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LAND, FIREWOOD AND

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BUREAUCRATIC PREDATORS

Report no. 7 of 2002

There are 7.3 million tribals in Maharashtra of which the majority live in the vicinity of forests. Many cultivate forest land and are described as encroachers. The decision to make encroachers between 1972 to 1978, the owners of these lands has not been implemented for lack of documentary evidence to prove encroachment and the tribal families continue to be designated as encroachers. As encroachers they continue to pay bribes in cash and grain to government functionaries for cultivating the land and for collecting firewood etc. under the threat of being arrested.

The officials say there are no records to support the date/period of encroachment; the tribals have been saying the records were not created in the past because the encroachments were not brought on record in return for bribes. Hence, though the annual bribes paid by each family to junior field officials appear small they have had a macro impact in depriving tribals of land titles. For example, in Dhule district 89 % of the 10,946 encroachers (with some names being repeated) have been held ineligible for grant of titles. Thus the same officialdom that had destroyed the evidence is now asking the tribals to produce it.

**OUT OF 29 FARMERS QUESTIONED, 28 PAY
REGULAR ANNUAL BRIBES TO FOREST
OFFICIALS**

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LAND, FIREWOOD AND BUREAUCRATIC PREDATORS

INTRODUCTION

There are 7.3 million tribals in Maharashtra of which the majority live in the vicinity of forests. Many cultivate forest land and are described as encroachers. It had been decided that encroachments during the period from 1972 to 1978 would be converted to ownership and regular land titles would be granted. However the decision to make the tribals owners of these lands has not been implemented and the tribal families continue to be designated as encroachers. As encroachers they continue to pay bribes in cash and grain to government functionaries for cultivating the land and for collecting firewood etc. under the threat of being arrested.

One of the main problems is that some evidence is required to prove that the encroachment existed during the period from 1972 to 1978. And this evidence is not available in many cases.

In many cases the reason why the evidence is lacking is that in the past it was in the interest of the encroacher and the forest official not to create the evidence. The encroacher did not want an offence to be registered against him. The Forest Act arms officials with power to fine, imprison and destroy the crop. For not bringing the encroachment on record he was willing to pay a bribe to the forest official. In return, the forest official ignored the encroachment and did not register an FOR (First Offence Report). And now we are asking the same forest official to ask the encroacher to produce evidence of the encroachment. The same system that destroyed the evidence is now asking for it. The same bureaucracy; the same petty officialdom that thrives

on the exploitation of the tribals and had concealed the encroachments is now seeking evidence to convert encroachment into ownership. Even if the forest officials wish to reveal the truth regarding the period of encroachment, they cannot, because they would be questioned why the encroachments were not brought on record.

Consequently many encroachments have not been converted into ownership in spite of the policy to do so.

The officials say there are no records to support the date of encroachment; the tribals have been saying the records were not created in the past because the encroachment was not brought on record in return for bribes. Hence, though the annual bribes paid by each family to junior field officials appear small they have had a macro impact in depriving tribals of land titles. For example, in Dhule district 89 % of the 10,946 encroachers (with some being repeated) have been held ineligible for grant of titles.

This institute questioned some farmers regarding the bribes being paid now, the period of their encroachment on forest lands and the reasons for lack of evidence to support their encroachments.

This is a brief report to expose and emphasise the point that reliance on documentary evidence is unrealistic and defeats the purpose of the policy to create land titles for old encroachments.

29 farmers were questioned in 9 villages of Nawapur and Nandurbar tehsils of Nandurbar district of Maharashtra, who had encroached on 121.5 acres of forest land. (This district was previously a part of Dhule district).

SUMMARY OF MAIN FINDINGS AND RECOMMENDATIONS

MAIN FINDINGS

(1) Data from Dhule district was collected regarding the conversion of encroachers into owners. It was found that as many as 89 % of the encroachers were not granted ownership titles. There is a double entry of some names. The details are given below:

Total encroachment		Eligible for conversion to ownership		Not eligible	
Families	Area (ha.)	Families	Area	Families	Area
10,946	17,213	1,247	2,110	9,699	15,103

(2) 28 respondents, who had not received land titles stated that they had been paying bribes to forest officials for the encroachment and for collection of firewood. The bribes were paid in cash and kind. The cash bribes ranged from Rs.200 to Rs.5000.

(3) They stated that they paid the bribes from money obtained from money lenders.

(4) Failure to pay the bribes would have led to arrest and destruction of crops.

(5) Though the encroachers did not have records to prove the age of the encroachment, it was confirmed that they were residing in the village at the relevant time between 1972 and 1978. This was confirmed by questioning other persons in the village. It was also confirmed on the basis of the house tax register in the village in respect of 8 encroachers selected at random.

(6) Without titles to land the tribals are unable to access institutional credit and become victims of money lenders or agents who obtain loans illegally from banks and deduct huge commissions from the loan amount. This has happened in Chandrapur district.

RECOMMENDATIONS

- (1) When it is a widely known and accepted fact that to avoid punishment, bribes were paid not to create documentary evidence regarding the encroachment and forest officials therefore did not register the cases, it is unreal and unfair to reject the cases for grant of titles on the ground that documentary evidence was lacking to prove the encroachment.
- (2) If there is no evidence to the contrary and the local enquiry reveals that the encroacher is not a recent migrant and was residing in the village at the material time, his claim for the land title should be conceded, especially if he has no other private land of his own.
- (3) For implementing the policy of granting land titles it was found that many villages had not been covered. It was not possible to verify from the concerned officials why this had happened. It is strongly recommended that NGOs and social workers should also be involved in surveying villages and identifying old encroachers to avoid the possibility of villages/encroachers being excluded because of their political affiliation. 6 of the respondents from 2 villages in Nandurbar district stated that no survey had been done in their villages. There are various political organizations working in tribal areas and it cannot be assumed that the bureaucracy will be impartial or have the strength to be impartial.
- (4) For other recommendations pertaining to grant of land (in command areas of irrigation projects) please see the report on resettlement of tribal families.

Table No. 1
The statement of the villages visited and the name of encroachers in Nawapur and Nandurbar tahsils

Sr. No.	Name of the village	Name of the encroacher	Total encroached area	Possession for how many years	Was any offence registered or fine leveled.
1.	Haldani	Shri Jalu Babaji Gavit	5 acre	31	No
		Shri Vasant Nurji Gavit	5 acre	30	-do-
2.	Bardipada	Shri Killya Jathya Gavit	5 acre	31	-do-
		Shri Fhatteshing Katodya Gavit	5 acre	31	-do-
3.	Jamanpada	Shri Jirya Nandrya Gavit	3 acre	33	-do-
		Shri Shyamji Suruji Gavit	2 acre	53	-do-
		Shri Deshama Ratanya Gavit	5 acre	17	-do-
		Shri Arjun Jathya Gavit	2 acre	53	-do-
4.	Khanapur	Shri Dilip Taklya Gavit	3 acre	31	-do-
		Shri Bapaji Muthya Gavit	5 acre	31	-do-
		Shri Bhimsing Maharya Gavit	3 acre	31	-do-
5.	Morkaranja	Shri Keshav Barku Gavit	5 acre	25	-do-
		Shri Undrya Jathya Gavit	4 acre	23	-do-
		Shri Phulji Naktya Gavit	5 acre	23	-do-
		Shri Hamiya Nijya Gavit	5 acre	31	-do-
		Shri Chamchya Naktya Gavit	5 acre	31	-do-

Sr. No.	Name of the village	Name of the encroacher	Total encroached area	Possession for how many years	Was any offence registered or fine leveled.
6.	Panbara	Shri Sanju Radkya Gavit	5 acre	31	Offence booked and receipt
		Shri Bhikaji Narji Vasave	4 acre	31	-do-
		Shri Devgan Ramaji Gavit	4 acre	31	-do-
		Shri Gulab Mangdya Gavit	3 acre	31	-do-
7.	Devalipada	Shri Chhagan Singya Gavit	3.5 acre	31	-do-
		Shri Gubaji Bilkya Gavit	5 acre	31	-do-
		Shri Devalya Radya Gavit	4 acre	31	-do-
	Nandurbar				
8.	Nandarkheda	Shri Jaysing rupaji Thakare	6 acre	35	-do-
		Shri Ambu Namu Naik	5 acre	28	-do-
		Shri Raising Rupaji Thakare	5 acre	35	-do-
9.	Dhekvad	Shri Huryya Dhana Vasave	4 acre	31	-do-
		Shri Pungya Guman Vasave	3 acre	31	-do-
		Shri Pasu Ravana Valavi	3 acre	31	-do-
	Total	29	121 acres		

Table No. 2

Details of bribes paid

Sr. No	Name of the encroacher	Reason for paying bribe	To whom paid	Total amount paid annually	How did you get the money to make the payment	What consequence for not paying bribe	Did you ever complain to whom and with what result
1.	Shri Jalu Babaji Gavit	Firewood Encroachment	Guard	Rs. 100-200 20 kg. grain	Money lender	Arrest	Forest Officer
2.	Shri Vasant Naurji Gavit	Firewood	-do-	Rs. 100-300	-do-	Removing the grain	-do-
3.	Shri Killya Jathya Gavit	Firewood	-do-	Rs. 500-1000	-do-	Arrest	-do-
4.	Shri Fhatteshing Katodya Gavit	-do-	-do-	Rs. 100-200	-do-	Arrest	-do-
5.	Shri Jirya Nandya Gavit	Firewood Encroachment	-do-	Rs. 50-200 10 to 15 kg. grain	-do-	-do-	-do-
6.	Shri Shyamji Suruji Gavit	Firewood	-do-	Rs. 500	-do-	Arrest Ataching bullock cart	-do-
7.	Shri Deshama Ratanya Gavit	-do-	-do-	Rs. 200	-do-	-do-	-do-

Sr. No	Name of the encroacher	Reason for paying bribe	To whom paid	Total amount paid annually	How did you get the money to make the payment	What consequence for not paying bribe	Did you ever complain to whom and with what result
8.	Shri Arjun Jathya Gavit	Firewood Encroachment	-do-	Rs.1000-5000 40 kg.grain	-do-	-do-	-do-
9.	Shri Dilip Takiya Gavit	-do-	-do-	Rs.500-2000 25 kg.grain	-do-	-do-	-do-
10.	Shri Babaji Muthya Gavit	-do-	-do-	-do-	-do-	-do-	-do-
11.	Shri Bhimsing Barku Gavit	-do-	-do-	-do-	-do-	-do-	-do-
12.	Shri Undrya Jathya Gavit	-	-	-	-	-	-
13.	Shri Phuliji Naktya Gavit	Firewood Encroachment	Guard	Rs.100-200 20 kg.grain	-do-	-do-	-do-
14.	Shri Hamiya Nijya Gavit	-do-	-do-	Rs.200 & 20 kg.	-do-	-do-	-do-
15.	Shri Chamchaya Naktya Gavit	-do-	-do-	Rs.100 & 7 kg.	-do-	-do-	-do-
16.	Shri Sanju Kadkya Gavit	-do-	-do-	Rs. 100 & 10 kg.	-do-	-do-	-do-

Sr. No	Name of the encroacher	Reason for paying bribe	To whom paid	Total amount paid annually	How did you get the money to make the payment	What consequence for not paying bribe	Did you ever complain to whom and with what result
17.	Shri Bhikaji Narji Vasave	-do-	-do-	Rs.500-2000 & grain	-do-	-do-	-do-
18.	Shri Devgan Ramaji Gavit	-do-	-do-	Rs. 100 & 10 kg.	-do-	-do-	-do-
19.	Shri Gulab Mangdya Gavit	-do-	-do-	Rs. 100 & 7 kg.	-do-	-do-	-do-
20.	Shri Chagan Singya Gavit	-do-	-do-	-do-	-do-	-do-	-do-
21.	Shri Gubaji Kilkyia Gavit	Encroachment	Guard	Rs.100 & 14 kg.grain	Cropping the grain	-do-	-do-
22.	Shri Devalya Redtya Gavit	-do-	-do-	-do-	Arrest	-do-	-do-
23.	Shri Jaisingh Rupaji Thakare	-do-	-	-	-do-	-do-	-do-
24.	Shri Ambu Nahatu Naik	-do-	-	-	Cropping the grain	-do-	-do-
25.	Shri Raisingh Rupaji Thakare	-	-	-	-do-	-do-	-do-

Sr. No	Name of the encroacher	Reason for paying bribe	To whom paid	Total amount paid annually	How did you get the money to make the payment	What consequence for not paying bribe	Did you ever complain to whom and with what result
26.	Shri Hurayya Dhana Wasave	Firewood	Guard	Rs.100-250	Arrest/ Cropping the grain	-do-	-do-
27.	Shri Pungrya Guman Wasave	Encroachment	-do-	Rs.200-500	-do-	-do-	-do-
28.	Shri Pasu Ravanya Valvi	-	-	-	-	-do-	-do-

Table No. 3
Records of property tax

Sr. No.	Name of the owner of the house	Village	Name of the encroachers & relationship to house owner	Period for which record obtained from gramsevak
1	Taklya Barkya Gavit	Jamanpada, Tal-Navapur	Dilip Taklya Gavit son of the owner	1974-75 & 1978-79
2	Jethya Kathodya Gavit	Jamanpada, Tal-Navapur	Arjun Jethya Gavit son of the owner	1974-75 & 1978-79
3	Narsi Gula Gavit	Panbara	Bhikaji Narsi Gavit son of the owner	1974-75 & 1978-79
4	Mangdya Devchand Gavit	Panbara	Gulab Mangdya Gavit son of the owner	1974-75 & 1978-79
5	Ramji Mangdya Gavit	Panbara	Chagan Ramji Gavit son of the owner	1974-75 & 1978-79
6	Barkya Chhiprya Gavit	Morkaranja	Keshav Barkya Gavit son of the owner	1974-75 & 1978-79
7	Radtya Ramji Gavit	Panbara	Sanju Radtya Gavit son of the owner	1974-75 & 1978-79
8	Tijya Dagalya Gavit	Morkaranja	Homjya Tijya Gavit son of the owner	1974-75 & 1978-79

Note : Records of property tax for houses was seen from 1974 to 1979. Copies of the extracts from the register were obtained for 2 years, namely, 1974-75 and 1978-79.

Table No. 4**Encroachers questioned**

Sr. No.	Name of the Tahsil	Name of the village	No. of encroachers	Encroached area in acres
1.	Nawapur	Haldani	2	10
		Bardipada	2	10
		Jamanpada	4	12
		Khanapur	3	11
		Morkaranja	5	24
		Panbara	4	16
		Devalipada	3	12.5
2.	Nandurbar	Nandarkheda	3	16
		Dhekvad	3	10
		Total	29	121.5 acres

Table No. 5**Details of land owned by encroachers**

Status of land	No. of land holders	Area	Encroached area	Irrigated area	Dry area	Remarks
Privately owned (own land)	11	19 acre	-	3	16	
Government Land	-	-	-	-	-	-
Forest	29	-	121 acre	-	121 acre	
As tenant on some one else's land	2	14 acre	-	-	5	-

Table No. 6**Benefit from Govt schemes obtained by
11 encroachers who hold private land**

Sr. No.	Name of the scheme	No. of beneficiaries
1.	Electric Pump/Oil Pump	2
2.	Fertilizer/seeds	Nil
3.	Cattles	4
4.	Bullockcarts	2
5.	Land levelling & development	Nil
6.	Other	1
	Total	11

Table No. 7

Talukawise eligible/ineligible encroachers in Dhule district.

Tahsil	Total		Eligible		Ineligible	
	Persons	Area	Persons	Area	Persons	Area
Shirpur	4673	7283.72	397	636.61	4276	6647.11
Shahada	1243	1387.45	199	291.18	1044	1096.27
Sakri	1043	2001.60	245	425.40	798	1576.20
Nawapur	1544	2899.76	94	182.40	1450	2717.36
Taloda	1547	2017.85	11	20.00	1536	1997.85
Akkalkuwa	530	1072.37	49	127.10	481	945.18
Akrani	366	600.13	252	476.31	114	123.8
Total	10946	17262.88	1247	2110.42	9699	15103.7

Annexure 1

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