

GETTING JUSTICE FOR THOSE WHO CANNOT AFFORD IT

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NGOs who stick their necks out to fight vested interests to secure the rights of the poor are a diminishing breed. The author, Coordinator of the Policy Unit at ACTIONAID India, captures in this article the work of one NGO which has made a tremendous difference to the lives of tribals in East Godavari district of Andhra Pradesh.

For Boramma it was one more thumb impression among the many she has affixed in her 30-odd years. But her latest imprint on a sheet of green paper was meant to work nothing short of minor miracle. It authorised a lawyer whom she had never met and for whose services she couldn't afford to pay to fight her maintenance case in the district court at Rajahmundry. Boramma is an illiterate mother of two from Ozbunda village in East Godavari district of Andhra Pradesh. She belongs to the Konda Kamara tribe and earns a living as an agricultural labourer.

Fifteen years ago she married Pottaraju a well-off mango orchard owner. Two years ago he deserted her and their two girls to marry another woman. No maintenance was given to Boramma. This is a familiar story in tribal areas all over the country — better-off plains people moving into tribal areas marrying tribal women and then deserting them. Only this time things are different.

The difference is Sakti, a voluntary organisation based in nearby Rampachodavaram. "We filed Boramma's case in the sub-district court which awarded an interim maintenance of Rs.200 per month," says Sharada Devi who along with her husband Sivaramakrishna run Sakti, an ACTIONAID-supported NGO. "Now Boramma's ex-husband has challenged this in the district court, where our lawyer will fight for her."

Sakti's main line of activity has been tribal land rights. Over the last seven years it has done tremendous work getting back tribal land that had been alienated. The NGO has painstakingly put together detailed land records on over 700 villages and used the information effectively with the bureaucracy, the judiciary and the media in getting justice for the tribals.

Using the Andhra Pradesh Land Transfer Regulation 1959 (and its subsequent amendment of 1970) which prohibits transfer of tribal land to non tribals as its primary weapon, Sakti has wrested over 2,600 acres of land. "Now we no longer have to work on others' farms. I am able to get 25 bags of paddy from my own land which is enough for my family," says Boraga Venkateshwarlu who along with 21 others were allotted 42 acres of land that had been seized by the government from the plains people. In addition Sakti has filed over 63 minimum wages cases in labour courts between 1987-93 and secured Rs 5.2 lakhs in compensation for 1,935 people.

Sakti's success on maintenance for deserted tribal women has been no less impressive. It has successfully filed over 30 maintenance cases involving women like Boramma. The organisation has gone great distances to see justice is done: in one case to the Supreme Court to pressure the government to institute a DNA analysis centre to prove a paternity claim. The victories have been hard won. Ex-husbands often argued there was no legal marriage. "For tribals, marriage by capture or by elopement are recognised forms of marriage," says Sivaramakrishna. "The challenge was to get courts to recognise them as such." When this hurdle was overcome, a new one presented itself. In order to persuade poor women to drop their cases, the local rich manipulated sub-district courts to secure endless adjournments — an exercise which proved very expensive for women who had to travel from villages to the mandal headquarters to attend hearings. Public demonstrations were organised and this had the desired effect on the magistrates. Indeed sub-district courts now routinely give interim maintenance awards without delay.

Simple tribal women also had to be steeled against the barrage of luridly graphic allegations of prostitution and adultery that the defense typically resorted to. "Judges still have to be sensitised on this aspect," says Sivaramakrishna. "They continue to give out written judgments that contain details of alleged prostitution or adultery which do considerable damage to the reputation and self-esteem of these women."

The influx of plains people into tribal areas which began with the opening up of inaccessible forests through road and rail construction in the 19th century has also left its mark on tribal values. In the past marriages were simple tribal affairs," says Sivaramakrishna, who holds a doctorate in anthropology. "These days tribal boys with government jobs demand huge dowries and marry girls from among the non-tribals who readily oblige." This has led among other things to a rising suicide rate among tribal girls. In the village of Irlapallipolavaram four young tribal girls have committed suicide in the past 18 months due to their fiances ditching them for richer brides.

Yet with help from Sakti tribal women have also registered major gains. When the government tried to avoid paying Annika Nagamma compensation for the public road they put through her property, she with the help of Sakti pressured the administration successfully to part with Rs 2,250. "In the old days justice was

difficult particularly for women as the village leaders were all men and had been corrupted by the rich landlords," says Nagamma. "These days thanks to courts and Sakti we can fight out our case."

In desertion cases the tide is already turning. Last June Gangaraj a tribal youth from Narasapuram village tried to end his 10 year marriage with Kos Nagamma after taking a new wife. A Sakti volunteer informed him of the successful maintenance cases it had filed in the courts and threatened similar action. Gangaraj got the message. He promptly reconciled with his first wife and built a new house for her and their two children. "In the past too tribal people used to take second wives, but they never abandoned the first one," says Kukateshwar Rao, a non-tribal school teacher who has lived in Ozbunda since 1954. With help from organisations such as Sakti, their past may yet catch up with the tribals once again.