

1997 (5) ALD 811 (DB)

IN THE HIGH COURT OF JUDICATURE
OF ANDHRA PRADESH AT HYDERABAD

P.S. MISHRA C.J. AND
P. RAMA KRISHNAM RAJU, J.

Twenty Eighth Day of July, 1997

W.P.No.14516 of 1997

B. Madhusudhan Reddy v. State of Andhra
Pradesh and Ors.

*Constitution of India - Article 226 - Writ
petition filed as a public interest litigation
complaining that tribals are being harassed
by non-tribals by encroaching the lands of
the tribals in the agency areas and that the
revenue authorities as well as police are not
taking any steps to prevent the same -
Allegations refuted by the revenue officials
stating that every step is being taken to
prevent the encroachment and for also the
removal of encroachment already made -
Grievance is also made, that many non-
tribals are approaching High Court directly
by way of writ petition and obtaining stay
orders, thus preventing the revenue officials
to take action against the erring non-tribals
- In the circumstances, High Court issued
certain directions to be complied with by
the concerned officials as well as by the
parties to the writ petitions pending in High
Court.*

Affidavits so far, however, show that the administration is not finding it easy to meet the challenging situation in the area and unless what is in existence presently between the tribals and non-tribals in the area is tackled with care and perceived as a socio economic problems, there is a risk of collapse of the administrative machinery in the area and escalation of the riots and attacks by the tribals and non-tribals and vice versa. It is always fair and in the public interest that administration treads on the path of law and implements all the laws in letter and spirit and leaves no person to complain that in his/her case, the law's concern has not been shown to him/her. The least on the facts of the case, which can be done forthwith is:

- (1) all such lands, which are clearly for tribals and tribals only and in respect of which, there is no case pending, in which any authority or Court has issued an order of stay, are delivered/distributed to them;
- (2) all cases pending before the Special Deputy Collector (Tribal Welfare) and/or the Agent to the Government, as well as revisions pending before the Government and/or any authority are expeditiously disposed of within a time limit and on such determination, if lands are found to be of the tribals under the laws and regulations aforementioned, immediate steps are taken to deliver/distribute such lands to the tribals;
- (3) the State Government or the concerned officials, who are respondents and/or petitioners before this Court, in which disputes between tribals and non-tribals are pending or in which lands in agency areas are in dispute otherwise, take all steps to make all such cases ready and the Registry of the Court, as and when such list of ready cases is provided by them, obtains orders from the Chief Justice for placing them before a Bench specially earmarked for hearing such cases;

(4) all criminal cases registered with the police against tribals as accused, which are not in respect of serious offences and/or except cases against such persons, who are alleged to have committed serious offences, even though the case is registered for some serious offence, be closed and those who are detained pending investigation and belong to the category of cases which are not serious and/or accused who are not involved in the commission of any serious offence, are released forthwith;

(5) if there are any disputes in respect of which, no cases are filed, but are causing agitation or irritation in the relationship of tribals and non-tribals in the agency area, are registered by the Special Deputy Collector (TW) and disposed of expeditiously; and

(6) to restore confidence in the tribals, steps are taken to create volunteers, who got to the villages to interact with the tribals and provide to the tribals assistance and legal assistance as and when needed. (Para 6)

Mr. K. Ashok Reddy, Counsel for the Petitioner.

Government Pleader for Home, Counsel for the Respondents.

P.S. MISHRA, CJ:--A student of Osmania University has filed the instant petition in public interest under Article 226 of the Constitution of India. Basing upon newspaper reports of the alleged atrocities on the tribal folk in the agency hamlets in West Godavari District of the State, the petitioner has stated that for the past two or three months, he was reading about the problems of the tribals and the conflict between tribals and non-tribals in the agency area of the District in general and villages in Gilugumilli Revenue Mandal in particular. Stated in brief, according to the petitioner, the conflict between the tribals and non-tribals started when non-tribals invaded into the

forest and the livelihood of the tribals were taken away. Non-tribals, according to the petitioner, destroyed the very culture and tradition of the tribals as also their very source of the livelihood. Laws were enacted such as Andhra Pradesh (Scheduled Areas) Estates (Abolition and Conversion into Ryotwari) Regulation Act, 1959, which was subsequently amended by Regulation III of 1960, the A.P. Scheduled Area Ryotwari Settlement Regulation, 1970 and Scheduled Area Land Transfer Regulation *etc.*, and an Integral Tribal Development Agency for the welfare of the tribals was created. In spite of all these legislations and agencies, non-tribals continued to encroach upon tribal area and the present conflict is an outcome of such encroachment by the non-tribals. The scheduled area, which covers three mandals in West Godavari District, namely, Polavaram, Buttayigudem and Gilugumilli comprises 101 villages called 'scheduled villages' and is having a tribal population, according to 1991 census, of 36,768 constituting 40% of the total population of the scheduled area.

2. One organisation by name 'the Search for Action and Knowledge for Tribal Initiative' (SAKTI) has, however, taken up the cause of the tribals and is providing to them necessary information and education about their rights and since the Government has taken up distribution of lands to them, *i.e.* tribals, the non-tribals, however, have been protesting against the distribution of lands in favour of the tribals and such protests started in May, 1995 in Gilugumilli Mandal. The Sub-Divisional Magistrate, who is also the Revenue Divisional Officer failed to take appropriate action.

The petitioner has thereafter stated:

"The tribals having come to know about their rights stopped non-tribals from cultivating the assessed waste land, which was encroached upon by the non-tribals in various villages in Polavaram mandal, Gilugumilli Mandal *etc.* Unfortunately, the police supported the non-tribals.

However, in view of the mounting pressure, the District Collector held a meeting with the representatives of agency Rythu Sangham and Sakti on July 13, 1996 in which it was decided to read out the details of the land records in villages with a view to restoring the land to tribals and the same was read out in some villages in the presence of the District Collector. However, the State Government failed to take advantage of the same and no follow up action to evict the encroachers and distribute the land to tribals was initiated. This resulted in frustration among the tribals. Though the District Administration identified 1100 non-tribal encroachers of assessed waste lands but no action was initiated. The assurance given by the District Collector to the effect that the ITDA will fight the legal battle on behalf of the tribals was also not implemented. Instead, the District Administration created a rift between scheduled castes and tribals, so that the tribals will be engaged fighting scheduled castes, so that the non-tribals landlords will enjoy the proper lands. The non-tribals lead the members of the scheduled classes and attacked tribals but were preventing cultivation of lands in Busarajapalli village of Buttayigudem mandal. The non-tribals also set fire to the Mandal Revenue Office at Gilugumilli, destroyed land records and damaged the M.R.O's office at Jangareddygudem. The appointment of the Settlement Officer to confer pattas to the tribals did not work out. Ultimately, basing upon the Tribal Welfare Commissioner's Report, the Chief Secretary instructed the officers concerned to deploy officers to undertake survey in Buttayigudem and Gilugumilli Mandal *etc.* But the District Administration once again played foul with the tribals which led to the present disturbances."

Since, according to the petitioner, newspapers have reported that tribals of agency hamlets in West Godavari District are in a state of fear on account of a series of crack downs by

the police and hundreds of panic stricken families are fleeing their hamlets with a view to escaping from the hostility of the police force, there was a clash between the tribals and non-tribals recently in which allegedly non-tribals tried to cultivate tribal lands and in the resultant clash, a non-tribal farmer Sri *Simhadri Gopan Rao* was killed. Though the tribals also received injuries, the police did not register any case against non-tribals. The petitioners has also alleged as follows:

"It was reliably learnt that the tribals are being beaten up mercilessly and the Sub-divisional Magistrate refused to record the injuries sustained by the tribals and no medical facilities are provided. The photographs published in a section of Press reveals the pathetic story of the tribals. There is nothing to see except the deserted tribal village, the exodus of the tribal families in search of safer places and large numbers of police transporting the tribals in police vans.

When I contacted some of the reporters, who visited tribal area, I was informed that the police are in search of Dr. *Siakti* and his wife. I was told that they are made accused Nos.1 and 2 in the matter of *Simhadri Gopal Rao* and I was told that their life is in danger.

The tribals are not provided any medical grievance and they are beaten up mercilessly, irrespective of the age and sex."

The Court on 8-7-1997 has passed the following order:

"Heard.

Before any specific directions are issued, we are of the view that the State should provide specific information to the Court of cases pending before this Court any proceeding involving land dispute between a tribal and non-tribal, for which purpose, learned Government Pleader, Social Welfare undertakes to deliver information within one week. It is also felt necessary that information of

proceedings pending before the competent authority in the concerned agency area in West Godavari District involving disputes between a tribal and a non-tribal is obtained and for the said purpose, learned Government Pleader, Social Welfare undertakes to seek instructions from the District Collector, West Godavari within one week and furnish the said information to the Court.

Petitioner herein, who has made serious allegations of violations of the provisions in the A.P. (Scheduled Areas) Land Transfer Regulation Act, 1959 as amended by Regulation 1 of 1970, has expressed, based on newspaper reports, that no serious attempt has been made by the district administration to identify such lands which are covered by the said Regulation and pointed out that a situation in which tribals as a mob has stood up against non-tribals. It is a situation, in our view, in which the Court would need specific informations from the respondents herein, for which purpose, one week time is granted for counter affidavit, if any.

It is stated before us that some tribals, who are in custody and have received injuries are in need of medical aid. We have no reasons to think that concerned police or prison officials shall be negligent and ignorant of such injuries. However, since allegation in this behalf has been made, we think it appropriate to direct the District and Sessions Judge, West Godavari to depute a Judicial Magistrate if necessary to visit the prison in which the such tribals are lodged and on report by the Magistrate for treatment to such persons who have injuries, direct for lodgment of such persons in hospitals for treatment. We are informed also that tribals as a whole do not easily respond to such demands of treatment and retreat to their hamlets and for want of treatment, sometimes suffer miserably. One such voluntary organisation viz., Red Cross Society, A.P. Chapter, in our view, can

be of use and a direction in this behalf accordingly be issued to the District Collector to depute for each village such Red Cross volunteers who can provide first aid and remove if necessary any persons suffering with injuries to a dispensary or to a hospital. Such persons, however, who are brought by the Red Cross volunteers to any dispensary or hospital shall not be taken in custody without specific directions in this behalf from the Court.

Learned Counsel for the petitioner is permitted to make some clerical corrections in the petition."

3. Responding to the above direction, the District Judge, West Godavari, deputed a Magistrate to visit the prison in which the tribals are lodged and has since forwarded a copy of the report of the Magistrate, which, he himself has summarised as follows:

"That soon after receipt of the District Court's Official Memo. Dis.No.6196, dated 10-7-1997, he addressed a letter to the Revenue Divisional Officer, Kovvur, who is having jurisdiction to deal with the cases of Agency area, to furnish the names of the tribals who have been remanded by him in the matter and to furnish particulars regarding the place of prison in which the tribals are lodged. Thereby, the Revenue Divisional Officer, Kovvur, in his letter has informed the Magistrate that 57 (fifty seven) tribals are remanded to judicial custody out of which 18 are ladies and they are lodged in Central Prison, Rajahmundry.

The nominated Magistrate has visited the Central Prison at Rajahmundry on 12-7-1997 at 10-00 A.M. He observed that the lady prisoners were lodged in a separate prison which is at a distance of one furlong from the Gents Prison. He met the prisoners there and enquired each prisoner about the grievances particularly about the injuries they sustained in the recent incidents and about the medical treatment being provided to them and recorded their statements.

As per their statements, it is observed that 9 (nine) persons have received injuries out of 39 gents; and out of 18 ladies 7 of them received injuries. There is a Hospital with 30 beds in the premises of the jail for gents; and 3 Doctors are working there and one of them is a Deputy Civil Surgeon and other two are Civil Assistant Surgeons. The Doctors have informed the Magistrate that the treatment will be given to the out patients (Prisoners) from 9-00 A.M. to 1-00 P.M. and the emergency cases will be attended to, by the Duty Doctor at any time. There is a small Dispensary for lady patients (prisoners) in the premises with six beds. At present, no tribal is suffering from any serious injury, hence, there is no necessity to join the tribals as in-patients in any other hospitals. The Magistrate has further stated that sufficient medical facilities are available in the premises of the prison and in case of necessity, they will refer the cases to the Government Hospital at Kakinada. He further stated that the Jail authorities started taking more interest in providing medical aid to the Tribals.

The report of the nominated Magistrate and the Statements recorded by him together with the list of the names of the tribals remanded to the Central Prison at Rajahmundry, furnished by the Revenue Divisional Officer, Kovvur, are herewith submitted.

4. A counter affidavit has been filed on behalf of respondents 1 to 3, in which it is stated that the allegation of the petitioner on the basis of the newspaper reports that the 'conflict between tribals and non-tribals led to serious attack on the tribal agency area by the State Government in support of non-tribals, who encroached upon the tribal lands' is totally false and misleading and stated that the Government has noticed the disputes between tribal and non-tribal and taken all measures to uphold the justice and to maintain peace and tranquillity, law and order and harmony between the tribals and non-tribals while taking all steps to meet the legitimate demands of tribals in the Agency areas of

West Godavari District. The affidavit has, in some details, recounted how the tribal areas of the coastal districts viz., Visakhapatnam, Vizianagaram, Srikakulam and East Godavari Districts called 'agency areas' have been administered under the special Acts ever since the enactment of Agency Tracts Interest and Land Transfer Act, 1917, even though the nomenclature has been changing from time to time, and with the advent of the Constitution of India in 1950 under para 6 of V Schedule to the Constitution, they have been notified as 'scheduled areas' by the President of India under the Scheduled areas (Part A States) Order, 1950 and the tribal groups have been notified as 'Scheduled Tribes' under Article 342(1) of the Constitution. The counter affidavit has also proceeded to narrate how in pursuance of the Directive Principles of State Policy as enjoined in Article 46 of the Constitution of India, Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 is promulgated repealing Act I of 1917 partially and other legislations followed. Finally the constitutional validity of Regulation I of 1970 was being upheld by this Court and amendments to Regulation I of 1971 and Regulation I of 1978 were upheld in Civil Appeal Nos.2299 and 2300 of 1972 by the Supreme Court and in Appeal No.8422 of 1995 and batch, the Supreme Court held that amendments were prospective and not retrospective. The counter affidavit also states as follows:

"In terms of the provisions in Section 7 of Regulation 2 of 1970 as mentioned earlier, 28 Estate villages in the Scheduled Areas of West Godavari District were taken over by the Government and Survey operations were conducted in these villages in 1959. During the survey, it came to light that the estate holders during their tenure mostly, just before taking over of their estates by the Government, granted pattas even for waste lands in their estates to make money. During the Survey and Settlement operation which followed the appointment of Settlement Officer under the Regulation 2 of 1970,

the pattas granted for waste lands by the estate holders ex-estate to the villages of scheduled area were confirmed by the Settlement Officer. There are also cases where the pattas are not confirmed on various grounds and such lands were classified as A.W.D. (Assessed waste dry) in survey records. The total extent of waste lands in the ex-estate villages of the scheduled areas of West Godavari District under the occupation of non-tribals is estimated to be around acres 5533.22 cents out of the total extent of (7961.51 acres) A.W.D. lands in the ex-estate villages of Scheduled Areas of West Godavari. The mandal wise break-up of A.W.D. lands under occupation of non-tribal is as follows:

| | |
|-------------------------|------------------|
| 1. Polavaram Mandal | : 2828.06 |
| 2. Buttayagudem Mandal | : 2705.16 |
| Total settlement extent | : <u>5533.22</u> |

In view of the above position, the allegation of the petitioner that the non-tribals encroached upon the lands of tribals to the tune of 30,000 hectares of land in the Scheduled Areas of West Godavari is not correct. Further, the allegation that the Agencies created for the Welfare of the Tribals failed to protect the interest of tribals and that the funds meant for the tribals are enjoyed by the non-tribals is not correct. Government of Andhra Pradesh have not only geared up the machinery for enforcement of the A.P. Scheduled Areas Land Transfer Regulation effectively in the entire Scheduled Areas of the State including West Godavari District, but also sanctioned special enforcement machinery consisting of Special Deputy Collectors (Tribal Welfare) and supporting staff to strengthen the existing machinery to effectively grapple with the problem of the illegal alienations of tribal lands in the scheduled areas of the State. As a result of the efforts of the special enforcement machinery, so far 7077 cases under the provisions of Land Transfer Regulation covering an extent of 37216.00 acres of land were decided in favour

of tribals in the scheduled areas of West Godavari District. The details of implementation of the provisions of APSALTR in the scheduled areas of West Godavari District as on 30-6-1997 are submitted hereunder:-

| | | |
|---|------------|-------|
| 1. Total No. of non-tribal occupations detected | : 7077 | cases |
| 2. Extent covered by Col No.1 | : 37216.00 | acres |
| 3. Total No. of cases disposed | : 6002 | |
| 4. Extent covered by Col No.3 | : 33194.00 | acres |
| 5. Total No. of cases decided in favour of tribals | : 1389 | |
| 6. Extent covered by Col.No.5 | : 6828.33 | acres |
| 7. No. of cases in which land was restored to the tribals | : 414 | |
| 8. Extent of land restored to the tribals | : 2961.92 | acres |
| 9. No. of cases pending disposal | : 1075 | |
| 10. Extent covered under Col No.6 | : 4021.88 | acres |

But unfortunately the decisions of enforcement machinery of L.T.R. are being carried directly to the Hon'ble High Court of A.P. by the non-tribals affected by the decisions of the Enforcement Officers by way of W.Ps. The Hon'ble High Court in a number of cases, has admitted them directly and granted interim stays which were later made absolute. As a result, it is respectfully submitted that much of the force in the orders/decrees issued by the Enforcement Officers are by far the most comprehensive and

powerful legislation on transfer of lands in Scheduled Areas in the entire country is being nullified and the tribals are unable to derive the benefits of protective legislation. In some cases, the decisions of the competent authority are being challenged in appellate Court of Agent. Some are pending before Government in Revision Petitions. In all 299 cases covering an extent of 2457.20 acres are pending at various stages which are as follows:

| Sl. No. | Cases pending before the Agent. | Revision Petitions pending | W.Ps. pending in the High Court. |
|-----------|---------------------------------|----------------------------|----------------------------------|
| No.Extent | | No.Extent | No.Extent |
| 140 | 727.59 | 44 | 210.70 |
| 115 | 1518.91 | | |

In addition to the above, 48 W.Ps. have been filed by non-tribals with ostensibly to challenge the notification of certain tribal villages as scheduled villages in the Hon'ble Court of A.P. and obtained stay on the implementation of Land Transfer Regulation in the said villages. All these W.Ps. have been pending in this Hon'ble Court. In view of the pending writ petitions in this Hon'ble Court and stays granted on the orders of S.D.C.(T.W) the implementation of A.P.S.A.L.T.R. has come to a standstill in the villages covered by the 48 W.Ps. filed by non-tribals challenging the notification of the said villages as scheduled villages by the President of India in 1950. The detailed list of cases pending in various Courts upto the Agent level is furnished in Annexure 1. The list of Writ Petitions pending at the Government level filed by non-tribals including those challenging the notification of certain villages as scheduled villages is furnished in Annexure II, Government have filed

counters and furnished various records in support of the action of the President of India in notifying the impugned villages as Scheduled villages in 1950 and the said W.Ps. are pending before the Hon'ble Court."

Adverting to the cause of agitation, the counter affidavit states:

"The land under the occupation of the tribals in the scheduled areas of West Godavari District has been decreasing and the extent of land held by the non-tribals has increased over the years mostly because a major extent of the AWD (Assessed Waste Dry) lands have been occupied by non-tribals a portion of whom consist of small and marginal farmers and members of the weaker sections like Scheduled Castes. The tribals are agitating for restoring their rights over land on the basis of R.S.R. 1902. In other words, the tribals have been demanding assignment of Government land a (AWD & poramboke) under the occupation of non-tribals in the agency villages of West Godavari District to the tribals only.

While the matter stood thus, a direct clash between tribals and non-tribals took place on 5-8-1996 at Busarajupally in Buttayagudem Mandal and non-tribals along with scheduled castes gathered to enter their lands to cultivate. As the tension mounted, both the sides attacked each other. On receiving the information of these clashes, the District Collector and the Superintendent of Police, West Godavari District rushed to the spot and persuaded both the parties to bring the situation under control. The matter was immediately reviewed by the Hon'ble Chief Minister of A.P. on 6-8-1996 with the Ministers of Home, Tribal Welfare, Panchayat Raj and Rural Development Department (who represents the W.G.Dist) along with the senior officials of Revenue, Tribal Welfare and Home Department. Pursuant to the decisions

taken in the meeting the following action was taken:

1. A settlement Court at Kovvur was sanctioned *vide* G.O.Ms.No. 661, Revenue dated 9-8-1996 for the speedy disposal of pending applications for Ryotwari Settlement pattas under A.P. Scheduled Areas Ryotwari Settlement Regulation, 1970.
2. Two special teams consisting of Revenue and Survey officials headed by a Dy. Tahsildar was constituted to enquire into the petitions pertaining to land problems under the two agency mandals of Jeelugumilli and Buttayagudem.
3. The Collector, West Godavari District was delegated with necessary authority to deal with the situation in accordance with the law and to the best of his judgment to maintain harmony between tribals and non-tribals.

Further incidents of tribals trespassing into the lands of non-tribals in Buttayagudem and Reddy Ganapavaram villages of Buttayagudem Mandal were reported. On 28-12-1996 as tension prevailed again in Reddy Ganapavaram village and neighbouring villages of Buttayagudem Mandal, prohibitory orders under Section 144, Criminal Procedure Code were promulgated in the tension ridden villages. On 30-12-1996, tension again mounted between tribals and non-tribals of Barbhagudem and Panduvarigudem villages of Jeelugumilli Mandal. The Hon'ble Chief Minister of A.P. and the Chief Secretary to the Government of A.P. held periodical and regular reviews to closely monitor the situation and take necessary steps to prevent recurrence of such clashes and for the settlement of disputes. In the meeting held on 30-12-1996, the Chief Secretary to Government of A.P. with the senior officers of Revenue and Social Welfare Departments, Survey and Settlement Department, Law Department, Tribal Welfare Department

and Additional Advocate General, the following decisions among others were taken:

- 1) To take action to expedite disposal of batch of W.Ps. filed by non-officials challenging the scheduling of certain Agency villages of West Godavari District.
- 2) To initiate action to amend A.P.S.A. Ryotwari Settlement Regulation, 1970 (Regulation 2 of 1970) so as to facilitate assignment of AWD lands in the Agency villages of West Godavari District to the tribals.
- 3) Special Deputy Collectors (T.W) of the I.T.D.A. Districts were deputed to the Agency Areas of West Godavari District to take up:
 - a) Verification of claims of tribals pertaining to lands held by non-tribal.
 - b) identification of all Government lands where assignment can be made in favour of tribals.
 - c) action to keep tribals in possession of all lands (Government cases decided under Land Transfer Regulation and Surplus Ceiling lands) where ownership rights have been given to the tribals and
 - d) identification of peramboke lands, where ek-sal (one year) lease can be granted to the tribals.

Pursuant to the above decisions, the Special Deputy Collectors (T.W) of Umoor, Adilabad District, Eturunagaram, Warangal District, Rampachodavaram, E.G. District and Kotaramachandrapuram, West Godavari District have been deputed to Agency Areas of West Godavari District to take up the abovementioned work. As a result, of the verification conducted by the Special Deputy Collectors (T.W) and extent of 3177.80 acres of land was identified of which

D-form pattas were granted over an extent of 1024.82 acres of land to 586 tribal beneficiaries. It is also relevant to mention that the 'Sakti' a voluntary organisation and others filed Writ Petitions and this Hon'ble Court has passed several orders in their favour and the same were carried out. Thus it can be seen that the Government of A.P. is quite alive to the problems of tribals in the agency areas of West Godavari District and doing the very best in the prevailing circumstances to redress the genuine grievances and legitimate demands of the tribals. Thus the allegations of the petitioner that the "District Administration once again played foul with the tribals which lead to the present disturbances" is not correct in view of the sincere efforts of the District Collector in continuing the verification work of A.W.D. lands, poramboke lands and other lands which were under the occupation of non-tribals and assignment of large chunk of Government lands to the deserving tribals in spite of various problems created by vested interest. The details of the village-wise extents of Government lands which were reportedly under the occupation of non-tribals and the details of Government lands assigned to the tribals on D-form pattas are furnished in Annexures - III and IV."

5. The police version is available in the counter affidavit filed on behalf of the 5th respondent-the Deputy Superintendent of Police, Jangareddigudem, West Godavari District, wherein it is stated that police registered cases when complaints were given by the tribals or non-tribals and that the police have nothing to do with the efforts made by the District Collector in regard to the publicity given pertaining to the land records in the village and for restoring the lands to the tribals in cases except performing the bundobust duties. Conceding, however, that there were incidents of setting fire to the Mandal Revenue Officer at Jeelugumilli and damaged the Mandal Revenue Office at Jangareddigudem, in respect of which, cases

have been registered, the Sub-Divisional Police Officer on behalf of the 5th respondent has stated that the police never beat the tribals and after citing one or two incidents of the clash between the tribals and non-tribals, the Sub-Divisional Police Officer has stated as follows:

"There were several other incidents of this nature where there were complaints from the non-tribals to this effect and upon which cases were registered and are under investigation. When there was open proclamation by the tribals that the produce in the fields will be lifted by them, the non-tribals invited them for deliberations. The non-tribals numbering about 25 ryots have gone to the fields of *P. Rajavaram* where the Tribals have to come and discuss the matter. The Sakti organisation has taken on active part in the above matter. On 30-6-1997, about 1000 tribals including the Supremo of Sakti Organisation *Dr. Sivaramakrishna* and his wife *Sarada Devi*, came to the fields of *P. Rajavaram* village, armed with dangerous and deadly weapons, i.e. bows and arrows, sticks, knives and cycle chains. Instead of having peaceful deliberations, they trespassed into the lands and attacked the non-tribals with deadly weapons. Several people were injured in the attack and one *Simhadri Gopala Rao* was killed instantaneously. The tribals have also done mischief to the property by plucking out the paddy saplings and digging the soil. To this effect, a complaint has been received from one *Simhadri Atchutaramaiah*, the brother of the deceased *Simhadri Gopala Rao*. On the basis of the said complaint, a case in Cr.No.42/97 under Sections 143, 147, 148, 447, 426, 307 IPC r/w. 149 IPC and Section 7(1) of Criminal Law Amendment Act of Jeelugumilli P.S. was registered and investigated by the C.I. of Police, Jangareddigudem. During the course of investigation, as many as 45 accused were apprehended and sent for judicial custody. Some more accused including

Dr. Sivaramakrishna and his wife have to be apprehended in the above case.

The tribals in the area are attacking the police also when they visit the area in search of accused. They attack with bows and arrows and the police are taking pains to discharge their lawful duties i.e., investigation of cases registered as per law. In view of the attacks by the tribals, the police are moving in adequate number to apprehend the accused. The tribals taking advantage of this, are making allegations against the police, that large police men were deployed in the agency area and are harassing the tribals. Infact, the police never harassed or ill-treated any tribal. To apprehend the accused involved in heinous crimes, the police are moving in the area. The allegation that the police have not registered any cases against the non-tribals, though the tribals have sustained injuries in the clash, is totally false and incorrect. A case in Crime No.43/97 under Sections 324 r/w. 34 IPC of Jeelugumilli Police State was registered and the case is under investigation against the non-tribals."

He has given some list of as many as 28 cases registered with the police, under various provisions of the Indian Penal Code and other relevant laws including Criminal Law Amendment Act, at Jeelugumilli P.S., Buttaigudem PS, Jangareddigudem P.S., Polavaram P.S, and Koyyalagudem PS, which arise out of incidents between March, 1996 and May, 1997 which only give a glimpse of the magnitude of the problem between the tribals and non-tribals.

6. We have no information whether Red Cross has played its role and provided medical assistance to the tribals, who are shy or for any cause of fear are not coming out to receive medical aid or help. Affidavits so far, however, show that the administration is not finding it easy to meet the challenging situation in the area and unless what is in existence presently between the tribals and

non-tribals in the area is tackled with care and perceived as a socio economic problems, there is a risk of collapse of the administrative machinery in the area and escalation of the riots and attacks by the tribals and non-tribals and *vice versa*. It is always fair and in the public interest that administration treads on the path of law and implements all the laws in letter and spirit and leaves no person to complain that in his/her case, the law's concern has not been shown to him/her. The least on the facts of the case, which can be done forthwith is:

- (1) all such lands, which are clearly for tribals and tribals only and in respect of which, there is no case pending, in which any authority or Court has issued an order of sale, are delivered/distributed to them;
- (2) all cases pending before the Special Deputy Collector (Tribal Welfare) and/or the Agent to the Government, as well as revisions pending before the Government and/or any authority are expeditiously disposed of within a time limit and on such determination, if lands are found to be of the tribals under the laws and regulations aforementioned, immediate steps are taken to deliver/distribute such lands to the tribals;
- (3) the State Government or the concerned officials, who are respondents and/or petitioners before this Court, in which disputes between tribals and non-tribals are pending or in which lands in agency areas are in dispute otherwise, take all steps to make all such cases ready and the Registry of the Court, as and when such list of ready cases is provided by them, obtains orders from the Chief Justice for placing them before a Bench specially earmarked for hearing such cases;
- (4) all criminal cases registered with the police against tribals as accused, which

are not in respect of serious offences and/or except cases against such persons, who are alleged to have committed serious offences, even though the case is registered for some serious offence, be closed and those who are detained pending investigation and belong to the category of cases which are not serious and/or accused who are not involved in the commission of any serious offence, are released forthwith;

- (5) if there are any disputes in respect of which, no cases are filed, but are causing agitation or irritation in the relationship of tribals and non-tribals in the agency area, are registered by the Special Deputy Collector (TW) and disposed of expeditiously; and
- (6) to restore confidence in the tribals, steps are taken to create volunteers, who go to the villages to interact with the tribals and provide to the tribals assistance and legal assistance as and when needed.
7. Even though the newspapers, as the petitioner has stated, have been critical of the role of the local administration and the State Government, we are inclined to take the statements in the counter affidavit filed on behalf of the respondents 1 to 3 as sincere and honestly and accordingly to place confidence that the respondents shall implement the above without any demur and to the satisfaction of all concerned.
8. We accordingly dispose of the petition with the directions as above and direct further that they (respondents) shall report to the Court within two months that the directions have been complied with. It shall be open to the petitioner to bring to the notice of the Court non-compliance of any of the above.