we have got through our struggle from the last three years." The pride of ownership of a piece of land from the status of a *coolie*(labourer) makes a difference. Today they command the respect. There are incidents that the non-tribals who are poor do come for the work on these lands. Though the land is under the position of the community now, the tribals are yet to receive individual land titles from the revenue officials. "Till we receive the individual *Patta* on our name we have shared the land among our selves and cultivating it", Ramulamma told. " Though we enjoy the land now, our position would be different if we have *Pattas* on our names. The officials have delayed the process. Now the struggle is not for the land, but for the titles," she concludes.

### ***The plight of Panduvarigudam tribal community***

The struggle for land had started in this village in 1996. The village inhabits 70 households and all of them belong to Koya community. Pandu Padakannaiah, the traditional chief of the village proudly claims that they got 300 acres of land back from the landlords in Darbagudam and Laxmipuram. Another 500 acres of land is under pending under LTR cases. Even today there are 16 cases filed on his name for raising questions on tribal right. He goes to the police station now and then to make a signature in the records. SAKTI through its lawyer is successful in brining anticipatory bail for him. He remembers the struggle was quite hot between 1999 and 2001. "We have learnt how to read RSR, Aadangal and Enjoyment Survey Register(ESR). Knowing information from these three records we are able to find out who is occupying the land illegally. First we will find out the difference between the landownership in the three registers and if there is error in the record, we filed LTR cases". Mr. BalaKrishna the retired MRO turned animator joined SAKTI and taught the surveying techniques to the Koya community members in Panduvarigudem. The innocent Panduvarigudam tribal community were no more in plight after learning the truth and gaining skill to fight for it.

To enter into Panduvarigudam, one has to come via Darbagudem dominated by non-tribals. When the struggle started, the tribals stopped going to the Darbagudem and vice versa. Therefore the ration coming into the village could not reach to the village. They even could not get medicine and kerosene oil including salt for three years. The non-tribal to protect their lands also used the provisions of the law and tried to bring court stay order from different courts. In the same process, the non-tribal used money and muscle, the tribal their mantle. Today they not only know the technique to identify the wrong, also have learnt to question and argue. They verify the process of land transfer and question how the transfer to non-tribals had taken place in the past despite the laws preventing such transfer. They sent message to

the land occupant and ask to prove the ownership. According to the law, it is the responsibility of non-tribal to prove their landownership in an agency area. After the years of the struggle, they have got *Pattas* for 130 Acres of land used to be under illegal occupation. An acre of such land fetches as much as one lakh rupees in the open market. More than the price the ownership after the years of suppression cannot be calculated.

### ***Pata cheemalavarigudem***

Patacheemalavarigudem is another tribal hamlet under Darbagudem Panchayat. About sixty Koya families faced the wrath of the non-tribal landlords from the Darbagudem village. They came to know the work of SAKTI along with Panduvarigudem members. They participated in a meeting conducted by SAKTI. They came to know the records read out by the staff and realised that most of the land on which they were working as coolie belong to their forefathers. Many questions raised in the meeting. The collaboration between SAKTI and the community members grew. Few members joined the survey training offered by the organisation. Having access to complete land records was not possible. From the one that were available, the community members were able to find the loopholes. Women saw the fact as an opportunity to curtail their poverty and give a life to their children that they could never think of. The conflicts rose when the tribal stopped the agricultural operations in the year 1996.

The Darbagudem men got together and challenged against the poor tribals. They threatened them and bribed the police to book false cases. Using section 144, the police further harassed the tribals. They ransacked villages and together with the non-tribals attacked the tribal hamlets during nights. Women members were targeted, abused and demoralized. They try to create an environment of fear. The community used to run away into the near by forest to hide themselves. "Who ever made a protest they were beaten up, threatened with rape, abused in vile language, dragged out of their huts to be bundled into waiting police vans and booked false cases under 307 section and detained in the police stations," shares Tellam Krishnaveni, aged 35, a Koya woman, with a sigh of grief, remembering the fateful days and the cruel acts of the police and the non tribals. Today she acclaims with sense of pride that the struggle gave them the pride and land their forefather had lost. We could grow our own food from our lands and feed our children.

On 2 October 1997 about 200 policemen led by the DSP himself raided Krishnaveni's house. In her words, "... Police burnt my house, took away four thousand rupees that I had collected as a leader of the self-help group. The television was smashed, children books were torn, cloths burnt, poured kerosene in the rice and sugar rations. That time no other house was touched. They abused my husband and me. He was also threatened and sent three times to the jail". SAKTI provided the legal help. Other wise our lives would have been ended in the jail only. Three years have gone by in hiding our self from the outsiders. Our lives have become worse than the animals. One day we have decided to put a stop for this even at the cost of our lives. All of us got together and started occupying the land.

### **Access to records is access to power**

In the year 2000 with the assistance from SAKTI, on behalf of the community members Tellam Krishnaveni,(photo) the Koya women leader went to Hyderabad to file a case in the High Court, seeking her right to know the information related to land. Four years of unceasing struggle to retrieve the hereditary lands of her forefathers coupled with the official lethargy left her with no option but to seek justice through the higher Court. All that Krishnaveni asked for was access to the revenue records of her village. The records that indicate whose land are being cultivated by whom and how the transfer of

ownership took place. On 23 August 2000, Justice B Sudarshan Reddy granted her access to the records, and directed the District Collector and her sub-ordinate officials to supply the documents within two weeks. She came back to her village and requested for the records. All that she had received is a photostat of unauthenticated, scribbled, indecipherable notes of village records. She sought the intervention of the District Collector. The district collector Poonam Malakondiah refused to give an interview on the pretext that Krishnaveni is a tribal leader. Krishnaveni did not lose her will. She believed that the courts have ruled in her favour. The law is on the side of the tribals.

The non-tribals and the higher officials protecting their interests could not digest the truth that Krishnaveni had approached the higher authorities. Her photographs were blown up and pasted at all police stations and in town centres. Seven cases were filed against her at the police station. She was charged with murdering a plains landlord far away from her village. She was sent to central jail along with other women for 22 days for standing against the police oppression. She visited tribal village after village along with other women, evading the dragnet of the police.

“In the month of *Dasahara* (October) 2000, we transplanted about hundred acres of land under dispute. The police again came and with the help of tractors crushed the whole transplantation. We attacked the non-tribals by throwing the stones kept for laying a metal road. We had chased them to the Darbagudem Village boarders. The revolt from us sent the signals to the non-tribals that we are ready to sacrifice our lives for the land. From that day onwards we stopped running in to forest. With the support from SAKTI, we have started making our arguments on the basis of the law and the legal provisions provided to tribals. We are able to find the faults in the records and show to the authorities. The police harassment had come down. We could peacefully demand for our land rights with in the frame work of law,” words came from Krishnaveni who has studied up to fifth class and her colleagues with sense of pride and achievement. About Sixty acres of fertile land was handed over to the community. The land is being cultivated as a common asset in the beginning and latter individual *Pattas* were given in the name of both women and men as equal owners of the land.

The community members were not satisfied with the first sign of success. Regularly the land records are being studied in the leisure time. The community members discuss the actual situation on the ground and compare with the records. If they find difference or a clue they work on it further and a case is prepared. Identifying the land that is under illegal occupation has been a regular activity of the community members and youth, who had received the training. The children are also encouraged to participate in the discussions. This decision has been taken consciously with view that the children can learn the rules of the game. They can easily face the non-tribals in future if needed. “We do not have any other assets. Forest and land resources are our source of life on which we are loosing ground. It is our duty and responsibility to protect these resources,” concludes the member of Patacheemalavarigudem. It suggests that the land survey skills of the present need to be passed onto the coming generations together with their traditional skills.

### **Speaking the language of Revenue**

The land records collected indirectly and directly by the SAKTI staff have been shared with the villagers. We have got the land record of 1932 with the help of SAKTI and started reading it with the training we had received. We are able to identify the survey numbers related to our village and found that those survey numbers are in the name of our forefathers. Where as the present position of the land is with the non tribals. We have started questioning how the land transfers have taken place. With the legal training that we received we are able to find out whether the land transfer is legal or illegal. If it is legal we will not object but if we find it is illegal from the records we send a word to the present occupant of the land. It is up to him to prove his ownership. In most of the cases they will not be able to prove the right ownership and then we request the owner to leave the land. This is point of struggle and conflict. If they donot agree to our claims, there is no other option but file LTR cases. We request the owner not to

cultivate till the judgment comes. If the non tribal person do not listen to us and go for cultivation, either we object and interrupt or wait till the crop comes to the harvest. We go at that time and harvest the crop forcibly, shares the tribal youth from Panduvari Gudem. They are able to speak the revenue language when they go and make a complaint with the revenue officers. They refer to the laws relevant to the tribal when the police try to harass and suppress them. The land literacy training gave them the tools to govern and fight for the justice.

Access to land record and able to read it, or a having village revenue land map is a tool for the tribal to understand and to argue their case. Until and unless these tools are given them and educate them to use these tools, the empowerment will never takes place. These tools are not taught in the formal schools. Hence SAKTI took the path of educating the tribals to acquire these tools, so that thy can use them on their own according to the necessity. They need not to depend on the external agencies

Village map

or individuals for support making them dependents all the time. Most the of the developmental projects implemented by the state and non governmental agencies donot make space to provide these tools, rather they provide the tailored solutions to the communities. Searching for political solutions for problems created by administration process, Dr.Sivaramakrishna, compares “is like a drunkard who lost his keys in the bar and struggling to find them under the light in the court yard”. Proper and participatory administrative process is pre requisite for a proactive governance and rule of law.

## 2.6 Experience from The East Godavari

SAKTI though started its operations from East Godavari since 1987, by the year 1995 it has expanded its work to the neighbouring West Godavari District. The experiences gained working in the East Godavari were used in the land restoration work in other districts. SAKTI had taken up the land issues as an individual basis in the East Godavari. Whenever an individual had approached with a specific problem SAKTI intervened and supported with legal and economic assistance. “Each problem of an individual tribal had offered a rich experience in the terms of working with judicial, revenue and police,” shares the staff. The kind of pressures and oppression tactics used by the non-tribals were also different . The lessons learnt from these individual cases offered the SAKTI staff to learn the complexity, the core and magnitude of the problem. “In the process we have realized that land issues can not be successfully dealt case by case. The answer lies in the capacity building of the community members rather treating them as a isolated case. Hence SAKTI has adopted a different strategy when it started working in other districts especially the West Godavari and Khammam,” shares Ms.Sharada Devi who co ordinates field activities and consciously brought the women land rights into the fore front.

### *Women of Chinnimpalem fight for their rights*

The gender dimension receives insufficient attention in reform policies but struggles for land by women are not a uncommon phenomenon. Many a times their struggles are not given the importance that they are entitled to . Here is an example of Chinnimpalem, which offers the women struggles for the rights, and how their rights were protected with the help of voluntary organisation like SAKTI.

Chinnapalam is a small tribal hamlet in Gangavaram Mandal in East Godavari district. To reach this village, one has to cross Nellipudi a non-tribal village. There are 80 families belonging to Konda Kammari tribe. None of these tribal families own a piece of land. From last two decades they have been working as agriculture labourers in the lands of non-tribals from Nellipudi, Kutapalli and Kamrajpeda villages.

In 1989, the Government has recovered about 75 acres of land under survey numbers 21, 21/2, 21/1b, 20/3a under the Land Ceiling Act from the big non-tribal farmers. This land was taken over from Maganti Demullu and other non-tribals through LTR. Of this, 35 acres was distributed to the tribals living in Chinnampalam with *D Pattas*<sup>14</sup>. The government though distributed *Pattas*, never showed interest to show the land physically to the beneficiaries.

The non-tribals who lost the land during ceiling did not stop cultivating in those lands and did not allowed the tribals to cultivate. The tribals also could not challenge them because none of them knew the land given to them on the ground. Hence they started making request to show the possession of the land. The government showed a deaf ear to the tribal plea. In the absence of access to land the tribals found that by pledging the *Pattas* they could receive some loans. The tribals approached Girijan Cooperative Corporation(GCC) and got sanctioned small amounts of loans up to IRs. 3,000 ( 60\$). The bank is supposed not to give a loan without making thorough inspection of the land. But it never bothered to check whether the landowner is in the control of the land, which he/she is pledging for the loan. This clearly shows the miss co-ordination of the Government departments.

“We had hope that one day we will get our land. But no idea that how to get them. We are uneducated. No body is there to help us. We had waited for three years. Nothing happened. The loans that we raised from banks and other sources doubled with the interests. We have realized the problem. As an attempt we got together and went to Gangavaram Mandal Revenue Office. We made representations and requested for the land survey to be taken so that we can occupy our land. We also explained our helplessness to fight back with the non-tribal landlords. The MRO promised to send a Revenue Inspector (RI) and did send the officer. Our hopes got revived,” shares Ganta Ganga, one of the beneficiaries of the land distribution. The survey was objected and obstructed by non-tribals, claiming that they have got the Court stay order. They stopped the survey and threatened the RI and the tribals. The officer went back and the situation continued the same. In the year 1992 we came to know about SAKTI and its support for the tribals. We approached the organisation and as a result, a meeting was organized in the Chinnimpalem. In the meeting it was decided that representations will be made to the Sub Collector and other Revenue Officials. With help from the organization, the tribal beneficiaries made representations to the MRO and Sub Collector for the land transfers. Even then the land transfer did not took place for quite some time.

The tribals found a way to make their voices heard. They took a procession saying *Bhumulu leni Pattalu makoddu baboi* ( without having control over the land we do not want the useless *Pattas*) in Rampachodavaram town and made representations to RDO demanding the immediate restoration of the land. This attempt perhaps was visible and as a result, a date for survey was decided. The tribals came back. The non-tribals tried their best to stop the process. On the day of the survey, the non-tribals were ready with knives, sticks and water mixed with chilly powder to disturb the process. The situation in the village became tense. Knowing the situation the MRO sent a request for police assistance from Rampachowdavarm and Gangavaram to control the violence. The survey took place. The tribals came to know the land given to them. The police force went back. Next day the tribals started ploughing their land. The non-tribals again resisted. The friction continued. Loosing land is seen as loss of power. It is not any easy thing to accept especially when the ownership had been challenged by a tribal. The tribals continued claiming that they got the land legally from the government.

The situation in the village was leading to more fights and attacks between these two groups and became part of the life. In a similar violence, two tribal broke their head. The two persons injured were taken to the DSP office Ramachowdavaram . A case was filed against non- tribals (Case no: 7/93. )The criminal cases continued till the year 2000 and the tribals had to attend the court by loosing their daily wages. Before the efforts made by tribal to protect their land, the non-tribals could not continue the resistance.

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<sup>14</sup> *D Patta* only gives enjoyment right. The *Patta* holder is allowed to cultivate in the land, but government can take back the land when needed without any compensation.

SAKTI continued its support by teaching the tribals with the skills access legal/land rights. Numbers of discussions were held on the rights to tribals. “We became aware. We felt powerful and confident to face the non-tribal landlords,” says Boraga Venkateswarulu. The non-tribals could not resist the tribals any more. The tribals started cultivating the land and enjoying the harvests. Each tribal family has got about one acre of land valued 60-70 thousand rupees in open market. SAKTI supported them by providing horticulture plants.

The community further found that after the implementation of 1 of 70 Act, about 150 acres land transactions had taken place. These transactions were illegal. With the help of SAKTI forty landless women from Chinnimpalem, filed LTR cases for evicting the non-tribals from the illegal occupation. Favourable verdicts and adjournments are taking place and hope that these women will win their cases! – This will help for issuing landless women.

### ***Land at the cost of a life: Case of TammaRao***

Sarabhavaram is a tribal village situated at about 15kms from the Rajavammangi, the Mandal headquarter in East Godavari District and 5 Kms from Vishakapatnam District. Konda Reddy and Valmiki tribes live in this village. In addition non-tribals belong to Raju and Kapu community also live in this village. The Raju community own hundreds of acres and enjoy the political status. The tribals claim that these lands belong to them but were occupied by these powerfuls. “The exploitation had continued from our fore-father time. We became wage labourers in our own fields,” shares Reddi Nookaraju, Kinchi Tammarao, Pappula Chinnbai, and Reddi Baburao . They question how a non-tribe could own so many acres of land in a tribal area? The usual practice is that a non-tribals purchases the tribal land in the name of a *binami*<sup>15</sup>. He buys the land in the name of a tribal only, but the papers will be kept with the non-tribal who claims that the land and enjoys the harvest from the field.

Kinchi Tammarao (45) belongs to Konda Reddy tribal community. His land was purchased (actually occupied by obtaining thumb impression in unconscious state)by Atchuta Rama Raju. Since the registration cannot be done in his name, the transaction was made in the name of Gadam Raghava, a tribal from Aswaraopet Mandal of Khammam district. This is usual strategy practiced by the non-tribals to get hold of fertile tribal land. Tribals who lost their land in this way allege that a tribal becomes the enemy for a tribal. Sirivuri Atchuta Ramaraju took the position of the land of 4.63 acres having survey no 25/2 and started cultivation. This is an example of *Binami* land transfer i.e. using a tribal to exploit another tribal.

The Sarabhavaram tribals came to know about SAKTI’s work and approached the organisation. In 1987 SAKTI conducted a baseline study in Sarabhavaram village. Meetings were held and a result of the baseline survey was explained to the tribals. It was found that there are illegal transactions and SAKTI prepared the case LTR (361/89, 57/89, 58/89, 281/88, 271/87) cases . The cases were filed against non-tribals to evict them from the land occupied. In 1987 the LTR cases come to trial in the Court situated in Addateegala. It was proved difficult for tribals to attend so many adjournments. This means to them loss of their daily wage and transportation charges to Addteegala. On behalf of the tribals SAKTI place request with the Sub Collector for the hearing / case proceedings to be conducted in the village itself. Responding to the request and the problem, the sub collector Sri Reddy Subramanyam took initiative and conducted the trial in the villages. These are called village courts . This is very positive of the judicial system.

The case of Tammarao came for the hearing in the village court. The respondent in the LTR case, Mr. Atchuta Rama Raju claimed that he had no connection with the land in question. The owner of the land Mr. Raghavulu was brought to the court since the land was registered on his name. To find out the truth

<sup>15</sup> Binami is the person who owns the property only on the paper but do not have the real control over the property. The transaction is known as binami transaction.

Raghavulu was cross-examined. The Sub-collector asked his residence and the assets that he posed. The list told by the Raghavulu did not match with the actual assets that he possessed. In addition, Raghavulu was asked to tell about his neighbouring farmers, which he could not. When enquired about the standing crop he told that he was growing paddy and black gram. But the actual crop was cashew plantation. The fact was established that he was not cultivating the land. The villagers also witnessed in the village court that the land was under the possession of Atchuta Ramaraju but not under Raghavulu.

The sub collector passed an order in favour of the Tamma rao, the petitioner in this case. The MRO with lot of pressure could restore the land to Tammarao. He got the land but used to receive threats by Ramaraju who lost the case. The land was kept vacant for few years. SAKTI provided training and awareness classes regarding the tribal rights. In the process Tammarao has gained confidence and started cultivating the land after several years of fear and threat to life. However the opponents did not keep quite. One day Tamma rao was travelling to Narsipatnam on his work. Ramaraju and his followers knew about this. They sent a person with a preconceived plan. The person sent by the non-tribals acted as if he is also travelling to Narisipatnam and joined Tammarao. On the way he offered liquor to Tammarao. The visible weakness of a tribal is enjoying unlimited quantity of liquor. Tammarao was drunk and was taken to the Cashew garden and killed. His faced was chopped off and a big stone was tied to the neck and was thrown into a well. His family members realised that Tammarao was missing. It took few days to find him out floating in the near by well. The face was chopped but the family members could recognize him. This was reported to the police and case was filed. There was no evidence till today and hence no body was punished. All of the tribals knew the person behind the murder.

“One can easily find out the enemies of Tamma rao , but we could not dare to raise the voice against the powerful,” remembers Tammarao’s neighbour. Garataiah, the son of Timmarao was frightened by this incident and ran away to Narsipatnam. He feared that he will be killed too. SAKTI’s empowerment activities continued. Garataiah came back to the village when he was assured by the fellow tribals that they would protect him. They convinced him saying that if he get frighten and leave the land the non-tribals will occupy it again. His father has scarified his life for the land. Garataiah came back and started cultivating the land, which he has got at the cost of his father’s life. This case study was documented to present the magnitude of the seriousness of the land conflicts occurred between the tribal and non tribals. One has to sacrifice the life in the struggles. Loosing land in the case is identified with the loss of prestige. The tribals who participated in the struggle it is common to say that “we will die but we will not leave the land. Our children will lead a good life if we could give them a piece of a land.”

## **2.7 The Administrative response**

On 6 August 1996 i.e. the very nest day the clashes took place between the tribals and non tribals at Basuraju palli village, the Chief Minister of the state conducted a meeting, had detailed discussions on issues related to disputes between tribals and non tribals. As an outcome an independent settlement officer was posted to finalise the pending settlement cases. To post a special Grade Deputy Collector as Project Officer, ITDA, K.R.Puram and post an efficient Circle Inspector in the existing vacancy and post additional forces to prevent further clashes over land disputes. The government in G.O Ms No.661 Revenue (SSI) dept., 9 August 1996 have sanctioned a post of settlement officer ( Dy. Collector Cadre) with headquarters at Kovvur to deal the Estate Abolition Cases in Agency areas under Regulation 2/70. It was also decided that the second provision to section 7 of the Regulation 2/70 is to be dropped by enacting a Regulation to amend the Regulation 2/70, which will enable the Government to immediately assign about 5,500 acres of Assessed Waste Dry land to the eligible tribals in the 28 erstwhile Estate Villages.

The administration in the East and West Godavari districts have responded differently to the issue. Shri.R.Subramaniyam the then Collector of East Godavari designated all Revenue Divisional Officers



(RDO) as special Deputy Collectors under LTR, facilitating them to conduct the Court proceedings. The Courts passed orders in favour of the tribals who in the possession of the land, though the non tribals possess the settlement pattas. The Police could not intervene and no arrests were made. The contrast is that the settlement pattas of the nontribals in East Godavari were not recognised and honoured. Whereas the government that time appointed a Settlement Officer in West Godavari to speed up the issue of Settle Pattas to non tribals who have occupied the Government lands. Here the non tribals lobbied and benefited.

These are some of the examples of how Government reacted to the issue at different times. Commenting on the responses by the State and District administration, SAKTI staff state that these measures are not sustainable and immature decisions by the government. They described them as methods to camouflage the real problem, than addressing the core of it.

## 2.8 Analysis of the problem

The main reasons for the rebellions in the past and the continuing land struggles emphasize that the issue is not only confined to the economic nature of the tribals but reflects the nature of state interventions and legal structures provided to protect the interests of the tribals.

The main reasons can be sum up as:

- ❑ Exploitation of traders, contractors and outsiders with in and outside the government is still continuing in various forms and levels.
- ❑ The money economy that was introduced by the money lenders dominated the economic life of the tribals in the agency areas. Absence or lack of access to financial services provide by government and non governmental institutions lead to the alienation of tribal lands.
- ❑ The contradicting policies of the Government ( forest, revenue and excise policies) restricting the tribals to make use of the forest resources and hence excessive dependence on the land resources which is already scarce lead to the conflicts.
- ❑ The involvement of non governmental organisations working in the agency area mostly related to the project oriented rather than 'rights' oriented. SAKTI's work in the area of securing rights can be a model for other organisations interested in working in the similar area.
- ❑ The conflicting interests of organisations working in the agency area ( Government, non government, political parties affiliates, wings of extremist groups, Tribals groups) is further lead to the confusions and conflicts.
- ❑ The low illiteracy levels of the tribals and lack of employment opportunities, less access to judicial systems, forcing the youth members in to taking up extremist or militant activities.
- ❑ The non tribal communities and their political nexus is another power structure influencing the socio, economic and political life of the tribals in the agency areas.

### 2.8.1 Sources of Land problem

The survey records were supposed to be scrutinised by conducting village meetings and by random field-to verification by officers not less than the rank of Dy. Collectors. Irregularities had occurred in finalising the survey results. The claim that tribals were not consulted enough during the survey operations. The land in question is the land being cultivated by non tribals but pattas granted to tribals and vice versa. Some of the reasons/ practices that lead to the litigation of the land are:

Rent seeking : Manipulating records by giving bribes to the concerned government staff who are authorized to do the land registrations. Non-tribals also acquired the Government land and secured D-patta<sup>16</sup> by corrupting the revenue officials.

Debt trap: Transfer of land after giving a nominal debt and calculations leading to compound interests and eventual occupation of land and in some cases bonded labour

Concubine practices: Marriage of tribal women, keeping of land on women's name to meet the legal requirements, but effective control and enjoyment of harvest from the land by the non-tribal.

Binami transactions: Non-tribals acquiring land on tribal name and enjoying the land without the knowledge of tribal to circumvent the Land Transfer Regulation.

Illegal and Bogus Caste certificates: Non-Tribals getting bogus scheduled tribe certificates (ST) by corrupting the lower level officials and acquiring land. They also use the certificate to use the other reserved facilities provided by the Government ( example: to get in to politics and government employment reserved for STs). In 105 cases<sup>17</sup>, the bogus scheduled tribe caste certificates are already cancelled and the people responsible are also being taken to task. Still many more cases are to be enquired.

Parallel legal Systems: Despite the fact that Act laid down a summary tribal, the functioning of Spl. Dy. Collector's Court like a Civil Court has helped the non-tribals. The Court always functioned away from the villages and only non-tribals could come to these courts, engage Advocates and come again and again to Courts due to frequent adjournments. Many cases dragged on for several years. The tribal was left with no money and loss of the daily wage or ability to run around the Courts, stopped attending the Court. The case was disposed in favour of non-tribals. The tribal lost the land, further indebted and no confidence on the existing legal system.

Manipulation of facts: A Non-tribal describing a real tribal as a non-tribal in the court of law and on the pretext of non-tribal-to-non-tribal transfer, purchasing the land from tribals at ridiculer price. Advocates hired by the non tribals by insisting the illiterate and helpless tribals to produce documentary evidence had argued that tribal has no right or that he is a non-tribal. Facts were manipulated in many a case in the Court.

Seeking a Stay Order: The Non-tribals had realised that getting a 'Stay' from High Court would effectively bar active implementation of Land Tribal Regulation<sup>18</sup>.

### **III. MAKING GOVERNANCE WORK**

#### **3.1 Where lies the power of Government?**

Is the constant question that SAKTI had tried to seek the answer. The power of the government is in the information that it has an access to. Over the years working with bureaucrats in the agency area, we have

<sup>16</sup> For cancellation of the `D' pattas illegally issued by Tahsildars to non-tribals, in 467 cases involving Acres.1991, show cause notices were issued for cancellation In 79 cases involving Ac.251.51, the `D' pattas were cancelled and it was assigned to tribals in East Godavari ( source: SAKTI documentation)

<sup>17</sup> source: SAKTI Records

<sup>18</sup> About 144 cases involving Acres1,945.50 of land is locked up in High Court litigation. In 32 cases, involving 1,113.06 acres the proceedings were stopped at the enquiry stage by High Court in East Godavari Agency area.

learnt the rules of the game. If one could provide the right information and then seek justice, the government had to respond says Sivaramakrishna. The organisation focused on collecting the right information. It has a rich depository of land records in the agency area. There are occasions a Government Revenue Department had requested SAKTI to provide information when the office lost its information in a fire set up by the outsiders. The organisation cultivated the belief in judiciary system. Learning and using tools that govern the system has become as an approach to deal with issue of land rights. As part of the work “We had to deal with Revenue, Forest, Police and Judiciary.

The formal education that we receive in the universities donot teach how to deal with these institutions. Many of us still believe that we cannot fight with police and going courts for justice is a time taking act. Though there are fundamental rights are provided many a times we cannot enjoy them. One have to prepare for a constant dialogue with the judicial machinery to seek justice. The machinery is often slow but powerful when it acts,”. Hence there is a need to substitute the education system with new skills on Land and related information. These subjects can be taught at secondary level education. A student will become a citizen with voting right with in the next three years of completion of secondary school leaving certificate examination, shares Sivaramakrishna.

### 3.2 The SAKTI Approach

The approach of SAKTI is distinctive in achieving the rights of the tribals. SAKTI believed in legal advocacy rather taking the route of political advocacy. The staff claims that there is no role for politics in this issue. The politicians should restrict to policy making. The implementation is with the administration. Often the nexus between the politicians and the administration complicates the issue. SAKTI has consistently reflected on the constitutional rights given to the citizens. In the case of oppression or violation to the rights given, it is the right of the Citizen to condemn and seek justice with the judiciary. No other means can be as affective as approaching the judiciary. To access to justice for an ordinary tribal person may be an easier said than done task. The scheduled areas are like a district with in the district. There are rules which are applicable to only to the agency areas. The settlers (non tribals) because of their education and access to information and political power have tried to manipulated the courts. As a response to the exploitation, SAKTI has taken ‘*empowerment of the community*’ as central focus of its work.

With these firm beliefs the organisation conducted training programmes for the tribal men and women members. The training was focused to understand the Revenue system and its procedures. Reading the revenue records, measurements, land survey tools and tribal laws formed the contents of the training. Several decades of indifference towards Constitutional provisions under schedule V, and the Land Transfer Regulation of 1970 (popularly known as 1 of 70) specifically have not diluted the persistent demands of tribals in the agency area. There are moves in the present Governments to life the 1 of 70 to which the government faced a mass resistance and withdrew the proposals. .

#### 3.2.1 Governance Tools

SAKTI perceive the tribal struggle as a question of Governance. Police, Revenue, Forest and Judiciary are the tools of Governance. In the past all the land belonged to the state and no private ownership, only the enjoyment rights are with the people. Origins of land rights have started with the practice of land surveying and registration. The tribals were alienated since they did not believed in the system and donot have the required education to deal with the land related institutions. Recognising the gap the tribal youth were given training to read village maps, adangal, field measurement book( FMB), and resurvey register (RR). They were made aware of the legal provisions provided to them in the various laws. A team of four to six members were nominated from each tribal hamlet and sent for the training at SAKTI. A periodical training was given to the, by the staff of the organisation. The gist of the training is ways to ‘check’ the revenue and forest , gaining confidence to ‘face’ the police and ‘reverse’ the judiciary since it cannot see but only hear. After the tribal youth got trained in legal provisions and

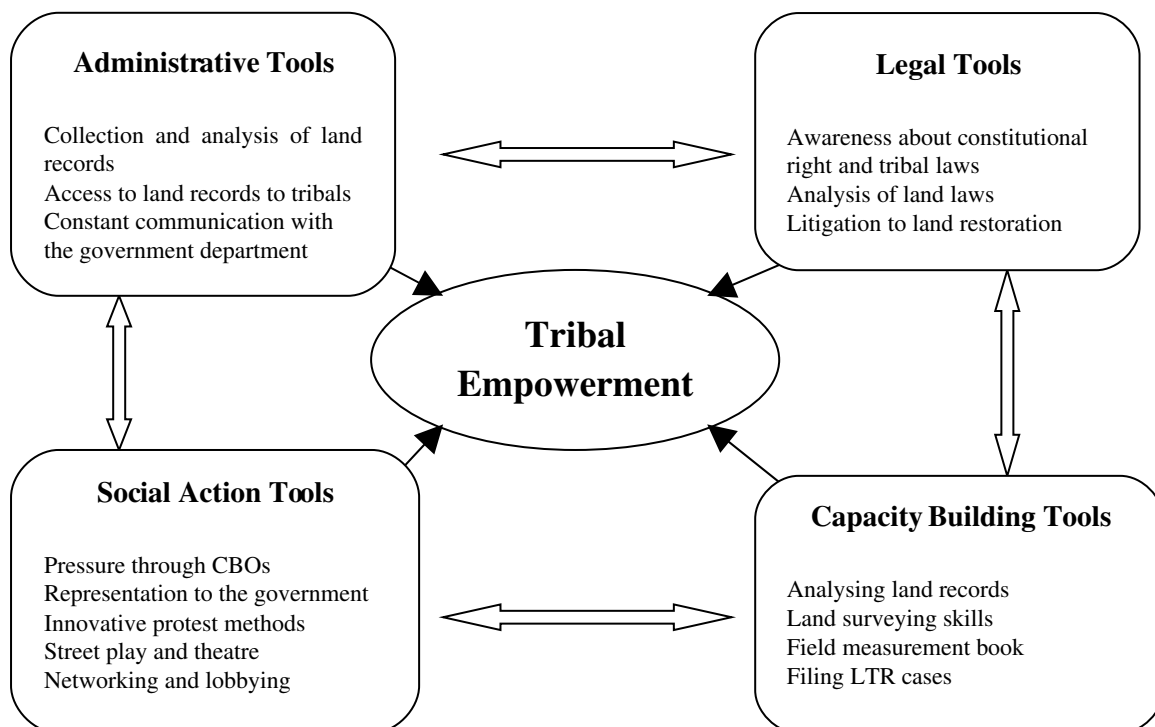
understanding land records they come back to their villages to share their skills with the rest of the community members. Today the trained youth are able to detect several ‘errors’ in the official records that they got from the administration with the help of a direction of the High Court.

### 3.3 Way forward..

From the experiences of SAKTI it was clear that the interventions from government or a non governmental agency should not only aim to improve the income of poor, but their bargaining power vis-à-vis the money lender, the forest contractor, the land lord and with the bureaucracy. Such empowering measures need to be distinguished from the populist measures which merely act as doles and donot enable the poor to fight for their rights. Land reforms have the potential to offer the radical transformation of rural or tribal societies. The changes in land relations can be a powerful element to balance the widening gap between the rich and poor, the powerful and the weak.

Land reform in India to a large extent could not met with their slated objectives. They have failed to remedy the problems of extremely inequitable land distribution and ownership. Guidelines, Rules and Acts have a vital role in setting up a conceptual framework for the Good Governance. Good governance is the ability of the Government to honestly and impartially administer the State, the private sector and civil society activities that impinge on peoples every day life. An appropriate land resource policy is the key to future economic and social development. The outbreak of conflicts in the agency areas is only an indicator of the complexities involved with the laws, land registration practices and administrative apathy.

SAKTI believed in this process and intervned to strengthen the bargaining capacity of the tribals. To



meet its objectives SAKTI has followed which can be termed as SAKTI's model of tribal empowerment. The strategies evolved over a period of two decades of work with the tribals. Today the staff of SAKTI are confident in dealing with the governing structures and are open to learn new ways. They are able to identify the core of the issue and strike it with appropriate tools that they have developed. The steps involved can be represented diagrammatically but they are interwoven to one another and difficult to segregate. The tools developed and adapted have lead to the empowerment of the community.

### 3.5 The myth unleashed

SAKTI's pioneering<sup>19</sup> and land restoration work in 84 villages have resulted in social economic and political gains of the tribal communities. As part of reflection and evaluation of its own work SAKTI made an effort to quantify the results it has achieved till the end of 2001. About 1600 landless bonded labourers were freed. The organisational efforts have led to the restoration of 23,300 acres ( 9433ha) directly benefiting 10,000 tribal families. If one have to further quantify the market value of the land that was restored can be estimated as Rs 233 crores. Access to land has improved the quality of life. More than the land value it is the economic security and social change that comes with the ownership. In addition the land restoration, the interventions resulted in enhanced price of palm fibre, correct weighing practices, implementation minimum wages and forest conservation through community forestry. The skills that communities have learnt was the investment not only in to the present but for the future generations to come. The young children are learning the skills needed for the survey and to find out the illegal land transfers. As analogy it is 'not providing a fish to eat, but teaching how to catch the fish'. The work of SAKTI is continuing with regular follow ups, training and legal support. The litigation is a time taking activity and hence one has to prepare for longer investments of time and energy in to the land reform work. SAKTI believe that accomplishing land reform is not a black box. The myth associated with land reforms has been unveiled.

*“ They fear! What do they fear? Why do they fear despite wealth and weapons?  
They Fear! That some day unarmed poor men and women will stop fearing them!”*<sup>20</sup>

### Acknowledgements

*The present work commissioned by Oxfam (GB) is an effort to present two decades struggle of SAKTI( Search for Action and Knowledge of Tribal Initiative ) and its partners in supporting the economic and human rights of the tribals in Andhra Pradesh. It is infinitely satisfying for me to present the work of SAKTI and the struggles of many individual tribals and their communities. Many of them are unsung men and women who hold a light of hope for many others. Their lives filled with years of struggles, remind us the stories of independence struggle. They only know how to hold their dignity against the abuse and to help rebuild lives of their fellow community members and the children. I have tried to present the voices of these people I met in agency area. It is my journey but it is their life stories. I wish to honour the unsung heroes by dedicating this small work. I acknowledge the help, time and knowledge shared by many individuals, especially the SAKTI team for their excellent support and logistics, Dr.Sivaramakrishna and Mrs. Sharada for sharing their experiences, community members for their hospitality and sharing, Pranita Bhushan for assisting with visual documentation and OXFAM (GB) for giving me the opportunity to document the struggle!*

### **EMPOWERMENT OF GRAMA SABHA (COMMUNITY) (AS PER THE PROVISION OF THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREA) ACT 1996**

<sup>19</sup> SAKTI represented by Dr.Sivaramakrishna as a member of expert committee to define forests. G.O Ms.No1, EFS&T (For1) dated 10.01.1997

<sup>20</sup> with Ms.Mukta Srivasta at OXFAM (GB) during a discussion of the field work observations.

**GRAMASABHA**

SAFEGUARDING OF SOCIAL AND CULTURAL HERITAGE	ECONOMIC DEVELOPMENT	REGULATORY ROLE
1. Customary law – social and Religious practices	1. Traditional Management practices of community resources.	1. Enforcement or otherwise of prohibition
2. Safeguarding customs and traditions of the tribal people, cultural identity, the customary law.	2. Approval of plans programmes and its implementation	2. Ownership of minor forest produce
3. Reinforcing indigenous traditional and customary practices and skills.	3. Identification of beneficiaries	3. Control of land alienation and its restoration.
4. Customary mode of dispute resolution	4. Issue of utilisation certificate of the funds	4. Management of village market
	5. Consent for land acquisition and rehabilitation for displaced.	5. Control of money lending
	6. Management of minor water resources.	6. Control over Institutions and functionaries in all social sectors.
	7. Grant of Mining lease and License.	7. Control over local plans including TSP
	8. Consent for minor mineral exploitation.	