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**A STUDY TO DETERMINE
THE EXTENT OF
TRIBAL LAND ALIENATION
IN
MAHARASHTRA STATE
1987 - 88**



**Tribal Research & Training Institute
MAHARASHTRA STATE
28, QUEEN'S GARDEN, PUNE 411001.**

1988



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THE EXTENT OF
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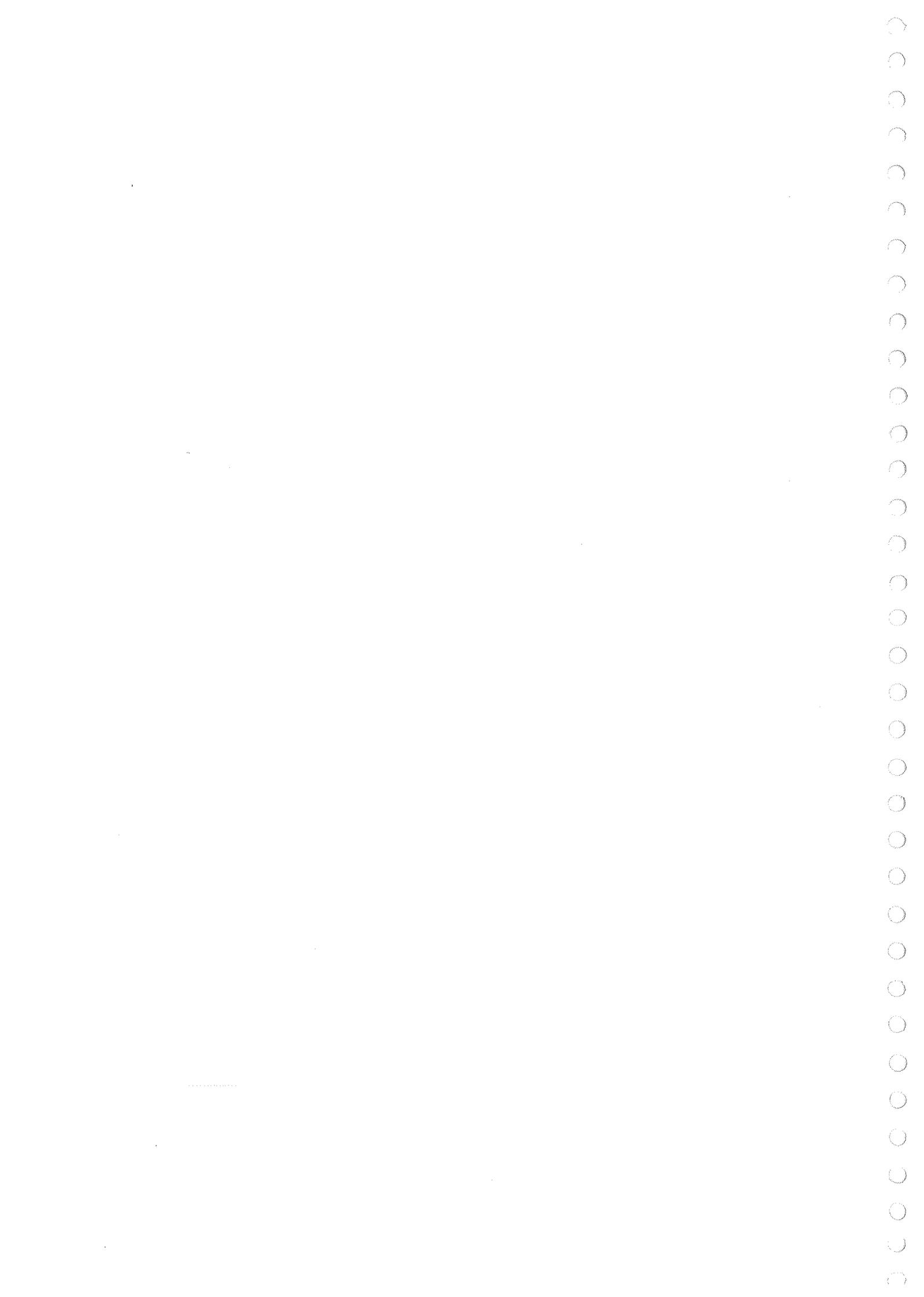
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PREFACE

It has been observed that the programmes included in the Five Year Plans at the outset aimed at the protective measures in the interests of the weaker sections consisting of Scheduled Tribes/Scheduled Castes, Small and Marginal farmers and landless labourers etc. But the land - policies and the programmes did not yield the desired results. The overall picture indicates that the policies and programmes have achieved the success only in a limited measures. They have rather failed in preventing land alienation in tribal areas and also eliminating the control exercised by the money-lenders, shop-keepers and other agents of exploitation on the economic life of the tribal communities.

But from June 1975, the transfer of tribal land to non-tribals and the restoration of alienated lands to tribals have been accorded top-priority for solution with the time bound programme. Consequently the State Govt. enacted various laws and hasten the provisions of the land laws to check the alienation and accelerate the land restoration to the tribals. The legislative measures adopted by the State Government vary in their stringency and effectiveness in general. It was, therefore, decided to exchange views with those in the field for eliciting first hand information from them.

The present study report is based on the analysis of data collected through the field enquiry which was conducted in the selected areas from the tribal areas of the State and the findings emerged therefrom. The report spells out the background information, objective

and methodology of the field survey, legal measures to prevent land alienation, general review of the official data on land alienation, case studies, extent of land alienation in tribal area, problems faced by the displaced tribals and their rehabilitation, focus on Govt. strategy and programme contents, observations, conclusions and suggestions. The statistical information has displayed at the end as appendices.

The field enquiry into the problem of tribal land alienation was entrusted to Shri D.S.Mahajan, Statistical Officer, Shri S.R.Shevkari, Research Assistant, Shri S.M.Kulkarni, Research Assistant and other officials of the Institute. The draft report has been prepared by Shri D.S.Mahajan, Statistical Officer and Shri S.R.Shevkari, Research Assistant while Shri M.B.Surana, Dy. Director supervised and guided the work under my instructions.

I hope that the report will be very useful in getting to the real position of land alienation and restoration problem with respect to registered cases and thereby gauging the extent of problem in the Tribal Sub Plan Areas of Maharashtra State.

Sd/-

(Dr.G.M.Gare)
Director
Tribal Research and Training Institute,
M.S., Pune-1

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CHAPTER I

BACKGROUND INFORMATION

Introduction

- 1.1 Historically it has been proved that tribals are the settlers and owners of the land which they reclaimed it from the forest. But in the earlier phases, the non-tribals who came from the outside posed themselves as Jamindars, Consequently, the tribals were reduced to the status of tenant from the status of owner. In some cases, the Jamindars after occupying the tribal land by force, fraudulently transferred away it to other men on lease.
- 1.2 The transfer of tribal lands to others (non-tribals) usually took place in a number of ways which include :-
 1. Transfer of land in accordance with the provisions of the laws.
 2. Acquisition of land for capital projects such as irrigation projects, industrial projects etc.
 3. Acquisition for secondary and territory activities in the hinter lands for the new projects.
 4. Illegal transfers by way of fraud or forceable occupations or encroachments by non-tribals.
- 1.3 The alienation of tribal land has been continuing in the rural areas for a long time despite the promulgation of the various regulations and other executive measures from time to time. The analysis of the causes of alienation of tribal land to non-tribals may lead to the following categories :-
 1. Loopholes in the tenancy legislations.
 2. Slackness on the part of the implementing machinery of the restrictives provisions.
 3. Socio-economic causes.

1.4 The detailed elaboration of each of the category mentioned above will point out that in the first instance, limitation period within which a tribal should apply for repossession of the alienated land after which he loses the claim on it was too short. According to Sub Section 3 of Section 36 of Maharashtra Land Revenue Code 1966, transfer of tribal land made in contravention of Sub Section 2 of the Act would be void if the application by tribal is not made within two years from the date of transfer. In addition the applicant will have to pay the arrears of land revenue or any other dues which form the charge on the land holdings. Thus, this limitation on the operation of Sub Section 2 of Section 36 was very often exploited by the non-tribals. They dissuaded the tribals from filing any application for restoration of land. With the results the non-tribals claimed the tenancy rights for the transferred land later. The good deal of transfers were in the same fashion only.

1.5 The poor economic condition of the tribal family frequently discouraged him from applying for restoration of his land as tribal family did not have money for the payment of arrears of land revenue and other charges on his holding. The indebtedness of the tribals is undoubtedly wide-spread. It is said that the indebtedness and alienation go hand in hand, it is generally presumed that if it is high the land alienation will be extensive.

1.6 Some of the socio-economic factors have also caused the emergence of the problem of land alienation. A lack of awareness amongst the tribals about the legal provisions regarding transfer of lands to non-tribals is also



to borrow money or grain etc. from the moneylenders or the shop-keepers. Because of his poor and weak condition, he is unable to repay his debt which continues to pile up. Naturally, he is forced either to sell his land or to mortgage it to the money lenders or the shop-keepers. In addition, the innate sense of humility and morality amongst the tribals is also an important factor which is responsible for the alienation of their land. The low percentage of literacy amongst the tribal communities is also one of the contributory factors in the alienation process.

- 1.7 It is not easy to assess the magnitude of a problem against the background mentioned. Generally, it is observed that the tribals are reluctant to give out the details of the mortgage or the name of the money lenders or shop-keepers to whom the land has been alienated. Moreover, it is not quite easier to gauge the problem on the basis of sample data collected through the quick survey. The magnitude of the alienation problem varies from village to village and region to region. Hence the situation calls for comprehensive field enquiry in the matter.

Tribal Situation In Maharashtra

- 1.8 Maharashtra State stands fourth in the country according to the size of the tribal population in 1981 census. Nearly 57.72 lakhs tribal population is reported in the State. It constitutes 9.19% of the State's total population. Out of total tribal population in the country about 11% is located in Maharashtra State (vide table No.1.1)

The Scheduled Tribes are concentrated in three distinct regions in the State viz. Western region, Northern region and Eastern region. The Western region encompasses the parts of Thane, Nashik, Dhule, Jalgaon, Pune, Ahmednagar and Raigad districts in the Sahyadri and Satpuda mountain ranges, the Northern range comprises of Dharni and Chikhaldara tahsils of Amravati district in Satpuda mountain ranges and Eastern range covers parts of Gadchiroli, Chandrapur, Nanded, Nagpur, Bhandara and Yavatmal districts.

The tribal situation in the State presents a varied picture. Some areas have a high tribal concentration, some form only a small proportion of the tribal population and while remaining areas have dispersed tribal population. (Table No.1.1). The districts having large population of tribals are Dhule, Thane, Nashik, Gadchiroli, Chandrapur, Nagpur, Bhandara and Yavatmal. It constitutes 66% of total State tribal population.



Table No. 1.1

Districtwise Total and Tribal Population of Maharashtra State as per 1981 Census.

(Population in lakhs)

Sr No.	District	Population as per 1981 Census		Percentage of Tribal Population with Total Population.
		Total	Tribal	
1	2	3	4	5
MAHARASHTRA STATE		627.84	57.72	9.19
<u>KOKAN DIVISION</u>				
1)	Bombay	82.43	0.84	1.02
2)	Thane	33.52	7.29	21.75
3)	Raigad	14.86	1.90	12.80
4)	Ratnagiri	13.80	0.27	1.94
5)	Sindhudurg	7.32	0.05	0.69
Total Konkan Division		151.93	10.35	6.81
<u>NASHIK DIVISION</u>				
6)	Nashik	29.92	7.02	23.45
7)	Dhule	20.50	8.31	40.53
8)	Jalgaon	26.18	2.16	8.25
9)	Ahmadnagar	27.08	1.88	6.93
Total Nashik Division		103.68	19.37	18.68
<u>PUNE DIVISION</u>				
10)	Pune	41.65	1.59	3.01
11)	Satara	20.39	0.13	0.64
12)	Sangli	18.31	0.16	0.85
13)	Solapur	26.10	0.52	1.98
14)	Kolhapur	25.06	0.27	1.09
Total Pune Division		131.51	2.67	2.02

Table No.1.1 (contd)..

1	2	3	4	5
<u>AURANGABAD DIVISION</u>				
15)	Aurangabad	15.82	0.58	3.64
16)	Jalna	10.38	0.21	2.04
17)	Parbhani	16.43	0.76	4.60
18)	Beed	14.86	0.13	0.90
19)	Nanded	17.49	1.78	10.19
20)	Osmanabad	10.38	0.18	1.78
21)	Latur	11.93	0.33	2.81
Total Aurangabad Division		97.29	3.97	4.09
<u>AMRAVATI DIVISION</u>				
22)	Buldhana	15.09	0.66	4.41
23)	Akola	18.27	1.15	6.28
24)	Amravati	18.61	2.42	12.98
25)	Yavatmal	17.37	3.70	21.30
Total Amravati Division		69.34	7.93	11.44
<u>NAGPUR DIVISION</u>				
26)	Wardha	9.27	1.42	15.35
27)	Nagpur	25.89	3.53	13.65
28)	Bhandara	18.38	2.98	16.22
29)	Chandrapur	14.18	2.99	21.07
30)	Gadchiroli	6.37	2.51	39.32
Total Nagpur Division		74.09	13.43	18.13

1.9 The major Scheduled Tribes in the State can be mentioned as the Bhil, Gond, Mahadeo Koli, Warli, Kokna, Thakur, Katkari, Andh, Korku, Pardhan, Kolam and Gamit. Amongst them the economically and socially backward and weak Scheduled Tribal Communities are Katkari, Kolam, Madia Gond, Ka-Thakar, Dhor Koli, Pawara Bhils and Warlis.

1.10 The Tribal Research and Training Institute has conducted a Universal Bench Mark Survey in 1980 in order to study the socio-economic conditions of the tribals living in the Tribal Sub Plan Areas of the State. The information collected through this survey has provided a good gamut of the social as well as economic problems faced by the tribals in the area.

Socio-economic conditions of the tribals in Tribal Sub Plan (TSP) Area :

1.11 The analysis of data on socio-economic conditions of the tribals as revealed from the Universal Bench Mark Survey (Household phase 1980) indicates that the tribal habitations are situated in the farflung areas in the forest. Hence they are very often secluded from the habitation of other people in general. They have, therefore, remained backward. Secondly, the low level of literacy amongst tribal households is also one of the causes of their backwardness. The literacy percentage of general population of the State rests at 47.80%; whereas the tribal literacy is indicated as 22.29% only. The literacy amongst male in general population is indicated as 57.79% as against 32.38% amongst tribal male. The female literacy percentage in general population is calculated as 34.79% as against 11.94% in tribal areas. Thus, the Scheduled Tribes are the weakest among the weaker sections of the

1.12 Against this social background as described above it will be pertinent to assess the economic situation of the tribal households on the basis of the available data from 1981 census and the Universal Bench Mark Survey 1980.

The occupational distribution of tribal families presents that out of 100 as much as 39.53 are cultivators; while 44.31 are agricultural labourers. The service and other workers is about 15%.

The main source of livelihood of the tribal households is agriculture only. The sourcewise income as revealed from the data collected under the Universal Bench Mark Survey will highlight the percentage accrual of the income from each source. The data is presented in the following table.

Table No. 1.4

Percentage accrual of income by source :

Sr No.	Source	Percentage to total income accrued
1	2	3
1.	Agricultural farming	49.82
2.	Agricultural labour	21.29
3.	Forest labour	5.01
4.	Service	9.73
5.	Trading	2.58
6.	Miscellaneous occupations	11.57
		100.00

Source : Universal Bench Mark Survey.. Series No.9
(Tribal Research and Training Institute, Pune)

The information regarding income of the tribal families in the Tribal Sub Plan Area of the State indicate that about 35.71% tribal families were placed in the income range of Rs.1001 to 2000 and those having income between Rs.2000 to 3600 were 57.53%. In short, in all 93.24% tribal families were below the income range of Rs.3600/- in Tribal Sub Plan Areas. It shows that the average income of the tribal family is very meagre i.e. below the level of subsistence. In other words, the scanty income and abject poverty are the concomitant of the tribal family.

- 1.13 It is worthwhile to study the expenditure pattern of the tribal families on the necessities. The percentage annual expenditure on the necessities of the tribal family can be perused from the data presented in the table below :-

Table No.1.5

Itemwise Percentage of expenditure

Sr No.	Item	Percentage composition of expenditure of Adivasi family
1	2	3
1.	Food	76.89
2.	Clothing	7.86
3.	Smoking, drinking etc.	6.07
4.	Education	0.04
5.	Entertainment	1.00
6.	Miscellaneous expenditure	8.14
		100.00

Source : Bench Mark Survey (1980)

The analysis of the data points out that the substantial portion of income i.e. 77% is expended on food only. The remaining items of expenditure are clothing (8%), expenditure on drinking, smoking and entertainment (8%). Despite the meagre income and the disproportionate expenditure on food and clothing, the tribal families in the Sub Plan Areas show the least tendency of migration either to the rural or urban areas for their livelihood. The tendency of migration and insufficiency of income generally go hand in hand but in case of some of the tribal families from Gond, Bhil, Koli Mahadeo, Warli were found to be disinclined to go outside their villages. Their mobility is not affected by the inadequacy of the income. However, a new phenomenon is emerging in certain border areas that tribal people migrate to avail the better wages, particularly in sugarcane growing areas of border States.

In short, it may be stated that the low level of income accrual, low level of literacy and the least tendency of migration to outside places of their habitation are generally responsible for the social and economical backwardness of the tribals. They are therefore, remained socially and economically weaker in the society.

General background of tribal agricultural situation in the Tribal Sub Plan Area

- 1.14 Agriculture is the main stay of livelihood of the tribal people in Maharashtra. More than 80% of tribal families are dependent upon the agriculture for their livelihood. The tribal agriculture is mostly subsistence-oriented and is characterised by production of grains just sufficient to meet their requirements at a low level of living. They generally grow inferior varieties of crops.

In short, the use of local seeds, growing of traditional crops, use of simple agriculture, indigeneous tools and implements, production mainly for self-consumption are some of the characteristics of tribal farming. The major tribal economy is cultivation and agricultural labour.

The information regarding the land possessed by the Scheduled Tribes families by size class are presented in the following table :-

Table No.1,6

Distribution of Households according to land possessed by size class.

Sr No.	Size-class of land (in hect.)	No.of house-holds	Land possessed (in hect)	Average land of the hhs	Percentage of house-holds to total households
1	2	3	4	5	6
1.	Landless	1,90,712	-	-	43.82
2.	Below 1.00	47,202	27,055	0.57	10.84
3.	1.01 to 2.00	58,624	76,988	1.31	13.47
4.	2.01 to 5.00	95,232	2,80,577	2.95	21.88
5.	5.01 to 6.00	9,997	52,531	5.25	2.30
6.	6.01 to 10.00	22,183	1,59,907	7.21	5.09
7.	Above 10.00	11,308	2,57,856	22.80	2.60
State TSP		4,35,258	8,54,914	1.96	100.00

Source : Universal Bench Mark Survey (Household) 1980

The analysis of data in the table brings out that about 44% households in the Tribal Sub Plan Area were landless; while about 24% households were having land, less than 2.00 hectares. The families possessing the land between 2.01 to 5.00 hectare were about 22%. This leads to the

conclusion that the families having no land and having a piece of land below one hect. constituted about 55%.

- 1.15 The study of land utilisation in the Tribal Sub Plan Area will also throw some light upon arable lands and the forest lands and their percentages to the geographical areas.

Table No.1.7

Land utilisation pattern in Sub Plan Area (1980)

Sr No.	Type	Area (In Hect)	Percentage with total geogra- phical Area
1	2	3	4
1.	Net area sown	14,59,017	30.05
2.	Current fallow	74,000	1.52
3.	Cultivable waste	1,84,458	3.80
4.	Old fallow	76,595	1.58
5.	Land put to non-agri.use	1,55,563	3.20
6.	Barren and uncultivable waste	2,80,451	5.78
7.	Permanent pastures and grazing lands	3,09,082	6.37
8.	Forest	22,94,948	47.28
9.	Land under miscellaneous crops, trees, etc.	20,310	0.42
10.	Total geographical area	48,54,424	100.00
11.	Area sown more than once	85,606	5.87*

* Percentage to net cropped area.

In brief, it can be stated that the land use pattern mentioned in the above table points out that the area as much as 47% are covered under the forest; while net sown area constituted about 30%. The fallow lands and cultivable waste were 1.52% and 6% respectively. The percentage of area sown more than once works out to 6% only.

Transfer of tribal land

- 1.16 It will be pertinent to study the status of transfer of land to non-tribals in the Tribal Sub Plan Area of the State. The regionwise comparative picture of transfer of land by tribal households within 10 years and also 10 to 30 years is indicated in the Table No. 1.8. It is also indicated that the transfers are made either by self or by their parents within the specified period.

Table No. 1.8

No. of tribal households lost their land due to transfer of land during 10 to 30 years in Tribal Sub Plan Area by of Maharashtra by self or by their parents.

Sr. No.	State/Region	Transfer of land within 10 Years		Transfer of land within 10 to 30 Years		By father or parents	By Self or parents	Percent-age	Percent-age
		By Self	Percent-age	By Self	Percent-age				
1	2	3	4	5	6	7	8	9	10
1.	Sahyadri Region	452	27.3	195	36.5	495	48.9	515	56.2
2.	Gondwan Region	1207	72.7	339	63.5	517	51.1	401	43.8
State Total (TSP Area)		1659	100.00	534	100.0	1012	100.0	916	100.0

Source : Bench Mark Survey 1980

The information presented in the table brings out that the transfer of land by self and by the parents within 10 years are more in Gondwan region as compared to Sahyadri region i.e. 72.7% and 63.5% respectively. As regards transfer of land by self within 10 to 30 years, 51.1% households from Gondwan region were engaged. Similarly the transfers by father or parents within 10 to 30 years span as much as 56.2% households from Sahyadri region were involved. Therefore, it can be concluded that the transfers by father/parents within 10 to 30 years have been reduced much in Gondwan region while there is a sizeable increase in the percentage of transfers by father/parent within 10 to 30 years in Sahyadri region. Summarily the regionwise status of transfer of land can be described that there is a steady rise in the percentage of transfers either by self or father/parents during the period (10 to 30 years) in Sahyadri region. In Gondwan region the transfer of land either by self or by father/parent showed an increasing trend within 10 years whereas a sharp decline is marked in the transfers either by self or by father within 10 to 30 years period.

- 1.17 There has been a considerable divergence of the opinions on views regarding the extent of land alienated in tribal areas. Some are inclined to believe that the alienation of tribal land has taken place on an extensive scale but the actual position in this regard may be ascertained only after a comprehensive field enquiry by the State Government with the appointment of special staff in this behalf. No comprehensive survey has been so far conducted in the State to ascertain the extent of transfer of land

from tribals to non-tribals. The fact that such transfers in a majority of cases are without proper registration and have been effected through oral agreement that comes in the way of any precise determination of the extent of such transfers.

- 1.18 The Government of India is very much keen to know the extent of tribal land alienated to non-tribals in different States and to devise appropriate measures to protect the interest of the tribal communities in the different States. The Government has also thought that the impact of the enactments made in this behalf can be gauged and suitable modification can be suggested for making suitable changes in the enactments in the present circumstances. With this view in mind and at the instance of Government of India the Tribal Research and Training Institute, Pune was entrusted to conduct a study to assess the present position and the magnitude of the problem in the State. This decision was arrived at in the meeting of the representatives of the Tribal Research and Training Institutes from the different States in September, 1987. Accordingly, the Tribal Research and Training Institute, Pune undertook the field enquiry in the selected tahsils in the State.

Table No.1.2

Tribewise population in Sub Plan Area (Maharashtra)
(Population in lakhs)

Sr No.	Tribe	Population	Percentage of Tribal Population
1	2	3	4
1.	Bhil	4.98	20.85
2.	Gond	4.02	16.83
3.	Kokana	3.07	12.86
4.	Varli	3.05	12.77
5.	Koli Mahadeo	2.67	11.18
6.	Thakur/Thakar	1.20	5.03
7.	Koli Malhar	0.97	4.06
8.	Korku	0.88	3.69
9.	Kolam	0.50	2.09
10.	Katkari/Katodi	0.46	1.93
11.	Gavit/Gamit	0.44	1.84
12.	Andh	0.39	1.63
13.	Pradhan	0.35	1.47
14.	Halba/Halbi	0.26	1.09
15.	Dhanka	0.19	0.80
16.	Koli Dhor/Tokare Koli	0.11	0.46
17.	Others	0.34	1.42
State Total		23.88	100.00

Source : Universal Bench Mark Survey of India
Tribal Sub Plan Area of Maharashtra
State (1980).

Table No.1.3

Total number of Scheduled Tribe families and those Below Poverty Line in the Sub Plan Area of Maharashtra

Sr No.	Name of I.T.D.P.	Sch. Tribe families		Percentage of Col.4 to 3
		Total	Below Poverty line	
1	2	3	4	5
1.	Thane-I (Jawhar)	69,078	65,992	95.53
2.	Thane-II(Shahapur)	33,698	32,550	96.59
3.	Raigad (Pen)	4,824	4,562	94.57
4.	Nashik-I (Kalwan)	30,500	27,582	90.43
5.	Nashik-II (Trimbak)	40,198	36,616	91.09
6.	Dhule-I (Taloda)	32,643	29,322	89.83
7.	Dhule-II (Nandurbar)	72,371	63,728	88.06
8.	Jalgaon (Yaval)	3,302	3,005	91.01
9.	Ahmadnagar (Rajur)	11,672	10,809	92.61
10.	Pune (Sal)	10,103	9,042	89.50
11.	Nanded (Kinwat)	7,012	6,322	90.15
12.	Amravati (Dharni)	15,306	13,873	90.64
13.	Nagpur (Ramtek)	5,745	5,268	91.70
14.	Bhandara (Deori)	14,713	13,633	92.66
15.	Yavatmale (Pandharkavada)	29,077	26,469	91.03
16.	Gadchiroli (Ettapalli)	14,918	14,508	97.25
17.	Gadchiroli (Dhanora)	21,377	14,884	69.63
18.	Chandrapur (Rajura)	5,934	5,628	94.84
19.	Chandrapur (Chimur)	11,451	10,614	92.69
20.	Wardha (Arvi)	1,316	1,240	94.22
State Total		4,35,258	3,95,647	90.90

Source : Universal Bench Mark Survey (1980)

CHAPTER IIOBJECTIVES, METHODOLOGY AND COVERAGE OF STUDY2.1 Objectives

The main objectives of the study are to examine the existing position of land ownership of the tribal people and how far the legal protection works for them and the actual situation prevailing in the State. In short, the broad objectives are as follows :-

- 1) The extent of alienations of tribal land to non-tribals in the State.
- 2) The adequacy of laws framed to prevent tribal land alienation.
- 3) The manner in which the laws have been circumscribed for alienation of tribal land.
- 4) The provisions under the laws for restoration of alienated land to the tribal.
- 5) The existing legal and administrative machinery for preventing alienation and restoring alienated land of tribals in the State.
- 6) The shortcomings or bottlenecks in the enforcement of laws and the reasons for non-enforcement thereof.

2.2 Methodology

The present study is divided into four phases :-

- i) Households survey
- ii) Village survey
- iii) Review of the secondary data and
- iv) Review of the earlier studies and evaluation reports.

i) Household surveySelection of districts, tahsils and households

In order to assess the extent of tribal land alienated to non-tribals in the State, the field enquiry was to be conducted in some villages. The following criterion were provided by the Government of India for the selection of sample villages :-

- a) Spread of tribal population
- b) Extent of the problem, and
- c) Topography of the area

Taking into consideration the above criterion, the three stage sampling i.e. district, tahsil and village was adopted.

The tribal population is largely concentrated in six districts viz. Dhule, Thane, Nashik, ex-Chandrapur (Chandrapur and Gadchiroli), Bhandara and Yavatmal and that too in the parts of Tribal Sub Plan Areas of these districts. Therefore these districts were kept in mind while selecting the sample.

According to the topography of the Tribal Areas Thane, Dhule and Nashik districts fall in Sahyadri region and Chandrapur, Gadchiroli, Bhandara and Yavatmal fall in Gondwan region. Therefore, these districts and broad regions were kept in view.

In order to know the extent of the problem the information of number of cases of land alienation registered as on 31-3-1986 was available with the State Government (Revenue and Forest Department), Bombay. The information was collected and these districts were arranged according to ascending order of number of cases registered and

the first six districts were selected for the survey. The districts selected by the first criteria i.e. spread of tribal population and by the second criteria i.e. topography were found identical. Therefore these districts were chosen for conducting the field enquiry.

<u>Region</u>	<u>Districts Selected</u>
1. Sahyadri	1) Dhule 2) Thane 3) Nashik
2. Gondwan	4) Chandrapur 5) Bhandara 6) Yavatmal

There were no specific guidelines for the selection of tahsils and villages. However, the following criterion were adopted for the selection of tahsils and villages.

The intensity of this problem is found high in the area where the tribals are in "Minority, the tribal land is irrigated and fertile". Therefore, the selection of tahsils and villages were made taking into consideration a the above two factors and with the consultation of local officials at district and tahsil levels.

The information of all tribal land holders in selected villages were collected through special survey team of the Institute. The survey schedule was modified to suit some local requirements of the area.

ii) Village survey

The information of 23 villages were collected through the village schedule designed for this purpose.

The trained team of Investigators who had a long experience of conducting the field enquiry were assigned this job. The survey was carried out under the supervision and guidance of Deputy Director, Statistical Officer and Research Officer of this Institute.

The details of number of villages and number of tahsils selected from each district are given below :-

Table No.1

Districtwise tahsils and villages selected for the survey

Sr No.	District	No.of tahils	No.of villages
1	2	3	4
1.	Thane	2	4
2.	Nashik	2	6
3.	Dhule	3	6
4.	Yavatmal	1	3
5.	Bhandara	1	2
6.	Chandrapur	1	2
Total		10	23

2.3 Review of the secondary data

The laws framed by State Government to prevent tribal land alienation and provisions for restoration of alienated land were collected.

The additional information on the following points were also collected such as :-

- a) Practises adopted by the money lenders to provide credit to the tribals.

- b) Categories of non-tribal exploiters who are involved in illegal land transfers operate in the tribal areas.
- c) Loopholes present in the Act which are used to circumvent it and what are different modes of circumvention ?
- d) Protections given to the tribals by the Government against usurious money lenders.
- e) Reliefs provided to the tribals to make them free from the burden of debt.
- f) Factors responsible for the failure of Money Lending and Debt Relief Regulations".
- g) Measures taken to disseminate knowledge about the various provisions of protective legislations.
- h) Hindrances met within quick disposal of cases.
- i) Measures suggested for effective control of the pernicious problem of land alienation and concomitant evils.

2.4 The views of Government Officials, social workers, tribals and non-tribals regarding alienation of tribal land were taken into consideration while drafting the report.

2.5 As a part of this study, the Government of India had instructed to carry out the following survey -

- i) Survey of tribals displaced by acquisition of their land for implementation of development projects in the State.

However, due to time constrain it was not possible to carry out such type of surveys.

The Tribal Research and Training Institute, Pune, as a part of its usual work carried out similar type of the surveys during the last few years. They are as follows -

- 1) Base line report of area and the people affected by Inter-State Sardar Sarovar Hydro-Electric-Cum-Irrigation Project in Maharashtra State, Dhule District, 1987.
- 2) Evaluation study of rehabilitation of displaced tribal people due to Surya Major Irrigation Project in Thane district of Maharashtra State, 1987.
- 3) Socio-economic study of Bhopalpattanam-Hydro Project in Gadchiroli district of Maharashtra State 1986.
- 4) Study of rehabilitation of displaced tribal person in Wadaj and Manikdoh Dams of Kukadi Major Irrigation Project in Pune District, 1981.
- 5) Benefits to be deprived by the Scheduled Tribe People from the Waghad Irrigation Project of Thane district.
- 6) Benefits to be deprived by the Scheduled Tribes from the Surya Irrigation Project of Thane district.
- 7) Socio-economic study of the villages to be affected by the Joint Inchampelli Project of Gadchiroli District.
- 8) Report on the evaluation of the scheme of Dapchari Dairy Project, District Thane 1981.

The study team had decided to use these reports for the present work also. Therefore the observations and findings of these studies are also incorporated in the present report.

Review of the earlier studies

The Tribal Research and Training Institute, Pune, had carried out the similar study in 1979. The report was submitted to Government under the title "Land Alienation and Restoration of Land of Scheduled Tribes persons in Maharashtra". The observations and findings given in this report are also taken into consideration while finalising this report.

Constraints and coverage

2.6 i) The sample size of the selected villages is very small as compared to the total number of tribal villages in the State. But the sample is taken from the area where the intensity of the land alienation problem of tribal is very high so it highlights the major problems. Even though the result may not give complete picture of the subject in quantitative terms, it would be useful for policy decisions.

ii) The study is only focussed on tribal agricultural lands. The alienation of non-agricultural tribal land of tribals is not taken into account in the present study.

CHAPTER IIILegal measures to present
tribal land alienation

3.1 The land reform was considered as a fundamental to both economic as well as social development based on the ideology of the social justice and equality. In view of this, the land reform consisted of certain specific programmes in the form of (1) abolition of intermediary tenures, (2) Tenancy reforms (3) fixation of ceiling on agricultural holdings (4) Consolidation of holdings (5) Development of service cooperatives etc. were reformed. The land reform enactments in the State may be divided into two sets :-

- 1) Those Acts, certain provisions of which have been used against the interests of tribal land holders.
- 2) Measures which have been adopted for the purpose of prevention of alienation of tribal lands and for the restoration of alienated lands to them.

The second set of land enactment provides protection to Adivasi lands against expropriation by non-Adivasis. The British Government before Independence had granted a large areas of land to Adivasis under New or Permanent Tenure under which the lands were made unalienable and impartible. But in practice, the money lenders and traders continued to usurp Adivasi lands. In the post-Independence period, the ban on the transfer of Adivasi lands was removed and the lands held under New Tenure were allowed to pass under the old Tenure and was made alienable on payment of 40 times the annual land revenue to the Government. The big landlords by fulfilling

administrative procedures on behalf of the Adivasis grabbed the Adivasi lands on one excuse or the other. Even under New Tenure, there was a provision that a Adivasi could lease out his land on the ground of physical incapacity to cultivate it. Non-tribals often persuaded the tribals to apply to the Collector to allow them to lease out their lands to non-tribals. Once leased out, the non-tribals took advantage of Bombay Tenancy and Agricultural Land Holdings Act of 1948 to buy the Adivasi land.

The Maharashtra Land Revenue Code 1966

3.2 This is a major piece of legislation which has a very important bearing on the problem of alienation of Adivasi lands. This has made the first ever provisions for the protection of Adivasi land holders. Section 36 of this code as it stood before amendment of 1974 - made the occupancy heritable and transferable. Sub Section (2) of Section 36 lays down that the occupancies of persons belonging to Scheduled Tribes shall ^{not} be transferred except with the previous written sanction of the Government. However, the Government has to declare the area to which this sub section would apply.

Sub Section (3) of the Section 36 provides that if any transfer of land has been made in contravention of the above provision under Sub Section (2) the heir may apply for its possession within 2 years of such transfer and the Collector may determine the liabilities of arrears of land revenue and other dues and dispose of the application in accordance with the prescribed procedure.

In other words, it means :-

- 1) the application for restoring possession is to be made within two years of the transfer, and
- 2) the applicant has to undertake the payment of arrears of land revenue or any other dues which form a charge on the holdings.

Hence the transfer in contravention of Sub Section (2) of Section 36 have been declared void. Then the Collector has no power to restore the possession if the application is made two years after the transfer. Therefore the transfer is only voidable and not void.

This forms the major limitation in the operation of the Sub Section (2). Even this Sub Section (2) suffer from the handicap in as much as it applies only to Scheduled Areas in the State. Despite limitations, this ^{has} protected the Adivasi landholders.

3.3 Even after the enactment of the Maharashtra Land Revenue Code in 1966, alienation of Adivasi lands continued legally or illegally. With the result the transfer of lands held by the tribals continued to pass into the hands of non-tribals. The transfer of tribal land to non-tribal is usually taking place in a number of ways. A few of them are as follows :-

- i) Transfer of land in accordance with the laws,
- ii) Acquisition of land for capital projects
- iii) Acquisition of land for secondary and tertiary activities of new projects,
- iv) Illegal transfers by forcible occupations and encroachments.
- v) Benami transfers.

Taking into consideration the above facts the Government of Maharashtra appointed a committee to enquire into legal provisions of the Maharashtra Land Revenue Code 1966. Thereafter the relevant Tenancy Laws have been made effective in giving protection to the tribal people. The Committee recommended that provisions should be made for restoring the land to persons belonging to Scheduled Tribes, the lands which have been duly transferred to non-tribals. After considering the aforesaid recommendations of the Committee, the Government of Maharashtra took necessary legislative measures.

3.4 The following two laws have been enacted for restoration to the Tribals their land alienated to non-tribals and to impose restrictions on alienations of Tribal land :-

- (1) The Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974 (Mah.35 of 1974) and
- (2) The Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Mah.14 of 1975).

The first law, viz. the Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974 was brought into force with effect from 6th July 1974. Section 2 of the above act, amends section 36(3) of the Maharashtra Land Revenue Code, 1966 and provides for restoration to a Tribal his land transferred to a non-tribal, any time before 6th July 1974 in contravention of the provisions of Section 36(2) of the said Code or any other law for the time being in force. However, lands put to any non-agricultural use before the aforesaid date are excluded from the purview of the above provisions.

Similarly, the second proviso to the amended Sec 36(3) provides for the restoration of only half the land to a Tribal where such land is transferred to a non-Tribal who has been rendered landless on account of acquisition of his land for any public purpose.

3.5 For restoration of the land under the above provisions, amended Sec.36(3) requires the Tribal or his successor in interest to apply to the Collector within a period of 3 years from the commencement of the Act. The Collectors are, however, empowered to start su-motu proceedings at any time.

3.6 By Sub-Section (3) of Sec.2 of the amendment Act No.35 of 1974, the 'Explanation' to Sec.36(4) has been amended to provide that the provisions of amended Sec.36 and 36A of the Land Revenue Code shall apply to all Tribals in the State irrespective of whether they reside in the Scheduled area or not.

3.7 By Sec.3 of the above amendment Act, new Section 36-A has been inserted in the Land Revenue Code. This new Sec.36-A provides that with effect from 6th July 1974, no non-tribal can acquire Tribal land by way of sale (including sales in execution of a decree of a Civil Court or an award or order of any Tribunal or authority), gift, exchange, mortgage, lease or otherwise, without prior permission of the Collector. The said section empowers the Collector to grant such permission in case Tribal land is being leased or mortgaged to a non-Tribal for a period of five years. In all other cases the Collector has to grant permission with the previous

approval of the State Government. Such permission is to be granted only in the prescribed circumstances and that too after the Collector is satisfied that no other Tribal from the village in which the land is situated or within five kilometers thereof is prepared to accept the land for the same consideration as is offered by the non-Tribal. Sub-Section (3) of the said Section 36-A further requires the non-Tribal to hand over the possession of land to the Tribal after the expiry of the period of lease or mortgage. Where Tribal Land is transferred to a non-Tribal in contravention of the above restrictions, sub-sections (4) and (5) empower the Collector to make an inquiry and declare the transfer as invalid. With effect from the date of such declaration the land stands forfeited to Government. Such forfeited land is then required to be regranted to the Tribal land owner, for personal cultivation, subject to certain conditions.

3.8 By Sec.9 of the amendment Act No.35 of 1974, Tenancy Laws in force in the State have been amended to the effect that where Tribal land is leased to a non-Tribal with the permission of the Collector under Sec.36-A, the lessee shall not have the right of compulsory purchase of such land, which is available to other tenants.

For timely and effective implementation of the restrictions imposed in the new section 36-A the Revenue Officers at village level have been instructed to make a note in the "other rights column" of the Village Form No.VII and XII, (which contains the details of each

parcel of land held by a holder viz., area, assessment, mode of cultivation, encumbrances, if any, etc.) in respect of the land of Tribal to the effect that the land is held subject to the provisions of Sec.36 and 36-A of the Code. Such entry facilitates identification at the time of certifying mutation entries in respect of transfer of land. If the certifying officer finds that the transfer is unauthorised, he refers the case to the Tahsildar to take necessary action in the matter.

- 3.9 The other law, viz, the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Mah.14 of 1975) was brought into force w.e.f. 1st November 1975. Section 3 of the said Act provides for restoration to a Tribal his land transferred to a non-Tribal between the period from 1st April, 1957 to 6th July, 1974 by the act of parties, whether by way of sale, gift, exchange mortgage or lease or any other disposition made intervivos, or under a decree or order of Court or for recovery of arrears of land revenue. In the case of exchange of Tribal land, Section 3(4) requires the tribal transferror to pay to the non-Tribal transferee an amount equal to the difference if any, in the improvements made in the Tribal land and that of a Non-Tribal involved in exchange. In other cases of transfer, the above sub-section (3) requires the tribal transferor to pay to a non-Tribal transferee an amount equal to 48 times the assessment of the land or the amount of consideration paid by the non-Tribal transferee for acquisition of the land, whichever is less, plus the value of improvements, if any, made by the non-Tribal therein, as determined by the Tahsildar. The Tribal is

given an option to pay the above amount in lump sum or in annual instalments not exceeding 12, with interest at 4 ¹/₂ percent per annum.

3.10 Section 4 of the above act provides for restoration to a Tribal his land which has gone to a non-Tribal between the period from 1st April, 1957, to 6th July, 1974, in the process of implementation of Tenancy Law in force in the State for restoration of the land under this Section, the Tribal has to pay to a non-Tribal the amount of purchase price of the land fixed and paid by him under the Tenancy Laws.

3.11 The land put to a non-Agricultural use or gone to third party before 6th July, 1974 is excluded from the operation of both the sections 3 and 4 of the Act. Similarly, these sections provides for restoration to a Tribal half the area gone to a non-Tribal, in case the non-Tribal transferee was rendered landless by reason of acquisition of his land for any public purpose.

3.12 For restoration of land under both the Acts, the tribal was required to apply within three years from the commencement of the Acts. The Collectors have however, been empowered to take suo-motu action at any time for restoration of land to tribals under the said Laws.

Implementation of Acts

3.13 It was decided to determine the real extent of the alienation of land from the tribals to non-tribals as one of the issues in the implementation of the policy of land restoration of tribals. The Ordinance No.XIII

of 1974 was issued on 16th July provides for the restoration of tribal lands which were taken by the non-tribals in contravention of Sub Section 2 of Section 36 of the Maharashtra Land Revenue Code 1966, which further prohibits the transfer of land from tribal to a non-tribal without permission of the District Collector. However, there are large numbers of transfers which are Benami transfers in different districts in tribal areas are estimated to be very large in number. Unless these benami transfers are located and covered under illegal transfers, the impact of legislation to deal with this problem would hardly touch the tip of the iceberg.

- 3.14 It appears that the main rationale behind the policy of not paying compensation to non-tribals is that they had usurped the land mischievously and contrary to the provisions of law. Thus they have committed acts for which they should suffer. This is the present position.
- 3.15 It is observed that non-tribals had followed the necessary legal procedure prescribed by the Government in acquiring tangible property by registering transfers in the office of the Sub Registrar's Registry. When any property transfer is made by following the above procedure, it is regarded as a valid transfer. The issue is why should an illegal transfer of land belonging to a tribal transfer to a non-tribal be allowed to be registered at this stage.
- 3.16 The system of maintenance of village records and the procedure to fill them which largely affect the transfer of tribal lands to non-tribals. The following most

important records are maintained at the village level which shows the right of possession (1) village Form No. VI, and (2) Village Form No. VII/XII. In Village Form No. VI existing rights and changes therein are recorded, specifically the date on which the transfer has been made. Changes in rights arises mostly from the following transactions :- (1) Registration by Sub Registrar, (2) Inheritance and partition, (3) Transactions affected by unregistered deeds and oral agreements. (4) orders from Civil Courts and Revenue Officials. It is obligatory on every person who acquired any right on any tangible property to report the same to the Talathi within three months of its acquisition and to furnish him all information and documents related to thereto within one month from the date of acquisition. It is important to note that it is incumbent on the Talathi to record the actual possession, even though it has been obtained illegally, violently, or fraudulently. As soon as mutations are made, the Talathi has to exhibit at a prominent place at his office a notice to in respect of them. He also serves notices to the parties affected by the mutation. The purpose of these notices is to invite objections if any. If any entry is disputed it is recorded in the dispute register, and later on disposed off by an officer equal to the rank of A.K. i.e. Awal Karkun, if there is no dispute, the entry is confirmed by the Circle Inspector or Officer.

CHAPTER IVGENERAL REVIEW OF OFFICIAL DATA ON
TRIBAL LAND ALIENATION IN MAHARASHTRA

- 4.1 The problem of extent of tribal land alienation and its present status can be studied with the help of official records and from the field survey.
- 4.2 It will be logical to present the analytical view of the official data on the tribal land alienation pertaining to the registered cases decided and restored cases under Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974 (Mah. XXXV of 1974) and the Maharashtra Restoration of land to Scheduled Tribes Act, 1975 (Act XIV of 1975) as made available by the Revenue authorities. The progressive statistical position as on 30th Sept. 1988 in respect of cases registered, disposed off and restoration under both the enactments separately is presented as under :-

TABLE NO. 4.1
Cases under Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act 1974
(MAH XXXV of 1974) (Invalid Transaction) position as on 30th September 1988

(Area in Hectares)

Sr No.	District	Total No. of Cases Registered	No. of cases decided	No. of cases pending for enquiry	Area ordered to be restored in decided cases	No. of adivasis	Area to be restored to tribals	Area actually restored to tribals	No. of adivasis	Area
1	2	3	4	5	6	7	8	9	10	11
1.	Nashik	2383	2383	-	786	1001	1402	769	930	1364
2.	Jalgaon	465	455	9	302	309	640	299	387	635
3.	Dhule	2694	2694	-	1226	1952	3720	1185	1903	3565
4.	Ahmadnagar	566	560	6	331	425	460	300	373	417
5.	Aurangabad	31	30	1	8	12	24	6	8	21
6.	Parbhani	61	56	5	44	50	128	29	32	99
7.	Nanded	1086	1086	-	188	188	432	161	161	349
8.	Jalna	22	21	1	14	14	28	4	4	8
9.	Bhandara	309	296	13	195	216	167	135	150	105
10.	Amravati	773	773	-	522	534	1785	518	530	1776
11.	Akola	73	73	-	33	33	75	30	30	68



Table-4.1 (contd)

1	2	3	4	5	6	7	8	9	10	11
12.	Buldhana	59	56	3	32	38	79	16	22	36
13.	Thane	2769	2763	6	960	1085	1293	950	1075	1272
14.	Raigad	1008	1008	-	718	729	703	718	729	703
15.	Pune	218	218	-	133	135	184	131	132	183
16.	Nagpur	291	263	28	158	158	360	90	90	212
17.	Chandrapur	77	77	-	14	14	17	13	13	16
18.	Gadchiroli	1165	1158	7	350	350	563	330	330	483
19.	Yavatmal	75	75	-	52	56	97	46	49	81
Total		14125	14046	79	6066	7299	12157	5730	6948	11393

Source : Revenue and Forest Department, Government of Maharashtra, Bombay

4.3 The analytical view of the official records pertaining to the cases registered, decided and restored possession under Maharashtra Land Revenue Code and Tenancy Laws (Amendments) Act, 1974 (MAH XXXV of 1974) presents the following picture. It must be mentioned that the cases under this Act were eventually categorised as 'invalid' transfers -

a) The highest number of cases registered were found in Thane followed by Dhule, Nashik, Gadchiroli, Nanded and Raigad district in their descending order. The disposal of cases when assessed indicates that the work was geared up in Dhule district followed by Thane, Nashik and Raigad districts.

b) The total number of cases registered stood at 14125 while those decided or disposed off were computed as 14046.

c) The cases in which order for restoration of land was passed in favour of tribals rested at 6066 (43%) and they covered 7299 tribal families involving 12157 hectares of land.

The co-relation of cases decided and those under which restoration of area of tribal was ordered would be worth studying. The percentage of cases disposed off and that restoration of area was ordered to the tribals accounted for 40%.

The second aspect of actual restoration of area to the tribal households indicates that it was achieved in 5730 cases which involved 6948 tribals. The actual area restored in the cases worked out to 11393 hectares. The actual restoration of land was achieved in respect of nearly 90 percent of the cases where area was ordered to be restored to tribals.

4.4 Incidentally it would not be out of place to argue and presume that amongst the 14046 disposed off cases, 6066 cases were singled out for restoration of land to tribals. It is further adduced that the remainder cases 7980 which were decided otherwise at least some proportionate cases could have been conveniently decided in favour of tribals who had failed to put forth his case with proper justification for one reason or the other. The circumstances which led the justice against tribal in certain disposed off cases might be ascribed to :-

- a) absence of the parties to the cause concerned on appointed date for hearing.
- b) Inadequacy of documentary evidence proper.
- c) Unavailability of evidential proof as required.
- d) Improper mention of the Acts governing the case.
- e) Tribal's inability to go in for personal cultivation of the land.
- f) The non-tribal as a other party could not be traced out.
- g) Unavailability of legal aid to pursue the matter in a court of law.

4.5 The data analysis indicates that as much as 40 percent cases were decided in favour of tribals as the restoration of land to tribal was ordered thereto. Of the remaining 60 percent cases, nearly fifty percent cases could have been decided not in favour of non-tribals but in favour of tribals who remained non-plussed surrendering themselves before the unweilding circumstances.

This aspect of the "disposed off" cases needs serious consideration and it may even call for investigation afresh. It is therefore concluded that a review of the summarily 'decided' cases or 'disposed off' cases may throw some light on the problem of extent of tribal alienation of land and proper restoration of land to the tribals still remained devoid of possession of their land under the Act. The review of such cases will be the pointer of real extent of land to be restored to tribals and its speedier solution.

4.6 The position of cases registered disposed and restored under the Maharashtra restoration of land to scheduled Tribes Act, 1974 (Mah.XIV of 1975) can be studied with the help of the data presented in the Table No.4.2 as under -

Table No. 4.2

Cases under Maharashtra Restoration of Land to Scheduled Tribes, Act 1974 (Mah. XIV of 1975) (Valid Transactions) position as on 30th September 1988

(Area in Hectares)

Sr No.	District	Total No. of cases registered	No. of cases decided	No. of cases pending	Area order to be restored to tribals in decided cases			Area actually restored to tribals			Area remained to be restored to tribals		
					No. of cases	No. of cases	Area	No. of cases	No. of cases	Area	No. of cases	No. of cases	Area
					6	7	8	9	10	11	12	13	
1	2	3	4	5	6	7	8	9	10	11	12	13	
1.	Nashik	1664	1664	-	869	870	1229	852	857	1192	17	37	
2.	Jalgaon	1162	1139	23	722	1103	1607	581	864	1264	141	343	
3.	Dhule	4371	4371	-	1205	1566	4082	1102	1437	3922	103	160	
4.	Ahmadnagar	329	326	3	192	232	304	173	192	251	19	53	
5.	Aurangabad	111	106	5	48	60	140	38	46	116	10	24	
6.	Parbhani	321	273	48	193	252	548	118	151	333	75	215	
7.	Nanded	901	900	1	385	385	1445	310	308	1172	75	273	
8.	Jalna	-	-	-	-	-	-	-	-	-	-	-	
9.	Wardha	570	559	11	269	279	656	220	247	505	49	151	
10.	Bhandara	4989	4777	212	2556	2641	2382	1748	1819	1530	808	852	

Table 4.2 (contd.)

	1	2	3	4	5	6	7	8	9	10	11	12	13
11. Amravati	502	500	2	218	260	513	197	237	465	21	48		
12. Akola	1098	1094	4	440	440	1327	412	412	1185	28	142		
13. Buldhana	72	65	7	26	42	69	19	32	59	7	10		
14. Thane	3350	3333	17	710	997	1237	652	909	1121	58	116		
15. Raigad	1061	1061	-	698	726	841	697	725	840	1	1		
16. pune	66	66	-	48	48	67	47	47	66	1	1		
17. Nagpur	1055	1027	28	357	357	1255	224	224	947	133	308		
18. Chandrapur	5026	4944	82	2101	2435	3752	1941	2275	3413	160	339		
19. Gadchiroli	1647	1638	9	1093	1095	1574	1021	1068	1385	72	189		
20. Yavatmal	2753	2751	2	1888	2272	6347	1748	2121	5743	140	604		
Total	31048	30594	454	14018	16060	29375	12100	13971	25509	1918	3866		

Source : Revenue and Forest Department, Govt. of Maharashtra, Bombay

4.7 A close look at the official data on the cases registered, decided and restored under Maharashtra Restoration of land to Scheduled Tribes Act, 1975 which are eventually called as 'valid' transactions leads to adduce the following salient points.

1) The number of registered cases was arrived at 31048.

2) The cases disposed off were to the tune of 30594 which accounted for 98 percent of the total registered cases.

3) The number of cases in respect of which restoration order was finalised in favour of tribals was arrived at 14018, out of which actual possession of land was given to 12100 cases. The percentage achievement thus worked out to 86%.

4) The percentage of cases where actual area was restored to the total with number of cases decided when assessed, it is arrived at 40%.

4.8 To put it other way conversely it can be said that 60 percent cases received the treatment against tribals. Out of 30594 decided cases, only 12100 (40%) cases could be adjudged feasible for restoration of land to tribals. The remainder (60 percent) of the disposed off cases could be considered against restoration of area to tribals. Their review might bring out that certain percentage of cases amongst 'disposed off' cases could have been rightly and fairly dealt with in favour of tribal families in the varied circumstances. The unusual circumstances could have been arisen in the event of -

1) Non-appearance of the parties concerned.

2) Non-production of documentary evidence required.

3) Failure to enlist/register the case under proper Act.

4) Unwillingness on the part of the tribal incumbent to go in for personal cultivation of the suit land.

4.9 Thus the logical gap between the cases decided and the cases in which restoration was passed for tribal families can be bridged only through the reviewing of the cases summarily "disposed off" under the Act for the reasons mentioned above. A detailed enquiry in the matter may substantiate the truth in the assumptions made.

4.10 The comparative study of the cases registered decided and restoration order was passed in favour of tribals under both the enactments in general brings out that the no. of cases categorised as 'valid' transfers under the Mah. Restoration of land to Scheduled Tribes Act, 1975 outnumbered the invalid transfers under the Act of 1974. They were nearly double the cases under the Act, 1974 (Tenancy Laws).

The cumulative position of the cases in respect of which restoration order was passed annually would be worth studying to derive certain conclusions :

The yearwise break-up of area ordered to be restored and that actually restored under both enactments is presented in the Table No. 4.3 as under :-

Table No.4.3

Yearwise break-up of land restored to tribals
in Maharashtra - Position as on 30-9-1988

(Area in Hectares)

Year	Area ordered to be restored				Area actually restored			
	Cases during the year	Prog-ressive figure of cases	Area rest-ored	Prog-ressive figure of area rest-ored.	Cases during the year	Prog-ressive figures of cases	Area rest-ored	Prog-ressive figure of area restor-ed.
1	2	3	4	5	6	7	8	9
1975-76	3212	3212	5542	5542	2117	2117	4827	4827
1976-77	4313	7525	7487	13029	3101	5218	4889	8716
1977-78	2527	10052	4613	17642	1544	6762	2785	12501
1978-79	3512	13564	4510	22152	2812	9574	7980	20481
1979-80	3018	16582	9231	31383	714	10288	1198	21679
1980-81	2625	19207	7235	38618	533	10821	865	22544
1981-82	84	19291	286	38904	272	11093	1584	24128
1982-83	175	19466	819	39723	322	11415	834	24962
1983-84	126	19592	409	40132	606	12021	1557	26519
1984-85	123	19715	432	40564	1511	13532	1122	27641
1986 to Sept.88	66	19781	46	40610	1065	14597	1224	28865
Total	19781	19781	40610	40610	14597	14597	28865	28865

Source : Revenue and Forest Dept, Govt. of Maharashtra, Bombay

The following facts are revealed from the above table.

1) As per table No.4.1 and 4.2, the total number of cases decided were 44,640 and number of cases for which area ordered to be restored are 19781. Therefore the percentage of cases allowed to restore the tribal land to total decided cases is 44%. This clearly indicates

that 56% cases are found "invalid" cases which are not allowed to restore their land due to one reason or the other.

2) Out of 19781 cases in which area was ordered to be restored, 14597 cases (74%) were actually settled.

3) 71% percentage area of total area was only restored.

4) During the year 1976-77, cases for which area ordered to be restored were maximum. The maximum area of 7980 hectares was restored during 1978-79.

The study of cases decided but under which no further action as to restoration of land was effected may engage attention from the point of view of evaluation and proper solution.

The maximum number of cases decided but restoration was pending for one reason or the other were found in Bhandara, followed by Yavatmal, Nagpur and Nanded districts in their descending order. The districtwise position of cases decided but land not restored is presented in the following Table No.4.4 .

Table No.4.4

Cases decided but land not restored to tribals

Sr No.	District	No. of cases			Area not restored (in Hectares)		
		Valid	In- valid	Total	Valid cases	Invalid cases	Total cases
1	2	3	4	5	6	7	8
1.	Thane	58	10	68	116	21	137
2.	Nashik	17	17	34	37	38	75
3.	Dhule	103	41	144	160	155	315
4.	Jalgaon	141	3	144	343	5	348
5.	Ahmadnagar	19	31	50	53	43	96
6.	Pune	1	2	3	1	1	2
7.	Raigad	1	-	1	1	-	1
8.	Aurangabad	10	2	12	24	3	27
9.	Jalna	-	10	10	-	20	20
10.	Parbhani	75	15	90	215	29	244
11.	Nanded	75	27	102	273	83	356
12.	Amravati	21	4	25	48	9	57
13.	Akola	28	3	31	142	7	149
14.	Buldhana	7	16	23	10	43	53
15.	Yavatmal	140	6	146	604	16	620
16.	Nagpur	133	68	201	308	148	456
17.	Bhandara	808	60	868	852	62	914
18.	Chandrapur	160	1	161	339	1	340
19.	Gadchiroli	72	20	92	189	80	269
20.	Wardha	49	-	49	151	-	151
Total		1918	336	2254	3866	764	4630

Source : Revenue and Forest Deptt., Govt. of Maharashtra, Bombay
The another aspect of pending cases or cases stayed

over in the process of disposal may be analysed in the
following lines -

The stay orders were either granted by the High Court, M.R.T. (Maharashtra Revenue Tribunal) and Dist.Courts. These stay orders stood in the way of final conclusive restoration of land to the tribals.

The agencywise cases for which stay orders (in respect of valid and invalid transfers) were granted are presented in the Table No.4.5 as under :-

Table No. 4.5
Stay ordered cases classified by agency

Sr No.	District	Collector/Commissioner		M.R.T.		No. of cases stayed over by High Court and Supreme Court		Total cases by all agencies
		Valid	In- valid	Valid	In- valid	Valid	In- valid	
1	2	3	4	6	7	8	9	12
1.	Thane	1	-	8	2	10	49	68
2.	Nashik	-	-	4	2	6	6	25
3.	Dhule	-	-	63	15	78	22	126
4.	Jalgaon	5	2	55	-	55	20	83
5.	Ahmadnagar	-	-	-	1	1	11	20
6.	Pune	-	-	-	-	-	-	-
7.	Raigad	-	-	1	-	1	-	1
8.	Aurangabad	-	-	-	1	1	7	9
9.	Jalna	-	-	-	5	5	-	5
10.	Parbhani	-	-	3	2	5	38	46
11.	Manded	-	-	21	5	26	36	80
12.	Amravati	-	-	1	-	1	5	9
13.	Akola	-	-	18	-	18	10	31
14.	Buldhana	-	-	2	1	3	1	9
15.	Yavatmal	-	-	61	5	61	55	122
16.	Nagpur	-	-	10	5	15	44	94
17.	Bhandara	1	-	84	-	84	185	289
18.	Chandrapur	5	-	97	-	97	42	145
19.	Gadchiroli	2	2	25	6	31	7	47
20.	Wardha	-	-	11	-	11	15	26
	Total	14	15	464	45	509	553	1235

Source : Revenue and Forest Department, Govt. of Maharashtra, Bombay

The appraisal of data in the above table indicates the following facts.

1) Out of 2254 cases where land was not restored, 1235 cases wherein stay orders were secured by High Courts, Supreme Courts, M.R.T. and District Courts. The percentage of such cases where stay was granted arrived at 55%.

2) The data appraisal indicates that the stay ordered cases by different agencies with area of land restoration are given below :-

Agencies	No. of cases	Land to be restored (Hect.)
1) District Courts	29 (2.35)	38 (1.27)
2) Maharashtra Revenue Tribunal	509 (41.21)	1308 (43.69)
3) High Courts/Supreme Courts	697 (56.44)	1648 (55.04)
	-----	-----
	1235 (100.00)	2994 (100.00)

It is found that out of total stay ordered cases, 56% are with High Courts/Supreme Courts, 41% cases are M.R.T. and only 2% cases are with District and Divisional Courts.

The majority of the cases in which stay was granted by the High Courts were observed in Bhandara district. The cases in which stay orders were granted by M.R.T. indicates the higher trend in the districts of Bhandara, Dhule, Yavatmal and Jalgaon.

4.11 To sum up, it can be described that -

1) The cumulative number of cases registered under both the categories were to the tune of 45173.

2) Similarly the cases decided were worked out to 44640.

3) The cases pending under both the categories of transfers stood at 533.

4) The process followed in the disposal of cases by the Revenue authorities was rather speedier. Hence the cases disposed of roughly accounted for 98 percent of the total registered cases.

5) The area ordered to be restored in the decided cases was arrived at 41532 hectares benefitting 23359 tribal families while the actual area restored worked out to 36902 hectares. Thus, against 41532 hec. of area ordered to be restored, only 36902 hec. area was actually put in the possession of the tribals. That accounted for 89 percent. In addition, the families covered thereunder account for 86 percent of the total families in respect of which restoration order was finalised and put through. In total 20139 tribal families were actually restored their land to the tune of 36902 Hect. i.e. 4630 hectares of land is yet to be restored to tribals in their possession.

6) The cases remained to be restored stood at 2254 involving the area of 4630 hec. of suit-land. The causes for the delay in the process of restoration, when probed, revealed that stay orders granted by the High Courts, Maharashtra Revenue Tribunal (M.R.T.) and other district revenue authorities hampered the quick disposal of cases. The residue cases accounted for about two percent wherein the valid transfers out-numbered the invalid transactions.

7) The personal interview with the respondent tribals expressed the view that the work of disposal of cases registered was somewhat expeditiously attended to by the Revenue Authorities and it has met with a spectacular success during the National Emergency which acted as an impetus for the work. The non-tribal cultivators who

were in possession of the tribal land cooperated in the process of restoration of tribal land without much resistance but against their will. The tribal cultivators also in turn secured the possession of suit-land for personal cultivation immediately. Thus the tempo of restoration of land to the tribals was maintained because of the divergent factors.

8) On the appraisal of the districtwise position it indicates that a good deal of the registered cases were located in Thane, Dhule, Nashik districts from Sahyadri region and Bhandara, Yavatmal, Gadchiroli and Chandrapur districts from Gondwan region. The comparative study of the cases points out that the maximum number of cases, are found in Bhandara, Chandrapur, Dhule and Yavatmal districts in their descending order. Naturally, these districts areas call for concerted efforts for locating the enormous proportion of the transfer of tribal land.

9) Proper and upto date maintenance of land records is very crucial to put a preventive check on the on-growing problem of land alienation. Being illiterate and un-conversant with the land laws and law recording procedures the tribal farmers fail to make any legal protest to safe-guard their interests in land.

CHAPTER VAPPRAISAL OF FIELD PROFILEIntroduction

5.1 The pattern of economic participation and subsequent occupational classification of workers has undergone a change due to the cumulative effect of gradual alienation of tribal lands in the tribal area of the State. It is observed from the census records that the number of cultivators has dropped considerably and the number of agricultural labourers has consequently escalated in the course of time.

5.2 Sample size for field study

With a view to assess the impact of the enactments made in this behalf a sample of 1339 tribal families was drawn from 23 villages in the State. These 23 villages have been spread over six districts in the State. Since no actual assessment of the alienation of tribal land could be made, it was, therefore, not possible to report the number of cases involved in such alienation. However, tahsilwise status of cases registered, decided, dropped, and pending was collected and studied during the field enquiry.

5.3 Districtwise status of cases :

The statistical information collected through the field survey presented in Table No.5.1 will highlight the district-wise position of the cases of land alienation registered, decided and dropped as on 1-4-1986.

Table No.5.1

Districtwise cases registered, decided, dropped, and pending as on 1-4-1986

Sr No.	District	No. of cases			
		Registered	Decided	Dropped	Pending
1	2	3	4	5	6
1.	Thane	907 (100%)	334 (37%)	479 (53%)	94 (10%)
2.	Nashik	863 (100%)	860 (100%)	-	3
3.	Dhule	1604 (100%)	1600 (100%)	-	4 (1%)
4.	Yavatmal	564 (100%)	559 (99%)	-	5 (1%)
5.	Bhandara	616 (100%)	550 (90%)	-	61 (10%)
6.	Chandrapur	643 (100%)	414 (64%)	150 (23%)	79 (13%)

N.B.:- Bracketed figures indicate percentage to registered cases.

It is noticed that almost all registered cases are decided. Further it has been noticed that the large number of dropped cases are noticed in Thane and Chandrapur district.

5.4 Summary reasons of dropped cases :

On going through the records, the reasons of the cases which were dropped summarily it is revealed that -

i) No documentary evidences was produced by the respondent (applicant) in support of his claim.

ii) There was no proper mention of the Act under which the case has been filed.

iii) The respondent was not willing to take the possession of the suit-land.

iv) The respondent was not in a position to provide the details of the suit-land.

The revenue authorities in the State launched a special campaign to dispose of the cases of tribal land alienation and restoration of the actual possession to the individual tribal as expeditiously as they could. The necessary records of rights were also prepared accordingly. However it was rather found difficult to investigate the illegal transfers of land as the tribal families were divided and partitioned for the purpose of their livelihood and still the piece of land was continued to be jointly cultivated with the mutual understanding. Thus, the share of the land was not separately recorded in the name of the individual cultivator and the village records (i.e.V.F.VI and VII/XII abstract) did not exhibit defacto-position about the suit land.

5.5 Socio- Economic characteristics of tribal families :

The socio-economic characteristics of the tribal families involved in the land alienation and restoration process can be of immense help in understanding the problem. During the course of field enquiry, the basic information regarding caste, educational status, occupation, income and expenditure, land ownership and indebtedness of the family were collected.

a) Tribewise composition

The tribewise picture of surveyed families is presented in Table No.5.2.

Table No.5.2

Distribution of tribewise surveyed families

Sr No. (1)	Tribe (2)	No.of families (3)	%age of families surveyed (4)
1.	Bhil	361	26.80
2.	Mahadeo Koli	275	19.31
3.	Gond	193	14.40

(1)	(2)	(3)	(4)
4.	Raj Gond	134	10.01
5.	Andh	183	13.61
6.	Malhar Koli	79	5.89
7.	Ma Thakar	56	4.18
8.	Katkari	49	3.65
9.	Warli	29	2.15
Total		1339	100.00

The above table highlights that the majority of the households in the surveyed villages are from Bhil community followed by Mahadeo Koli, Gond, Andh and other communities who are involved in the land alienation problem.

b) Literacy

The study of the households in the surveyed villages from the point of view of literacy revealed that as much as 23.22% were ^{found} literates and a large number of persons i.e. 5281 (76.78%) were illiterates. The literacy percentages amongst the Katkaris and Thakar were found very low i.e. 9.87 and 14.54% respectively. In general the literacy percentage amongst the surveyed tribal families were found comparatively very low.

c) Occupational pattern :

The study of occupational structure of the families covered in the field enquiry leads to conclude that out of 1339 tribal families as much as 808 families (60.35%) were engaged in the agriculture, while 478 (33.70%) families followed the avocation of agricultural labour. Similarly 50 families (3.73%) were engaged in local services and only 3 families were engaged in petty trades.

Thus, the main occupation of the majority of the tribal households was agriculture and agricultural labour in the surveyed villages. The percentages of agricultural labour were found much higher prominently in Katkari, Mahadeo Koli and Bhil communities.

d) Income and Expenditure pattern

The pattern of income and expenditure of the tribal households in the surveyed villages shows that a bulk of the tribal households had income from agriculture and agricultural labour. The major source of income to the tribal families were derived from land (47.50%) and wage earning (39.33%). The per capita income of the surveyed families based on current prices were found Rs.846 as against state per capita income of Rs.3793 which even does not compute to 1/4 of it. The table no.5.3 will show the income pattern of the surveyed tribal families.

Table No.5.3

Distribution of families according to the annual income

Sr No.	Income range (in Rs.)	No.of households	Percentage of the families in the income range
1	2	3	4
1.	Below 500	3	0.22
2.	500 to 1000	20	1.49
3.	1001 to 2000	332	24.79
4.	2001 to 3500	390	29.13
5.	3501 to 6000	279	20.84
6.	Above 6000	315	23.53
		1339	100.00

The Table No.5.3 shows that the number of families below the annual income of Rs.6000 i.e. B.P.L. is 924 i.e. 76.43% of the total families.

Table No.5.4 (a)

Itemwise composition of expenditure of surveyed tribal families

Sr.No.	Item of expenditure	Percentage of total expenditure
(1)	(2)	(3)
1.	Food	68.35
2.	Clothing	13.25
3.	Others (housing, health, education, social function, litigation etc.)	18.40
	Total	100.00

The itemwise composition of expenditure presented in the Table No.5.4 (a) highlights that about 81.60% of income is consumed by food and clothing and the remaining 18.40 percent income is spent on other items such as health, education, rituals housing and so on. (For more details see table No.8 of Statistical Statement annexed)

It is a fact that whatever the income they accrue from various sources is spent on consumption and daily needs and thus they leave no savings. The per capita expenditure of a tribal family is worked out to Rs.784 as against state average of expenditure of Rs.1761.

The pattern of the annual expenditure of the tribal families is presented in the table no.5.4 (b).

Table No.5.4(b)

Rangewise household distribution by annual expenditure

Sr No. (1)	Range of expenditure in Rs. (2)	No. of families (3)	%age of families to total families (4)
1.	Upto 500	2	0.15
2.	501 to 1000	29	2.17
3.	1001 to 2000	268	20.01
4.	2001 to 3500	572	38.24
5.	3501 to 6000	289	21.58
6.	Above 6000	239	17.85
Total		1339	100.00

The above table shows that whatever the tribal family received as income was not sufficient for their subsistence or maintaining their livelihood. In all 82% of the surveyed families show their annual expenditure below Rs.6000/-. The information also shows that about 61% families had incurred expenditure upto Rs.3500/-. The comparative study of income and expenditure of tribal families indicates that these families have little capacity of saving as against the meagre income. The details of expenditure further probed will indicate that the tribal households expended their earnings/income solely on their food and clothing. Since the tribal families were left with no income for saving, they had to borrow money from the money lenders, cooperative societies, traders, and shopkeepers even for their subsistence and day to day necessities. When it is found that it is not possible to provide loans for their daily needs, the tribals are attracted towards village shopkeepers and money lenders.

in the village for fulfilling their daily odd time needs by alienating a piece of land for a specific period as stipulated.

e) Land holding pattern :

With a view to examine the factual position with respect to the land, the data on land holdings was collected. The size of holding and the extent of irrigated land owned by the tribal household can be studied with the information presented in the table No.9 and 9A and 10. (Annexed in Statistical Section)

The following facts are revealed from Table No.9, 9A and 10.

- 1) The average size of land held by the tribal household in the sample was about 5 acres.
- 2) The tribal families possessed only Dry and Wet land. The irrigated land belonging to tribals arrived at 3.40 percent only.
- 3) Moreover they do not possess land under shifting cultivation, Homestead land, garden land and follow land.

Table No.5.5

Distribution of tribal households according to the size of holdings

Sr No.	Land size (in acre)	Household owning land	Percentage of households owning land
1	2	3	4
1.	Landless	407	30.40
2.	1.0 to 2.5 acres	191	14.26
3.	2.6 to 5 acres	265	19.79
4.	Above 5 acres	476	35.55
Total		1339	100.00

The information presented above reveals that 30% tribal households are landless and about 35% tribal households were having land upto 5 acres. The households owning land above 5 acres were 35.55%. Thus, the majority of the tribal households are landless and marginal farmers and are largely below the subsistence level.

5.6 a) Position of alienated land from statistical statement

The data in table No.s 10, 10A, 11 regarding land transferred to non tribals indicate that about 34.72% total of land belonging to tribal have been transferred to non-tribals, and Government for public purposes since antiquity. The percentage of alienation of wet land was slightly higher i.e. 35.92% than that of dry land (34.68%). The problem of alienation of tribal land was found acute in Thane, Dhule and Nasik districts as compared to other districts.

The alienation of tribal land was classified under the following three categories.

- 1) Tribal to tribal
- 2) Tribal to non-tribal
- 3) Tribal to Govt. or public purposes.

In the field survey cases under category (2) and (3) are identified. No transfer detected in the survey under categories No.(1).

The land transferred to Government was found very meagre i.e. 2% of the total land transferred. The majority of transfers were found between tribal to non-tribals.

b) Different forms of land alienation

The different forms of land alienation as from the field study are presented below with their respective extent.

Table No.5.6

Tribal land alienated in different forms with the percentages

Sr No.	Form of alienation	Land alienated (in acres)	%age with total land alienated
1	2	3	4
1.	Sale	1870	51.49
2.	Mortgage	350	9.64
3.	Lease	1139	31.36
4.	Encroachment	96	2.64
5.	Public purpose	68	1.87
6.	Voluntary organisation	-	-
7.	Other	109	3.00
Total		3632	100.00

The analysis of data in the above table brings out that in the majority of the cases the land transfer was effected by way of 'sale' and 'lease' followed by 'mortgage' which covered about 92.77 percent land transfer thereunder. However, it was noticed that the popular mode of transfer adopted by the tribal family was Kabuli Tabegahan (कबुली तबेगहान). The salient feature of such a transfer of land was that no proper documents are maintained by either parties. It is merely the oral agreement. The de jure possession rests with the tribal transferor while the de facto possession is enjoyed by the non-tribal transferee cultivating the land for usufructuary benefits.

c) Amount realised under different modes of alienation

The amount realised through land alienation by the tribals in different forms will highlight some points. The data in this regard is presented below.

Table No.5.6

Amount realised by different mode of alienation

Sr No.	Form of alienation	Amount realised in Rs. ('000)	Percentage to total amount realised
1	2	3	4
1.	Sale	996	75.40
2.	Mortgage	75	5.68
3.	Lease	50	3.79
4.	Encroachment	1	0.08
5.	Public purpose	193	14.60
6.	Voluntary organisations	-	-
7.	Others	6	0.45
Total		1321	100.00

It is observed in the field survey that the alienated tribal families had realised 75% amount through 'sale' their land and 14.60% amount was found realised sailing land through acquisition of land for public purposes. It is seen that the amount realised through the acquisition of land for public use by Government weigh more than the other modes of transfer of land.

d) Different purposes of alienation of tribal land.

It is worth to study the different purposes of alienation of tribal land. The details of purposewise alienation of tribal land are presented in Table No.11(b).

Table No.5.7

Alienation of tribal land by purpose

Sr No.	Purpose	Amount realised	Percentage with total amount realised.
1	2	3	4
1.	Debt redemption	342	25.89
2.	Consumption	539	40.80
3.	Medical expenses	36	2.73
4.	Litigation	2	0.15
5.	Others (Marriages, drinks festivals etc.)	402	30.43
Total		1321	100.00

The data presented in the table above points out that tribals transferred their lands to non-tribals for securing money mainly for their consumption needs, social obligations like marriages and festivals and clearing the private as well as Government loans. A very small portion of amount is spent for medical expenses and litigation.

It was further revealed that some of the tribal families disposed of their piece of land merely to repay the Govt. loans or dues only. This shows their sincere desire and honesty for repayment of the loans taken.

e) Causes of parting land

The different causes in parting away the tribal land in terms of percentages as shown in table No.12 are are given below.

1.	Necessities	46%
2.	Social needs	14%
3.	Purchase of live stock agri.implements	14%
4.	Medical treatment	

- | | |
|----------------------|----|
| 5. Marriages | 9% |
| 6. Repayment of loan | 6% |

The main cause of parting away land may be attributed to the life needs of the tribals.

5.7 Restoration of land

As regards the position of land restoration procedure it was found that about 46% households put up an application for restoration of their land. In few cases the initiative was taken by the revenue authorities. In some cases the tribals did not want land back for personal cultivation. The reasons of their refusal for accepting the land for personal cultivation were advanced as under -

- i) The sale of land has been effected at the sweet and free will. Therefore tribal owner does not want land back for personal cultivation as required under the Act.
- ii) The size of the land is very small. Therefore it will prove uneconomical holding.
- iii) The place of residence is far away from the suit land and it causes inconvenience to cultivate both pieces of land situated at the place of residence and the distant village.
- iv) In some cases the old-age, sickness and absence of legal heir were cited as the hindrances for accepting the land for personal cultivation.
- v) In certain cases, the land held in the name of joint family or co-shares, only one co-share, sold the land, while others did not want the land back.
- vi) The sale of land was effected by the deceased father during his life time, so the son does not want to go against his father's will by accepting the land after restoration.

5.8 Restoration of land proper

Under the process of restoration of land to the tribals, the physical possession of the land by tribals is regarded as sine qua non of the implementation of land policy. The data collected during the field enquiry are presented in the table given below which may throw some light on the subject.

Table No.5.8

Distribution of households by type possession of land.

Sr No.	Type of possession	No. of households	Percentage of households
1	2	3	4
1.	Paper possession	215	34.90
2.	Physical or actual possession	202	32.97
3.	Both physical /paper possession	199	32.13
Total		616	100.00

The above table shows that about 33% households were put in physical possession after restoration of land while about 35% households were appeared to be put in possession of suit land only on paper. The joint procedure as to the handing over of physical possession of suit land alongwith the mutation entries in the records of right was completed concurrently in respect of 32% households only.

5.9 Impact or awareness of land legislations

Despite Government efforts and two specific legislations to restore tribal land it is found that only 30% tribal families are aware of legislation.

Conversely about 70% of the tribal families do not possess any knowledge of the legislation. It is revealed from the data in (Table No.12 and 13).

It is further noticed that only 20% tribal families made efforts to restore their land. The remaining 80% families did not evince any interest for restoring their land. The different sources of information are given below in terms of percentages.

i) Own initiative	65%
ii) through relation	5%
iii) social workers	19%
iv) village leaders	11%

It is found that through their own initiatives, tribals made efforts to restore their land. Social workers and village leaders and the relatives helped in restore their land in few cases.

5.10 Study of linkages with previous land transferee

After restoration of land, it is observed from the data in Table No.15 that in 88% cases no linkages with the previous transferee was traced out. But in the case of remaining 12 percent cases, the tribal families had maintained co-ordial relations with the previous transferees who also extended help to tribals in their social needs and agricultural operations and in times of family distress. Figuratively it can be mentioned that out of 162 cases, 142 cases (89%) had 'good' relations with the previous transferee and in 16 (10%) cases their relations were termed as 'bad'.

5.11 Assessment of Economic condition before/after restoration

The assessment of the economic condition before and after the restoration of suit-land to the tribal households was carried out. The information collected and processed on the point indicated the following results which presented in Table No.5.9.

Table No.5.9

Distribution of households by economic condition before/after restoration

Sr No.	Type of economic condition	No. of households		Percentage of households	
		Before restoration 3	After restoration 4	Before restoration 5	After restoration 6
1.	Rich	80	104	35.56	46.22
2.	Fair	141	112	62.67	49.78
3.	Poor	4	9	1.77	4.00
Total		225	225	100.00	100.00

The information indicate that the economic condition of about 63% households was "fair" before the restoration of land to them. Similarly the economic condition of 36% households was observed to be 'Rich' before the land restoration. A drastic change has been marked in the economic condition of the tribal households after restoration of land to them. The economic condition however has been considerably dwindled. The tribal families whose lands are restored find it difficult to cultivate the lands on account of bad economic condition and availability of agricultural implements, bullocks, seeds and fertilisers etc. They also find

it difficult to get wages which they used to get previously from the land owners. Thus from both the sides, they are put in difficulties by the hostile groups. The tribals whose economic condition was sound could afford to reap benefits.

5.12 Extent of Indebtedness and Debt burden

The aspect of accessibility and availability of financial credit was probed into during the field enquiry. The respondent tribal families who sought the financial help from the different credit institutions. The table spells out the details about the source of credit and their percentages.

Table No.5.10

Distribution of loan amount by different credit sources

Sr No.	Source of credit	Amount taken in Rs.'000	Percentage of amount taken by source	Amount repaid in '000	Percentage of amount repaid
1	2	3	4	5	6
1.	Money lender	42	3	23	53
2.	Other individual	21	1	1	3
3.	Co-operative societies	323	22	51	16
4.	Banks	1005	63	859	86
5.	Government	49	3	3	6
6.	Local bodies (Z.P. and P.S.)	12	1	-	-
7.	Other non-tribal	1	(N)	(N)	22
+	Total	1453	100	937	64

N = Negligible, Z.P. = Zilla Parishad
P.S. = Panchayat Samiti

The data presented in the above table brings out that the Banks was the main source of credit for about 63% households. Next to banks, the tribal households sought the financial credit from the co-operative societies. The credit sought through the private sources was found to be more than the local sector and state Govt. institutions. Thus in the dire need of finance, the banks and co-operative societies have lent a helping hand to the tribal families in the State. The average loan advanced by different credit agencies per family is came Rs.1085/-. The rate of interest varies from source to source and it ranges between 4% to 25% per annum. The minimum rate of interest is charged by banks and maximum is charged by the money lenders.

The different credit sources advanced loan for different purposes. In Maharashtra, Banks, Co-operative societies, Govt. agencies advance loan for purchase of cattle, agricultural needs, land purchase and development, Gobar gas and business, construction of houses and domestic consumption etc. No loan is advanced by the above agencies for social needs such as marriages and medical purposes. The money lenders and private agencies have been only advancing loan for such purposes. Out of total loan, 29.18% for agricultural needs, 26.78% for purchase of cattle, 22.88% for land purchase and development and 8.87% for domestic consumption.

5.13 Expenses on litigation and restoration and time taken for finalising the cases

The case studies indicate that the average cost of litigation for the tribal is worked out to Rs.500 to Rs.600/-. However, the proper restoration did not cost him anything (vide Table No.19). The time taken

for disposal of cases is spread over 6 months to 10 years. But the good deal of cases (46%) have been settled in a year's time. The remainder cases were settled in 1 to 10 years period.

5.14 Summary observations on field profile

1) The cumulative effect of gradual alienation of tribal has affected the pattern of occupational classification of workers amongst the tribals in the State. The cultivators are decreased in number while the agricultural labourers show the upward trend as observed from the census records.

2) The data analysis indicates that certain cases have been dropped summarily due to the reasons such as no documentary evidence was produced, improper mention of the Act under which the case is filed, respondents' unwillingness to accept the possession of suit-land for personal cultivation for one reason or the other, e.g. old age, ill-health, want of heir etc. The dropped cases are found in Thane and Chandrapur districts in large numbers.

3) The socio-economic characteristics of the tribes which came across in the field study profile indicates that majority households from Bhil, Mahadeo Koli, Gond and Andh tribes took part in the land alienation process as they were primarily engaged in agriculture.

4) The literacy percentage among the surveyed tribal families found comparatively low as that of tribals from other parts of the State.

5) The main occupation of the majority tribal households was agriculture and agricultural labourer.

6) The per capita income of tribal family worked out to Rs.846/-. It highlighted that the majority of the households had meagre income from the agricultural occupation. They expended more money on food and clothes. The income accrued from the agriculture was just sufficient for their subsistence. The majority of households were found below poverty line (56%).

7) The average size of land held by a tribal was about 5 acres. The tribals in the area possessed irrigated land upto 3.40 percent of the total land holdings.

8) The extent of land alienated to non-tribal rested at 34.72 percent.

9) As much as 51% land was transferred by way of "sale" followed by lease and mortgage (41%). These were the popular modes of transfers amongst the tribal communities.

10) A good deal of amount is realised through 'sale' and by acquisition of land. The major purpose of transfer of land by the tribal is observed to be consumption needs. The social needs ranked thereafter which compelled them to borrow the money from private and other sources of credit by parting away the meagre piece of land at his disposal.

11) The restoration procedure stressed the handing over physical possession of land to the tribal households. As much as 46%, households put up an application for restoration. About 33% households were put in physical possession and 35% households received the possession of suit-land on paper only. Concurrent action of defacto and adjure possession of tribal land was completed in respect of 32% households.

12) It is found that only 30% of the surveyed households were aware of the tribal land (alienation) legislations. As much as 65% families initiated the matter by themselves by application to the proper authorities. In 88% cases no linkages with the previous transferees was traced out.

13) The economic condition of a tribal family before and after restoration, when assessed, leads to the conclusion that the rich households have been benefitted by the restoration. But the households placed in 'poor' and 'fair' category could not derive the advantage. Instead their economic condition is deteriorated.

14) The main source of credit to the tribals was observed to be Bank (63%) and Co-operative Society (22%). The average loan advanced by the credit institution per family amounted to Rs.1085/-.

15) The average cost of litigation to the tribal is worked out to between Rs.500/- to Rs.600/-.

CHAPTER VI

APPRAISAL OF DATA ON VILLAGE SCHEDULEIntroduction

In all 23 villages, spread over 6 districts and 10 tahsils, where the tribal land alienation problem was severe were selected (by purposive sampling method) for the survey. The information in the prescribed proforma were collected in respect of these selected villages

The salient features of the data revealed from the village enquiry as to land survey position, allotment of ceiling and forest land to tribals, land alienation cases found on the enquiry, the prevalent modes of land alienation found, tribal land acquired under different purposes are put up in the following lines. Similarly the basic data on the infra-structural facilities available are also presented.

Villages

- 6.1 The number of villages selected for the survey from Sahyadri and Gondwan regions covering 6 districts are given below :-

Table No.6.1

Coverage of the field study

Sr No.	District	No. of villages selected	No. of tahsils covered
A) <u>Sahyadri Region</u>			
	1) Thane	4	2
	2) Nasik	6	2
	3) Dhule	6	3
	Sub Total	16	7
B) <u>Gondwan Region</u>			
	1) Chandrapur	2	1
	2) Yavatmal	3	1
	3) Bhandara	2	1
	Sub Total	7	3
	Total	23	10

Out of 23 villages, 9 villages were having more than 50% tribal concentration while remaining 14 villages were having less than 50% tribals.

Population

- 6.2 The population of the selected villages ranges between 300 to 18000. It includes both small as well as big villages and one town. Out of 23 villages 19 villages are having more than 1000 population. The Bhils, Mahadeo Koli, Malhar Koli, Warli, Katkari, Ma-Thakur, Andh and Gond are the predominant tribal communities residing in these villages. The tribal population in these villages is only 30%. The tribals in these villages are in minority. The non-tribals communities dominant in these villages are Maratha, Kunbi, Muslims.

Households size

- 6.3 The average household size in the surveyed villages comes to 5 to 6 members. In tribal households the average size comes less than 5 members.

Literacy

- 6.4 The literacy rates in the general population of the surveyed villages is noticed 41.28%. As against this, the literacy rates amongst tribal population in the selected villages accounted for 23%.

Composition of workers and non-workers

- 6.5 The composition of workers and non-workers comes to 47.21% to 52.79% respectively. It is practically 1:1. The major portion amongst the non-workers is children and aged persons.

Occupational structure

- 6.6 The following table spells out the details of occupational structure existed in the surveyed villages.

Table No. 6.2

Occupational distribution of workers with percentages

Sr No.	Main occupation	No. of workers	Percentage to total workers
1	2	3	4
1.	Cultivators	10,847	34.37
2.	Agriculture labourers	11,729	37.17
3.	Workers engaged in household industries and manufacturing	870	2.76
4.	Other workers	5,569	17.65
5.	Marginal workers	2,542	8.05
	Total	31,557	100.00

The above table indicates that about 71.54% population is dependent on agriculture. The proportion of agriculture labourers is more than the cultivators. About 17.65% workers are engaged in the activities relating to forest, trades, communication etc. and only 2.76% workers are found to be engaged in the household industries and manufacturing sector.

Land Survey

6.7 The land survey in all selected villages has been completed long back. The cultivators have been given pattas in all selected villages. The exact period when Pattas are given are not available. But it seems that Pattas and measurement work might have completed in the middle of the nineteenth century.

Land utilisation pattern

6.8 The statistical data collected on Land utilisation Pattern of 23 surveyed villages is placed below.

Table No.6.3

Land Utilisation Pattern in the sample villages

Sr No.	Type of land Utilisation	Area in Hect.	Percentage to total area
1	2	3	4
1.	Land under cultivation	21,167	66.92
2.	Land under irrigation	4,858	22.95
3.	Fallow land (cultivable waste)	1,611	5.09
4.	Land under forest	6,215	19.66
5.	Garden land	-	-
6.	Grazing land	-	-
7.	Land under non-agricultural use	2,635	8.33
	Total land	31,628	100.00

The above data revealed that 20% of the geographical area of the surveyed villages is covered under forest. About 67% of the total area is under cultivation. The area under irrigation is 23% of the net cultivated area. No separate area is reported under garden and grazing land.

Infra-structure in the selected villages

6.9 The following infra-structural facilities were available in the villages surveyed. These villages were also served with some facilities from the adjoining villages.

Table No.6.4

Statement showing number of infra-structural facilities available in the selected villages

Sr No.	Type of facility	Number of villages		Total
		with facility	without facility	
1	2	3	4	5
1.	Post Office	15	6	21
2.	Telegraph	6	15	21
3.	Telephone	12	9	21
4.	Electricity	19	2	21
5.	Road	21	-	21
6.	Bank	7	14	21
7.	Panchayat Ghar/Office	21	-	21
8.	Medical	12	9	21
9.	Primary schools	21	-	21

All the villages are linked up with good roads and have primary education institutions. Each village is having its own Gram Panchayat. Out of 21 villages 19 villages were connected with electricity while postal facilities were extended to 15 villages only. The telephone and medical facilities were available in 12 villages. The banking facilities are provided in some of the selected villages.

Administrative structure working in the villages

- 6.10 The administrative structure working in villages is given below :-

Table No.6.3

Working of administration in the surveyed villages

Sr No.	Category	No. of persons belonging		Total
		Tribal Community	Other Community	
1	2	3	4	5
1.	School teacher	20	98	118
2.	Fair price shopkeeper	1	14	15
3.	Panchayat chief	8	12	20
4.	Village level worker	2	18	20
5.	Village Chaukidar	11	9	20
6.	Chief of village co-op. society	6	4	10
7.	Money lenders	-	-	-

The above table brings out the engagement of tribals in the administrative set up. The majority of tribals are attracted towards avocation of school teacher, followed by village chaukidars, panchayat chief and chief of cooperative societies. The village level workers were only 2 while one found to be running a fair price shop.

Education

- 6.11 In all the villages the survey team comes across the primary school institutions while the secondary and higher education facilities are available only in a few

districts. The enrolment of the boys/girls in each type of institution is presented in the Table No.6.6 attached hereto.

6.12 The following table present the land alienation by different modes of transfer in the selected 23 villages.

Table No.6.7

Mode of transfer of tribal land

Sr No.	Mode of transfer	Area in acres	Percentage to total land transferred
1	2	3	4
1.	By sale	1870	51.49
2.	Auction by banks	-	-
3.	Forcible occupation by money lenders	-	-
4.	Forcible occupation by contractors/others	-	-
5.	Encroachment by non-tribal	96	2.64
6.	Mortgage	350	9.64
7.	Lease	1139	31.36
8.	Public Purpose	68	1.87
9.	By any other method	109	3.00
	Total	3632	100.00

The data in above table revealed that the majority of the land transferred was covered by the mode "Sale" followed by "Lease" and "Mortgage".

Participation of voluntary organisation in restoration of tribal land

6.13 Some of the voluntary organisations working in Maharashtra State took up the cause of tribals for redressing the grievences in regard to the restoration of land to them under the protective regulations. They carried out propoganda in the villages and identified the tribal land alienation cases in the villages and contacted the

implementing authorities for quick disposal of such cases. They argued the tribals' side and stood by them in the process of restoration of land to them.

Ownership of land

- 6.14 During the survey it was noticed that the fertile and irrigated land is in the possession of non-tribals and the dry and hilly land is in possession of the tribals. The land belonging to the tribals is far away from their residence and situated at different places. The total number of households having less than 5 acres of land is accounted for about 67% in the surveyed villages.

Land alienation cases

- 6.15 The tribal land alienation is very much checked after the implementation of land alienation and restoration enactments in Maharashtra. However, during the present survey, as much as 312 land alienation cases were reported in the selected villages and they had affected 466 tribal families.

Allotment of ceiling land

- 6.16 It was noticed in 3 surveyed villages that ceiling land have been allotted to 9 tribal families. The land allotted are under actual possession of the tribal families.

Forest land allotment

- 6.17 It was also noticed that 94 hectares of forest land have been allotted to 46 tribal households in the surveyed villages.

Acquisition of land for public purposes

- 6.18 In the surveyed villages the land acquired for public purposes is given below :-

Sr No.	Purpose	No. of villages	Area acquired (Hect)
1	2	3	4
1.	Irrigation	1	5.84
2.	Canal	2	19.99
	Total	3	25.83

It was observed that in 3 villages area was acquired for irrigation purpose. The concerned authorities at the village level did not disclose the details of the compensation paid to the affected persons.

Acquisition for mining and industries

0.19 It was reported that 1.42 hectares of land is acquired for stone quarry in 1 village from Nashik district. However, the acquisition of land for private industrial purpose was not reported.

Summary Observations

1) The field enquiry into the problem of tribal land alienation covered 23 villages spread over 10 tahsils of 6 districts in the State.

2) More than 50% tribal concentration was observed in 9 villages. The rest of the villages were from non-tribal belt having less than 50% concentration. The population of tribal communities in these villages was in minority i.e. 30%.

3) The occupational structure indicated that about 72% population was dependent on agriculture. However, the percentage of agriculture labourer was more than the cultivators. Other workers accounted for about 18%.

4) The land survey was carried out in all the villages selected and the cultivating households were given "pattas". The land utilisation pattern indicated that about 20% of geographical area of the selected villages was covered under forest. About 67% of the total land was put under cultivation. The area irrigated was to the tune of 23%. However, tribal cultivators were having only 3% irrigated land under their cultivation.

The tribal holdings were comparatively small in size and fragmented. The total number of households having less than 5 acres of land accounted for about 67%.

5) As much as 312 tribal land alienation cases in the selected villages were reported. They affected 466 tribal families. The ceiling land was allotted to 9 tribal families from 3 villages. It was found that 94 hectares forest land was allotted to 46 tribal families in the surveyed villages.

6) The majority of the tribals were attracted towards the avocation of "teacher." followed by Panchayat chiefs and chief of cooperative societies in their areas. All the sample villages were having primary education institutions. All the sample villages were linked up with good roads and connected with the electricity. Each village was having Gram Panchayat. The telephone and bank facilities existed only in 12 and 7 villages respectively. The railway facility was extended to only few villages. The geographical situation of the tribal villages does not permit the wider scope for such a facility. However, the State Transport (S.T.) bus stations were found within their reach.

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CHAPTER VIIESTIMATION OF EXTENT OF AREA AND FAMILIES INVOLVED IN TRIBAL LAND ALIENATION

7.1 The main object of this study was to determine the extent of the problem in Maharashtra State at the end of the survey period 1987. Attempts have been made to gauge the extent of the problem in the State by two different angles.

- i) By estimating how much area of land of tribals has been alienated to non-tribals, and
- ii) By estimating number of Scheduled Tribe families affected due to alienation of their land to the non-tribals.

PART AEstimation of tribal area alienated

7.2 The following methodology is adopted for the estimation of area on alienation.

The information about the land possessed by the tribal households on the date of survey and the land alienated prior to the date of survey was collected from the sample households or families. The total land possessed by the selected tribal families before land alienation can be arrived at by adding both the figures. The data are used to find out percentage of land alienated to total land possessed in each selected district. The sample covers 6 districts. The percentages of area alienated by the tribal households in the selected districts are presented in Table No.7.1. While the districtwise abstract of percentage derived on the sample basis is presented in the Table No.7.2.

7.3 The data in the Table No.7.1 reveals the following facts :-

1) The percentage of area alienated to total area possessed in the samples varies from district to district and it ranges between 27% to 52%.

2) The comparative percentage of area alienated to total land possessed in the districts can be enumerated as Bhandara, Chandrapur, Yavatmal, Nashik and Dhule. They are more or less consistent and coherent between 27% to 34%.

3) The higher percentage of area alienation is observed in Thane district as compared to other districts. This clearly indicates the severity of the problem of land alienation in Thane district. The extent is much more in Thane district as compared to other surveyed areas.

4) It has been found that the tribal families have only 3.40% irrigated land to their total cultivable land. Further it has been noticed that 36% of irrigated tribal land is alienated to non-tribals.

5) The field enquiries revealed that 34.68% of dry land belonging of the tribals is also alienated to non-tribals in Maharashtra since antiquity.

7.4

In order to get a more realistic picture of the tribal land alienation and tribal households affected due to land alienation the statistical method was used.

The standard error in the mean value is worked out with the probability method. It is summarised as under -

With a view to find out standard error in the mean value of the samples, the following formulae is used for small size of sample.

$$\sigma_m = \frac{S}{\sqrt{N-1}} \quad \text{for small size of sample}$$

where σ_m = standard error in the sample mean.

S = Standard deviation of the sample means.

N = Number of sample or total frequency.

The formulae is applicable in the case of normal distribution. Since the value of percentage of area alienated to total land possessed in Thane district is beyond the normal field, it does not fall in normal distribution. It is therefore not taken into account for estimating the values of standard error of mean values of samples.

The calculations of standard deviation are worked out in Table No.i 7.3.

The standard deviation of different sample mean(s) arrived is ± 2.48 .

Therefore Standard error of the mean is

$$\sigma_m = \frac{S}{\sqrt{N-1}} = \frac{2.48}{\sqrt{5-1}} = \pm \frac{2.48}{2} = \pm 1.24$$

On the basis of the probability of 0.05 of being incorrect, the lower and the upper values of the estimated means will be calculated as -

$$\begin{aligned} 29.95 \pm 1.96 \times 1.24 &= 29.95 \pm 2.43 \\ &= 27.52 \text{ lower value} \\ \text{or} \\ &= 32.38 \text{ upper value.} \end{aligned}$$

In other words, statistically, it can be said that in Maharashtra since antiquity, the percentage of tribal area alienated to non-tribals ranges between 27.52% to 32.38% with 95% confidence.

7.5 Since the selection of sample was based on severity of the problem, the lower limit may be considered more reliable than the upper one.

7.6 The interpretation given above is in terms of percentages only. The estimation of actual area alienated in hectares is worked out with the help of assumption made on the basis of field data collected through Bench Mark Survey of Tribal Sub Plan 1980.

With a view to gauge the severity of the problem of tribal land alienation and to arrive at the correct estimation of the tribal households and their area involved in the process of and to sort out some estimated number of affected tribal households with their land the tahsils covered in the State were arranged in 3 areas viz.

"A" area - where the land alienation is much severe or acute.

"B" area - where land alienation is to some extent.

"C" area - where land alienation is negligible.

The names of tahsils with their total tribal households covered in area A and C are given in Table No.7.7 and Table No.7.8 respectively. The remaining tahsils of Maharashtra State are included in area "B".

The weightages are assigned to each area in terms of percentage and according to the severity problem. They are stated as under :-

	Weightages in percentages
AREA "A"	65
AREA "B"	30
AREA "C"	5
Total	100

Out of 9.80 lakhs total rural tribal households (1981) in the State, the estimated tribal households under each category are given below -

Category	<u>No. of tribal households in lakhs</u>
AREA "A"	2.76
AREA "B"	4.99
AREA "C"	2.05
Total	9.80

The number of tribal households from affected areas after assigning weightages can be worked out as under -

Category of Area	No. of tribal households (in lakhs)	Weightages given for calculating tribal households in affected area	No. of tribal households in affected area
1	2	3	4
A	2.76	0.65	1.79
B	4.99	0.30	1.50
C	2.05	0.05	0.10
Total	9.80	1.00	3.39

The estimation of area of tribal land which might have been affected by the alienation can be worked out on the presumption of the hypothesis.

- Supposing that the average land size of the household in area 'C' is 1.97 hectares and that of the households in Area 'A' and 'B' is 1.36 hectares, the total area of the tribals affected due to alienation will be computed as 4.67 lakhs hectares. The details are provided in the tabular form as under :-

Category of Area	No. of tribal households (1981) in lakhs	No. of tribal households in affected area after giving weightages (in lakhs)	Average size of land holding per S.T. household.	Affected area in hectares (in lakhs)
1	2	3	4	5
A	2.76	1.79	1.36	2.43
B	4.99	1.50	1.36	2.04
C	2.05	0.10	1.97	0.20
Total	9.80	3.39	X	4.67

Further assigning the lower and upper limit values as 27.52 and 32.38 respectively as calculated for the purpose of estimation of alienated tribal area it can be put up that the total tribal land affected at the lower point is accounted for 1.29 lakh hectares whereas at the upper point it rests at 1.51 lakh hectares.

It can be concluded that in general, 1.29 to 1.51 lakh hectares of tribal land is alienated to non-tribals since antiquity in Maharashtra State.

7.7 It can be seen that the estimation of land alienated arrived at on the basis of the data through field enquiry appears to be high as compared to that of the available official records. It is but natural. It may be presumed that there are still some tribal families whose land is alienated but neither reported nor identified.

PART B7.8 Estimation of tribal families involved.

The information collected through the village survey emerges

- a) Total number of tribal HHs in the village.
- b) Total number of tribal HHs who alienated their land to non-tribals in the village, and
- c) Number of tribal HHs surveyed in the village.

7.9 The survey was conducted in 11 villages. The villages having more than 50% tribal households have only taken into account for estimation. This information is presented in Table No.7.4. While districtwise abstract of percentages derived on the sample basis is presented in the Table No.7.5.

7.10 The analysis of data in Table No.7.4 reveals the following facts :-

i) The percentages of tribal families affected due to alienation of their land vary from district to district and village to village and it ranges between 27% to 100%.

ii) The large variation is noticed in Thane district as compared to other counter parts. This clearly indicates that the severity of the problem in the district.

iii) The mean value of the percentages of tribal HHs alienating land rests at 55.21%.

iv) The percentages of alienation of land by category reported as under :-

a) Agricultural cultivators	61.79%
b) Agricultural labourers	70.45%
c) Landless	28.34%

Note : HHs. = Households

7.11 In order to have a more realistic picture of the standard error, the mean value is worked out by statistical method with the probability. It is summarised as under -

The following formulae is used to find out standard error in the mean value :

$$\sigma_m = \frac{S}{\sqrt{N-1}} \quad \text{for small size of samples}$$

where σ_m is the standard error in mean values.

S = standard deviation of the values of sample means

N = No. of samples or total frequency

The formulae is applicable in case of normal distribution. Since the value of percentage of tribal households alienated in Thane district is not within the normal field, therefore it is not made use of for estimating standard error of mean values of samples.

(Calculations of standard deviation are given vide table No.7.6)

The standard deviation of different sample means arrived is ± 14.12

∴ Standard error in the mean value is =

$$\sigma_m = \frac{S}{\sqrt{N-1}} = \frac{14.12}{\sqrt{10-1}} = \frac{14.12}{\sqrt{9}} = \pm \frac{14.12}{3} = \pm 4.71$$

On the basis of the probability of 0.05 of being incorrect, the lower and the upper values of the estimated mean(s) will be worked as -

$$\begin{aligned} & 53.56 \pm 4.71 \times 1.96 = 53.56 \pm 9.24 \\ & = 44.32 \text{ lower limit value} \\ & = 62.80 \text{ upper limit value} \end{aligned}$$

In other words, it can be said that in the State of Maharashtra since antiquity the percentage of tribal HHs alienating land to non tribals ranges between 44 to 63 percentages with 95% confidence.

Since the selection of sample was based on acuteness of the problem, the lower limit is more realistic than the upper one.

7.12 The interpretation given above is in terms of percentages only. The estimation of actual families affected is worked out with the help of assumptions based on field survey and the information collected through the Bench Mark Survey of Tribal Sub Plan (1980).

Similar procedure is adopted for estimating the affected tribal households as was done in Part A. The estimation of total households which alienated their land and the HHs in the affected zone are worked out as under -

<u>Category</u>	<u>No. of tribal HHs in affected area (in lakhs)</u>
Area A	1.79
Area B	1.50
Area C	0.10
	3.39

On the basis of the lower value at 44.32% estimation, the total number of HHs affected due to land alienation are arrived at 1.50 lakhs with the upper limit value at 62.80% estimation of the total number of HHs affected is computed as 2.13 lakhs.

It can be concluded in general that in the State of Maharashtra 1.5 to 2.1 lakh tribal HHs are affected due to transfer of their land to non-tribals.

Besides, the composition of cultivators, agricultural labourers and landless who alienated their land based on survey findings can be estimated as under :-

i) cultivating families	..	1.13 lakhs
ii) agricultural labourer families	..	0.20 lakhs
and		
iii) landless families	..	0.17 lakhs

PART CReconciliation of official and field data

7.13 When the results obtained in Part A and Part B are correlated it can be generally stated that an affected tribal family alienated the area to non tribal to the extent of 0.86 hectare or about 2 acres of land on an average in the State.

The figures of the area alienated and tribal families affected due to transfer of their land to non-tribals obtained by field data estimation and official records are presented below for comparison.

Item	Based on field data estimation (in lakhs)	Based on official records (in lakhs)
1	2	3
1. Area alienated (in hectares)	1.29	0.42 (Area ordered for restoration)
2. No. of tribal households affected	1.50	0.45 (No. of cases registered)

The appraisal of the above data indicates that the results obtained through field enquiry appears to be high as compared to that of available official records. It is due to the following reasons.

1) The period of alienation considered for field enquiry is since antiquity while for registering the cases it is 30 years only.

2) It is likely that large number of alienated tribal households might have neither reported nor identified in this process due to one reason or the other.

3) No. of tribal households might have been increased due to partition of tribal families since 1981.

7.14 In short, it is revealed in the survey that 1.30 lakh hectares of land belonging to about 1.50 lakh tribal families was alienated to non-tribals since antiquity in Maharashtra. This estimation is based on field study and computed by statistical method. This is more than double the official figure which is made available in this regard. This gives an idea of the size and volume of the tribal land alienated to non-tribals in the State.

Table No. 7.1
Statement showing tribal land alienated in selected samples of selected districts in Maharashtra State

Sr No. District	Land on the date of survey			Land possessed by the tribal			Land alienated			Total Land possessed by tribals before alienation			Land alienated			Percentage of land alienated to total land possessed
	Dry	Wet	Total	Dry	Wet	Total	Dry	Wet	Total	Dry	Wet	Total	Dry	Wet	Total	
1. Thane	990	25	1015	1085	23	1108	2075	48	2123	1085	23	1108	191	107	298	52.19
2. Nashik	454	206	660	191	107	298	645	313	958	191	107	298	191	107	298	31.11
3. Dhule	1605	-	1605	832	-	832	2437	-	2437	832	-	832	832	-	832	34.14
4. Yavatmal	1085	-	1085	453	-	453	1538	-	1538	432	-	432	432	-	432	29.39
5. Bhandara	497	-	497	188	-	188	685	-	685	188	-	188	188	-	188	27.45
6. Chandrapur	1968	-	1968	753	-	753	2721	-	2721	753	-	753	753	-	753	27.67
Total	6599	231	6830	3502	130	3632	10101	361	10462	3502	130	3632	3502	130	3632	34.72

Note : i) The percentage of wet land alienated to total wet land possessed by tribals .. 36.01%
 ii) The percentage of dry land alienated to total dry land possessed by tribals .. 34.67%



Table No.7.2

Districtwise position of a land alienated
to total land possessed

Sr No.	District	Percentage of land alienated to total land possessed.
1	2	3
1.	Bhandara	27.45
2.	Chandrapur	27.67
3.	Yavatmal	29.39
4.	Nashik	31.11
5.	Dhule	34.14
	Average mean value	29.95

Table No.7.3

Calculation of standard deviation of the mean
values of average land alienated by tribals.

The following formulae is adopted.

$$S = \sqrt{\frac{\sum X^2}{N}}$$

where S = standard deviation of
sample mean.

X = Deviation from mean
value X

N = No. of frequencies

Sr No.	Variable	Deviation from $\bar{X} = X - \bar{X}$	Square of X	Result
1.	27.45	- 2.50	6.25	$S = \sqrt{\frac{\sum X^2}{N}}$ $= \sqrt{\frac{30.67}{5}}$ $= \sqrt{6.13}$ $= + 2.48$
2.	27.67	- 2.28	5.20	
3.	29.39	- 0.56	0.31	
4.	31.11	+ 1.16	1.35	
5.	34.14	+ 4.19	17.56	

Mean value

$$\bar{X} = 29.95$$

$$\text{Total } \dots \sum X^2 = 30.67$$

Table No.7.4
Number of tribal households who alienated their land in the selected villages

Sr No.	District	Tahsil	Village	No. of households			No. of households alienated			Percentage of tribal HHs found alienated Total		
				Culti vators	Agri. Labour-ers	Land-less	Culti vators	Agri. Labour-ers	Land-less			
1	Thane	Wada Shahapur	1.Khanivale 2.Dahigaon	23 39	17 24	11 3	22 39	11 24	3 8	33 66	64.71 100.00	
2	Nashik	Nashik	3.Talegaon	26	12	16	23	6	8	37	68.52	
3	Dhule	Nandurbar Akkalkuwa	4.Dhekwad 5.Korai	35 38	7 -	58 58	12 13	4 -	11 18	27 31	27.00 32.29	
4	Yavatmal	Pusad	6.Belura 7.Mokhada	40 74	4 -	9 14	28 40	2 -	5 5	6 43	51.14 45.74	
5	Bhandara	Deori Deori	8.Palassgaon 9.Chirwadi	75 84	12 7	7 8	32 59	5 7	- -	66 66	66.67 66.67	
6	Chandrapur	Rajura	10.Pachgaon 11.Mangi	63 63	5 -	3 -	44 34	3 -	2 -	49 34	69.01 53.97	
Total				560	88	187	835	346	62	53	461	55.21
Percentages								75.05	13.45	11.50	100.00	

Table No.7.5

Villages surveyed and the percentage of HHs who had alienated their land to non-tribals

No.	District	Tahsil	Village	Percentage of tribal HHs found alienated their land
1	2	3	4	5
1.	Thane	Wada	1.Khanivale	64.71
2.	Nasik	Nasik	2.Talegaon	68.52
3.	Dhule	Nandurbar	3.Dhekwad	27.00
		Akkalkuwa	4.Korai	32.29
4.	Yavatmal	Pusad	5.Belura	56.60
			6.Mokhada	51.14
5.	Bhandara	Deori	7.Palasaon	45.74
			8.Chirwadi	66.67
6.	Chandrapur	Rajura	9.Pachgaon	69.01
			10.Mangi	53.97
Total				535.65

Average percentage value of tribal HHs found alienated their land ... 53.56%

Note : The percentage of tribal HHs found alienated at village Dahigaon, Taluka Shahapur, Dist. Thane (100%) as shown in Table No.7.4 is not taken into account for estimating 'standard error' and standard deviation of the distribution as it falls out of normal field.

Table No.7.6

Calculation of standard deviation of the sample values of alienated tribal families

Sr No.	Variable X	Deviation from mean value $\bar{X} - X$	Square of X $= X^2$	Calculation of standard deviation
($\bar{X} - X = \bar{X}$)				
1.	64.71	+ 11.15	124.33	$S = \sqrt{\frac{\sum X^2}{N}}$ <p>where</p> <p>S = Standard deviation</p> <p>x = Deviation from mean value</p> <p>N = Total frequency</p> $S = \sqrt{\frac{1993.03}{10}}$ $= \sqrt{199.303}$
2.	68.52	+ 14.96	223.81	
3.	27.00	- 26.56	705.44	
4.	32.29	- 21.27	452.42	
5.	56.60	+ 3.04	9.25	
6.	51.14	- 2.42	5.86	
7.	45.74	- 7.82	61.16	
8.	66.67	+ 13.11	171.88	
9.	69.01	+ 15.45	238.71	
10.	53.97	0.41	0.17	

$\bar{X} = 53.56$

$X^2 = 1993.03/S = \pm 14.12$

Table No.7.7

List of tahsils included in zone 'A' where the problem of land alienation is severe or acute.

Sr No. 1	District 2	Tahsil 3	Rural Tribal house- holds (1981) 4
1.	Thane	1.Dahane	26316
		2.Wada	8600
2		3.Palghar	17928
		4.Shahapur	10481
2.	Nashik	5.Dindori	14058
		6.Igatpuri	10527
		7.Nashik	9750
		8.Baglan	11427
3.	Dhule	9.Nandurbar	14317
		10.Shirpur	13785
		11.Sakri	21265
		12.Taloda	9609
		13.Shahada	20029
4.	Ahmadnagar	14.Akola	14224
5.	Yavatmal	15.Kelapur	19920
6.	Nanded	16.Yavatmal	17199
		17.Kinwat	9395
7.	Chandrapur	18.Warora	18558
		19.Rajura	8294
Total			275682

Table No.7.8

Where problem of land alienation is negligible

Sr No. 1	District 2	Tahsil 3	Tribal House- holds (1981) 4 (rural)	
1.	Thane	1.Jawhar	17,720	
		2.Mokhada	11,376	
		3.Talasari	10,692	
2.	Nashik	4.Peint	16,361	
		5.Surgana	14,206	
		6.Kalwan	11,923	
3.	Dhule	7.Akrani	9,557	
		8.Akkalkuwa	15,740	
		9.Taloda	9,609	
		10.Nawapur	24,262	
4.	Amravati	11.Chikhaldara	16,917	
		12.Dharni		
5.	Gadchiroli	13.Sironcha	17,139	
		14.Aheri		
		15.Etapalli		
		16.Dhanora		
		17.Kurkheda		
		18.Gadchiroli		29,443
		19. Armori		
20.Chamorshi				
Total			2,04,945	

CHAPTER VIIIELABORATION OF ADDITIONAL POINTS8.1 Introduction

The Government of India later communicated some additional points for elaboration in the report. They covered the topics regarding the practices adopted by the money-lenders to provide credit to the tribal families, the categories of the non-tribal families involved in exploitation by illegal transfers; the loopholes in the protective enactments meant for the tribals; remedial and protective measures adopted by the State Government against money-lenders, relief of tribals from debt burden; the tribals' characteristics for failure of regulation Acts and the impediments in the quick disposal of tribal land alienation and the measures for effective control of pernicious problem of tribal land alienation.

The above points were discussed with the Implementing and Revenue authorities for procuring their views on them. From the discussion/deliberations with the officials and the respondent families covered in the survey, the following elaborations have been emerged.

8.2 Elaboration of additional points.

Point 1 : Practices adopted by the money-lenders to provide credit to the tribals. :

During the course of field enquiry it was observed that the money-lenders registered under the Money Lender's Regulation Act have not advanced any loans to the tribals by adopting the practices enumerated under Items (a) to (j) as mentioned in the "Annexure". However, the tribal debtor leased out the piece of land against loan from the so-called non-tribal money-lender for a fixed number

of years during which the crop is the property of the latter. In certain cases, the tribal debtor mortgaged his piece of land to the money-lender who enjoyed the usufructuary benefits for a fixed number of years. The tribal debtor usually received a loan amount in the form of cash to be repaid in full with the interest at the time of the harvest. The de-facto possession lies with the person lending money. In short the money-lending practices in the state encompass the practices at Sr.No. (c) and (d) of the annexure in general, namely, viz. ..

(c) Tribal debtor leases out of a piece of land against a loan from the money-lender for a fixed number of years during which the crop is the property of latter.

(d) Tribal debtor mortgages his land to the money lender who enjoys its usufructuary benefits for a fixed number of years.

Point 2 : What categories of non-tribals exploiters who are involved in illegal land transfers operating the tribal areas :

The Ordinance No.13 of 1974 issued on 6th July 1974 provides for the restoration of tribal lands which were usurped by the non-tribals in contravention of the provision of Sec.56 of the Maharashtra Land Revenue Code 1966. This Act prohibits the transfer of tribal land to the non-tribals without prior permission of the District Collector. The deterrent and restrictive provisions under the enactments such as Maharashtra Land Revenue Code 1966 and Money-lenders Regulation Act have put on check on such transfer. The illegal transfers under Items (A) to (F) are not in vogue in the tribal

areas. However, it is observed that the neighbouring non-tribal cultivators somehow manage to get tribal land leased out or mortgaged for a certain period by exploiting the poor conditions of the tribals. Secondly, the village merchants also manage to get the tribal land through the cooperation of other non-tribals in the areas.

Point 3 : What loop-holes are present in the Act which are used to circumvent it and what are the different modes of circumvention ?

The Government have under the enactments made more stringent provisions to ensure that no unauthorised alienation of tribal lands take place in future. So the local authority has been invested with the powers of grant of permission for such transfer of land. In case a tribal cultivator desires to transfer his land he has to prefer an application to that effect to the Competent Authority i.e. District Collector or in all cases except lease or mortgage for less than five years permission can be granted by the District Collector only, on the previous approval of the State Government. Unless the Collector is satisfied of the bonafide nature of the transfer, ^{permission for} no / transfer can be given. The following loop-holes seem to be present in the enactments circumventing the transfer of tribal land :-

(1) The caste of a tribal transferer is often challenged in the Court of Law. The non-tribals take an erroneous stand as to the caste professed by the tribal to avoid restoration of land to him. Under the pretext of erroneous caste claimed by the tribals, the non-tribals took advantage of legal as well as illegal transfers.

The position was found to be stand still in the area where the field enquiry was conducted so the disposal of cases not make any in certain areas.

Point 4 : What protection are given by the Govt. against various money-lenders ?

The tribal cooperatives or Adivasi Cooperative Societies in Maharashtra State have gained the roots in the tribal areas and they are providing a helping hand to the tribals in their agriculture and other pursuits and daily needs. Further the agriculture produce and minor forest products etc. are exclusively purchased by the Tribal Development Corporation Ltd, Nashik under the monopoly procurement scheme in the Tribal Sub Plan Area of the State. The consumption finance which is disguised as Khavati loan to the tribals in the lean period is also provided. Under the circumstances the money-lenders have been left with a little scope or prospects in the money-lending business in the tribal areas. The promulgation of different measures such as Money Lenders Regulation Act, Maharashtra Tribals Economics Conditions (Improvements) Act (1976) have put a bar to the money-lenders' activities which were rampant in the far flung tribal areas. The Maharashtra State Cooperative Tribal Development Corporation, different welfare departments of State Governments, different developmental agencies and Zilla Parishads have formulated many schemes of financial assistance to the tribals. Some schemes of 100% subsidy have also been formulated and implemented with nucleus budget funds through the Tribal Development Department and Project Officer (I.T.D.P.) of the State. Thus the adequate protection

through the substantial financial assistance for developmental programmes has been provided to the tribals against mal-practices by the money-lenders in the areas.

Point 5 : What reliefs are given to make the tribals free from the burden of debts ?

The tribal farmers are deemed to be small farmers irrespective of the extent of unirrigated land cultivated by them. Thus, the tribals are covered under the provisions of Maharashtra Debt Relief Act, 1975. In case of restoration of land under Maharashtra Act No. XXXV of 1974 the tribals are not required to pay any compensation to the non-tribals. The basic rationale behind the policy of non-paying compensation to the non-tribals is that the non-tribals had usurped tribal land mischievously and fraudulently and contrary to the provisions of the laws. Since they have committed the illegal acts, the question of payment of compensation to them does not arise.

The Maharashtra Tribal Economic Conditions (Improvement) Act 1976.

Under this Act, money lending wherein cash or kind for any purpose whatsoever made by the person to tribals before 9th October 1976, either without security or on the security of any property has become invalid and thereupon the provision of this Act have become applicable to such invalid debts and they are automatically discharged. This act also provides that no person can find down a tribal to daily attendance or the manual labour or to both for repayment of such loans. It further provides that no person shall market specified commodities either in cash or kind or in any manner whatsoever.

Point 6 : What characteristics of tribals are responsible for the failure of money lending and debt relief regulations.

The tribals are generally honest and have a high sense of obligation. Their ignorance and poverty are main characteristics responsible for failure of money lending and debt relief Acts. During the field survey it was observed that a few tribal cultivators had sold their land to get rid of Government loans. This shows that unlike the big land-lords in the plains, the tribals deem it their first obligation to repay the Government loans. Thus ignorance of the tribals can be ascribed as a main reason in this matter.

Point 7 : What measures are taken to disseminate about the various/provisions of protective legislations:-

1) The Government have directed that the tribal cell should be set up in each tahsil, and also in the Sub-Division Office to collect information of such transfer of tribal land to non-tribals. The cooperation from the Social Workers and other institutions interested in solving the land alienation problem is also sought.

2) The provisions may render necessary cooperation in this behalf of protective legislation. They are being pursued with vigour in the Tribal Sub Plan areas through the Collectors who have been designated as Deputy Tribal Commissioners.

3) The Government has brought out a Special Booklet on 'relief of tribal land' and distributed the same in the Tribal Sub Plan Areas. Every panchayat has been asked to circulate that booklet amongst the tribal communities as well as the voluntary organisations working in the areas.

4) The State Government has appointed Maharashtra State Cooperative Tribal Development Corporation as the chief agent for the purchase of specified commodities of the agriculture and minor forest produce at the prevailing market rates. The Maharashtra State Cooperative Tribal Development Corporation in turn has appointed Adivasi Cooperative Societies as its sub agents in the matter. With the result the tribals get reasonable prices for their produce.

Point 8 : What hinderance are met with the quick disposal of cases :-

An active interest was evinced by the implementing staff who had initiated enquiries in the matter by organising the special campaigns for the disposal of such cases by Revenue Department of the State.

But in a large number of cases stay orders have been obtained either from the High Court or Higher Revenue Authorities/tribunals. Thus the stay orders granted by the superior authorities and courts impeded the quick disposal of such cases. Secondly, the ignorance and lack of interest on the part of the tribals have also played a significant rôle because the majority cases were dropped by the Revenue authorities on the various grounds. However the main reason put forth was that the tribal transferer did not want land for his personal cultivation thus ordered to be restored to him.

The some of the grounds put forth by the tribals for not taking back the land can be enumerated as under -

1) As he has sold the land on his own sweet-will, he does not want to take it back.

2) A piece of the suit land is very small and warkas (inferior in quality) and it is not economical for cultivation in person so he waives his right of ownership.

2) The suit land is far away from the place of his residence. Since he has other land in the village he finds it difficult to go in for personal cultivation of the land in question. The long distance of the piece of land to be restored was invoked as the main reason for not going in personal cultivation of the land ordered to be restored.

4) The tribals old age and ill-health often put a bar for his going into personal cultivation of the suit-land.

5) In tribal families a want of legal heir to the property is also a stumbling block.

6) The joint transfers effected through some of the deceased. Now the individual claim for personal cultivation is, therefore, waived by the legal heir.

7) The father effecting transfer of land during his life time is no more. Hence the son does not wish to go against father's will as the property had been transferred by the father during his life time.

Point 9 : What measures are suggested for effective control of the pernicious problem of land alienation and concomitant evils ?

1) Provisions regarding non-granting of stay orders by the Courts are imperative. The Maharashtra Regional Tribunal should be invested with the trial of such cases exclusively. The Additional divisions of Maharashtra Regional Tribunal may be set up for quick disposal of the cases pertaining to the tribal land alienation.

2) In the Scheduled areas all the lands vesting in the illegal/legal possession of the non-tribals may be treated as the lands originally belonging to the tribal communities. A detailed field survey may be conducted to restore the land to the tribals on gauging the exact extent of land alienation of tribal lands to the non-tribals in the whole State.

CHAPTER IXDISPLACEMENT AND REHABILITATION OF TRIBAL
PEOPLE UNDER DIFFERENT PROJECTS -
OBSERVATIONS AND SUGGESTIONS9.1 Introduction

In Maharashtra State, Satpuda and Sahyadri hill ranges and their valleys are considered to be the traditional homes of the tribal people. These valleys have large catchment areas due to natural surroundings and are oftently selected for erecting major and medium irrigation projects. The names of on-going projects particularly in tribal Sub Plan area are listed in Table No.9.1.

These projects have badly affected the tribal people. Number of tribal families have been dislodged from their traditional abode and sources of livelihood. The tribals are least conversant with the acquisition proceedings. They accept whatever cash compensation is given to them. With cash in hand and many attractions in the nearby markets and towns, their funds are rapidly depleted and in course of time the tribals found themselves without money as well as without land. Then they joined the ranks of landless labourers without training, equipments or aptitude for any skilled or semi-skilled jobs.

9.2 Against this background, the Tribal Research and Training Institute attempted to guage the facets of the displacement and rehabilitation problems and the consequences and difficulties faced by the tribals in the process of their rehabilitation through evaluation study of certain projects from time to time.

- 9.3 The projects for which the evaluation study was undertaken can be classified according to the stages of work. Some projects have been completed while others have been sanctioned and proposed and the preliminary works in regard to acquisition of land/buildings, payment of compensation and creation of new gothans for resettlement of the oustees have been commenced and are being attended by the project authorities.

OBSERVATIONS AND FINDINGS

It is rather imperative to look into the important observations as revealed from the field enquiries regarding each project under review.

- 9.4 Under Dairy Project, Dapchari (District Thane) it was observed that the project affected tribal families were not categorised in the proper units of rehabilitation. With the result, the tribal families belonging to farmers' unit were allotted to some other units under the plan of rehabilitation. Moreover, the benefits were conferred upon the non-tribals at the cost of tribals. The tribal families who were having more land holdings prior to the project were deprived of their lands in substantial measure. Very few of the affected tribal families (i.e. 40%) were rehabilitated under the rehabilitation plan as implemented at the time. Nearly 60% of affected tribal families remained to be settled under the project plan proposed for rehabilitation.
- 9.5 It was further observed that the concerned project authorities did not incur proportionate expenditure for the rehabilitation work. The basic amenities were

not provided. Only the allotment of land to the oustees was resorted to and that too was restricted to some of the tribal families affected only.

9.6 The Resettlement Advisory Committee formed under the project in the case of the Inchampalli Project did not allow any scope either to the tribal authorities such as Project Officers of I.T.D.Ps. or Tribal Development Officer in the work of rehabilitation of tribals residing within their jurisdiction.

9.7 If alternative land is not provided in the same vicinity, the tribals prefer the compensation in cash. Naturally, with the money in hand they are tempted to spend lavishly on their necessities in the lean period. They seldom utilise the cash for productive purposes. Their relatives also take undue advantages of their ignorance and squander cash compensation. In the end, within a short period the tribal families are found losing both the land and the cash compensation received by them. Then automatically they reduce themselves to the status of landless labourers.

9.8 Under Bhopalpattanam Project (Gadchiroli District), it was observed that the tribals had least tendency of migration to the new places of rehabilitation which has affected the rehabilitation programme and their further development in this respect.

9.9 It was further observed that the new places of rehabilitation were very often devoid of any civics amenities such as sanitation, provision of drinking water and other recreational activities for the

communities and grazing land for cattles. In the absence of such basic amenities the rehabilitation remained merely a myth for the project affected tribals.

- 9.10 The resettlement work under the Surya Project could not attain the requisite momentum as only 35% tribal families have so far been rehabilitated. Because of slow process of rehabilitation, the affected families opted for their self settlement by themselves only.
- 9.11 The alternative lands offered for cultivation were mostly unirrigable. So they could not offer adequate return to maintain their families living in it. Very few tribal families have taken advantages of the agricultural facilities offered in the reclamation camps. The attraction of easy money and the industrial employment have been very strong for the tribal younger generation.
- 9.12 It has been observed that the problems of psychological and social adjustment are imminent in the reclamation camps. The affected tribal families are induced to accommodate from the closed society to the universal pattern of society without education, without equipment to skill and without resources. The crux of the problem is to ensure that in the process of rehabilitation and settlement they are not going down from the present economic status. For the very purpose the Government as a trustee comes into the picture. But the Government efforts are really apathetic instead of sympathetic. The factual position (as on September 1988) in this regard will bring out the truth glaringly.

Districtwise information regarding resettlement of tribals affected due to the various development projects received from 22 districts pertaining to 80 projects consisting of 4 major, 22 medium and 54 minor reveals that out of 4504 tribal families eligible for grant of alternate land, only 1062 families (23%) have been granted land. Similarly out of 4864 tribal families eligible for grant of housing plots, only 3159 (65%) have been allotted housing plots and out of them only 1920 families (40%) have been granted housing loan to the tune of Rs.45.89 lakhs. The information regarding absorbing affected tribal persons in the employment on project establishment received from the Collectors indicates that out of 1663 eligible persons, only 639 persons (38%) have been given employment. It is thus clear that much needs to be done for the tribal affected families.

- 9.13 There was also a problem of absorption in the new economic set up from the economic point of view. The alternative lands allotted to some of the project affected families are in some cases unsuitable for cultivation. The tribal families find hard to reclaim without any financial assistance. With the result the income accrual is unthinkable in the initial stages. Hence the economic condition of the tribal family goes on deteriorating day by day.

No land, no money, no skill, no equipment to meet the daily necessities the economic scene that emerges indicates the flourishing bounties under project on the one hand against the devastation of traditional set up of tribals and later on his destitution on the after.

CONCLUSIONS AND RECOMMENDATIONS

In view of this, certain conclusions and recommendations have been put forth for the solution of the problem of rehabilitation and resettlement of displaced tribals under the Major/Medium projects in the tribal areas of the State.

- 9.14 It is suggested that the top preferential treatment and priority must be accorded to the tribal families over the others in the allotment of proposed units of rehabilitation under the particular project.
- 9.15 It is quite essential to organise the training programmes for the tribals to acquaint themselves with the Animal Husbandry, viz. cattle-breeding/rearing/poultry, piggery, and other technical skills to equip themselves for jobs in the industrial sector. In short, the scheme of rehabilitation must include programmes for education and training and equipments of skill for the displaced tribals.
- 9.16 Lift irrigation schemes of the project affected tribal groups need to be encouraged with full financial assistance and technical guidance for proper functioning of the schemes envisaged.
- 9.17 The communication gap between the project authorities and the tribal authorities and the tribal people affected should be bridged. The tribal authorities working for the tribal development should be consulted in the programme of rehabilitation and the payment of compensation either for land or the houses and other assets etc.

9.18 Since the tribals are losing lands as well as cash compensation because of their illiteracy and ignorance, no cash compensation be preferred. The payment of some portion of cash if at all be given, should be made in the presence of the Project Officers of the I.T.D.Ps. and the Tribal Development Officers concerned. In the case, families receiving cash compensation, every effort should be made to rehabilitate them in some suitable permanent employment within a project itself.

There is a dire need for their rehabilitation in land. The displaced persons not necessarily be settled as landless labourers but as producers of the primary needs of the town dwellers and factory workers.

9.19 The incentives offered by the Government or Project authorities in the new rehabilitation colonies should be sufficiently attractive. The water supply, sanitation, schools and medical relief must be the primary responsibility of the project authorities.

9.20 The developmental programmes formulated under IRDP/TRYSEM/ICDS must be implemented in the rehabilitation colonies (newly created gaothans) of such project affected persons. The effective coordination of various Government Depts. working under the project must necessarily be achieved for time-bound programme of rehabilitation. The schemes need to be integrated with the project. Moreover, the time lag between actual displacement and rehabilitation should be avoided or minimised.

9.21 There is a felt need for specific research and monitoring wing to study the impact of the projects on the tribal people. This would give a necessary insight into the steps to be taken in the process of resettlement and rehabilitation of the displaced. It is, therefore, suggested that a permanent machinery should be set up to study every individual project and its impact upon tribal interests. This machinery should be responsible for integrated planning, right from the inception of any project besides the execution of welfare programmes.

Table No.9.1

List of Major and Medium On-going Irrigation
Projects in Tribal Sub Plan Area of Maharashtra
State

(Position as on 1-10-1988)

District	Name of the Project	Tahsil/Block to be benefitted	Percentage benefit to tribal area
1	2	3	4
<u>(A) Major Irrigation Projects</u>			
1. Thane	1. Surya	Dahanu, Jawhar, Palghar	89.00
2. Nasik	2. Upper Godavari	Tahsils from Nasik, Ahmadnagar and Aurangabad districts.	9.00
	3. Punad	Nasik	100.00
3. Bhandara and Chandrapur	4. Goshikhurd	Tahsils from Chandrapur and Nagpur districts	6.54
<u>(B) Medium Irrigation Projects</u>			
1. Thane	1. Bhatsa	Shahapur	39.50
	2. Wandri	Palghar	100.00
2. Nashik	3. Haranbari	Baglan	10.87
	4. Kelzar	Baglan	10.87
	5. Alandi	Nashik	44.50
3. Dhule	6. Aner	Shirpur	21.50
	7. Rangavali	Navapur	100.00
	8. Dehali	Akkalkuwa	100.00
4. Chandrapur	9. Chargaon	Warora	100.00
	10. Chandainalla	Warora	100.00
	11. Labansarar Nalla	Warora	32.60
	12. Amalnalla	Rajura	100.00
	13. Pakadigudam	Rajura	100.00
	14. Dongargaon	Chandrapur	81.11

Table No.9.1 (contd)

1	2	3	4
5. Gadchiroli	15.Karwappa Nalla	Gadchiroli	58.23
	16.Dina Nadi	Gadchiroli	31.43
	17.Chenna Nadi	Gadchiroli	100.00
6. Nanded	18.Nagazari	Kinwat)	10.00
	19.Loni	Kinwat)	90.00
	20.Dongargaon	Kinwat)	22.00
7. Yavatmal	21.Borgaon	Yavatmal	25.10
	22.Antargaon	Yavatmal	66.75

Source : Performance Budget 1988-89 - Vol.I (T.D.Deptt,
Government of Maharashtra, Bombay)

CHAPTER XGOVT. STRATEGY AND PROGRAMMESIntroduction

10.1 The assessment of the economic conditions of the tribals leads to pin point the factors responsible for low income and poverty. They can be enumerated and stressed as uneconomic holding, poor quality of soil in hilly and forest areas and traditional agricultural practices. Further lack of skill and limited monetary resources also act as a drag on their efforts to improve their economic condition.

10.2 The programmes of State Government are aimed at to improve their lot by passing special enactments, by allocation of cultivable waste land, culturable forest land and by providing financial assistance to them for the development of the land allotted and restored. The tribals are also encouraged to participate in mixed co-operative societies, Industrial Co-operative Societies, Forest Labour Co-operatives and Adiwasi Co-operative Societies. The various development programmes are being implemented through the sectoral schemes aimed at tribals alround and speedy development.

10.3 The mention of certain enactments which was special bearing on the development of tribals would not be out of place here.

a) Maharashtra Tribals economic condition
(Improvement) Act 1976

The Maharashtra Tribals Economic condition (Improvement) Act, 1976 envisages among other things, prohibition of :-

- i) Lending by private agencies, and
- ii) Marketing of certain agricultural and minor forest produce in the specified tribal areas by private agencies.

With the prohibition of private money lending in the tribal areas, under the provisions of Maharashtra Tribals Economic Condition (Improvement) Act, 1976 it has become necessary to provide credit facilities to the tribals for their consumption needs also. In view of this, the scheme of Consumption Finance has been introduced since 1978-79. Under this scheme the tribal cultivator is eligible for loan of Rs.250/- and the landless tribal family Rs.100/- in the lean period.

10.4 Maharashtra State Co-operative Tribal Development Corporation.

The State Government has appointed Maharashtra State Co-operative Tribal Development Corporation as a 'chief agent' for the purpose of buying specified agricultural and minor forest produce of the tribals. The Adivasi Co-op. Societies have been appointed as its sub-agents. It acts as a welfare cum marketing organisation for the tribals. Today, it is functioning as a chief instrument for the removal of the practices of economic exploitation in the tribal areas and particularly that of tribals. For achieving the objectives enshrined, the corporation undertakes the following types of activities.

- i) To purchase and sell agric./minor forest produce of tribals as an agent of the Govt. under the provisions of Maharashtra Tribals Economic Condition (Improvement) Act, 1976.

ii) To prepare and implement schemes either on its own accord or through individual beneficiaries for undertaking processing and such small scale industries in the tribal areas.

iii) To act as wholesale or retail distributor of consumer articles, like food-grains, clothes etc. for affiliated Adivasi Co-op. Societies (LAMPS) or on its own by opening retail shop.

iv) To act as an instrument of Govt. or any public undertaking or corporation in the tribal areas and carry out such functions as entrusted by the Govt. or other agencies.

10.5 Allotment of Surplus Land to Tribals

A scheme of allotment of waste land and surplus land to the landless families in general but preferably tribal landless families is currently implemented by the State Government in order to provide them a perpetual source of income and at the same time to confer the ownership rights in the lands. Under this scheme as much as 27904 landless families have secured the total land of 36,071 hec. The average area secured is computed as 1.29 hec. This will be clear from the Revenue division-wise picture of the landless families and the allotment of land to them.

Table No. 10.1

Divisionwise allotment of land to tribal families

Sr No.	Revenue Division	No. of tribal landless	(Position as on Sept. 1988)	
			Area allotted (Hect.)	Average area allotted per family (Hect.)
1	2	3	4	5
1.	Konkan	11,349	11,220	0.99
2.	Pune	819	1,281	1.56
3.	Nashik	2,804	4,248	1.51
4.	Nagpur	4,530	5,813	1.28
5.	Aurangabad	900	1,629	1.81
6.	Amravati	7,502	11,880	1.58

The data analysis in the above table indicates the the average land allotted to the tribal family is more in Aurangabad division followed by Amravati, Pune, Nashik and Nagpur division in their descending order. In Konkan Division, the average land allotted to the landless rests at 1 hect. only. The State average of land distribution to the individual landless family works out to 1.29 hec.

10.7 The review of schemes given below in respect of land reforms that are in operation will highlight the programme.

i) Grant of Financial Assistance to assignees of surplus land

The Maharashtra Agricultural Land (Ceiling on Holding) Act, 1961, which imposed a ceiling on agricultural holdings was brought into force with effect from 26th January 1962. The ceilings originally fixed were revised and was brought into effect since 2nd October 75.

The scheme for granting financial assistance to the allottees of surplus land has been in operation since 1975-76. The assistance to the extent of Rs.1000/- per hect. was being granted to the assignees of surplus land by way of subsidy. Since 1984-85, the quantum of assistance has been raised to Rs.2500/-. This financial assistance is provided for the construction of well, purchase of agricultural implements, development of land or afforestation.

Land is allotted to tribals from the Ceiling surplus land and Government waste land. Land is also restored to the tribals under Restoration Acts. The Revenue and Forest Department (Revenue) is concerned with the allotment of lands to the Scheduled Tribes. The main responsibility of ensuring possession of land

allotted/restored to the tribals is that of the Revenue and Forest Department and they are taking necessary action in the matter. The salient features of the schemes being implemented can be described as under -

ii) Schemes for financial assistance to the tribal tenant purchasers to pay off purchase price under Tenancy laws

Tenancy laws in force in the State confer ownership rights on the tenants in respect of the land in their cultivating possession as certain specified dates. For the purchase they are required to pay to the landlords purchase price as determined by the Agricultural Lands Tribunals. By and large purchase price so fixed ranges between 60 to 100 times of agricultural assessment of the land in the backward areas.

For enabling tribals to pay the price, the scheme was undertaken in 1976-77. Under this scheme financial assistance is given to the tribal tenant purchases as mentioned below. The assistance given comprises of loan and subsidy components ^{proportionately}. A loan component consists of an amount equal to 6 times the assessment plus interest due on the purchase price of the land. The loan is interest free and is repayable in 12 annual instalments. The subsidy cover given consists of the amount equal to the balance purchase price of the land.

All the tribals tenant purchases residing in T.S.P. as well as O.T.S.P. area are eligible for the assistance.

iii) Financial assistance under Maharashtra Restoration of Land to S.Ts. Act No. XIV of 1975

Another scheme of financial assistance is being implemented for the tribals who have been restored land under Mah. Act. No. XIV of 1975. The Maharashtra

Restoration of lands to Sch. Tribes Act, 1974 (Mah. XIV of 1975) provides for restoration to tribal his land lawfully alienated to a non-tribal between the period from 1st April 1957 to 6th July 1974.

For the restoration of land, the law requires the tribal to pay to a non-tribal an amount equal to 48 times of the assessment of the land plus the value of improvement made, if any, by the non-tribal in the land as determined by the Tahsildar.

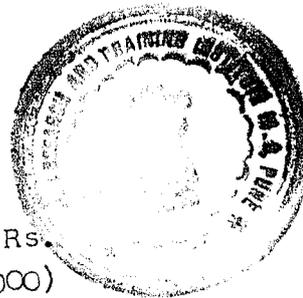
With a view to enable the tribal to pay the above amount to the non-tribal, a scheme of financial assistance has been implemented in the State since 1976-77. Under this scheme the financial assistance is given to the tribals in the form of loan and subsidy. The loan amount equals to six times the assessment of the land plus the value of improvement if any. The loan is interest free and repayable in 12 annual instalments. The subsidy portion covers the amount equal to 42 times the assessment of the land.

Initially the scheme was restricted to the tribals living in the Sub Plan Area but now it has been extended in Feb. 1984 to the tribals outside in the T.S.P. area. About 3000 tribals in the T.S.P. area and 8000 tribals from the O.T.S.P. are eligible to get the assistance under the scheme.

A schematic bird's eye view of the financial assistance given to the tribals in the form of loan and subsidy during the years 1985-88 is presented in the table below :-

Table No. 10.2

Schematic expenditure during 1985-88 to
(Rs. in '000)



Sr No.	Scheme	Expenditure			No. of bene- ficiaries
		Loan	Subsidy	Total	
1	2	3	4	5	6
1.	Financial assistance to tribals for restoration of alienated land	205	169	374	870
2.	Financial assistance to tribal tenant purchases to pay off purchase price under tenancy laws	93	261	354	458
Grand total		298 (40.93)	430 (59.07)	728 (100.00)	1328

The data appraisal in the above table points out that the expenditure on account of subsidy and loan accounted for about 60 and 40 percent respectively of the total expenditure incurred during the period 1985-86 to 1987-88. It is clear that expenditure on account of subsidy granted is more than the loan amount. The 1328 beneficiaries availed benefits under the scheme in the review period.

Information and Publicity

- 10.8 Besides, the financial assistance to the tribals the State Government have not lost sight of the educative aspect of the tribals. The publicity material in the form of pamphlets, and booklets titled "Release of Tribal Land" was prepared and circulated for the enlightenment of the tribals/tribal workers to rouse their interest in the matter. The Revenue Department arranged special campaign to

attain the quick and summary disposal of cases under the Restoration Acts. The spectacular result was achieved on the strength of it.

10.9 Legal Aid

Since the tribals are ignorant and illiterates and find it difficult to safeguard their interests in the Court of Law, they have been provided with the free - legal aid in the problems faced by them.

10.10 The following schemes as to legal aid are in operation in the State.

i) Under the Maharashtra Legal Aid to Backward classes rules 1963, legal aid is extended to backward class persons whose annual income does not exceed Rs.5000/-, the term backward classes includes S.Cs./ S.Ts. and N.Ts.

ii) Maharashtra State Legal Aid and Advice Scheme 1971.

10.11 Presidential Order for Benami transactions

With a view to curb down the enormous proportion of Benami transactions concerning tribal lands, the President of India has promulgated an Ordinance on 19th May 1988 to prohibit to non tribal from recovering the land/property from the tribals under such transaction or dealing.

10.12 In addition, the tribal families are given priority in the schemes implemented under the I.R.D.P. Nucleus Budget and new 20 point programmes. The State Government thus takes an utmost care in the formulation implementation and execution of the developmental programmes for the upliftment of tribals.

10.13 In the lean period of the year, the tribal families are given loans in the form of cash and kind. But some of the tribals because of their poor economic conditions were not in position to repay the loan amounts. This State of affairs rendered them ineligible to get the financial assistance from other source of credit because of their default in repayment. With a view to overcome the crucial situation the Government, after reviewing the position, decided to write-off the loan amount given to the tribals during the period from 1978 to 1988. The State Government decision benefitted 1.45 lakh tribal families and absorbed them from the debt burden to the extent of Rs.2.46 crores.

CHAPTER XI
OBSERVATIONS

11.1 The tribals generally transferred their piece of land for the consumption needs and for performing social obligations such as marriage and death ceremonies and festivals.

They also parted with the land for the repayment of private as well as Government loan. The need and necessities of the tribal family act as a compelling or driving force for parting away the land.

11.2 The per capita income of the surveyed tribal family based on current prices was come to Rs.846/- as against the State per capita of Rs.3793/- the per capita expenditure of the tribal family worked out to Rs.784/- as against state average of Rs.1761/-.

11.3 The average size of land possessed by a tribal family was about 5 acres.

11.4 The proceeds realised on account of the acquisition of land by the Govt. was found comparatively more than other modes of transfer such as sale or mortgage.

11.5 Benami Transactions

During the field enquiry it was revealed that a good deal of transfers were in the form of 'Benami' transfers which were executed under the financial strain of the circumstances by the tribals. The poor economic condition of the tribal families constrained them to enter into such transaction in general. In certain cases the socio economic conditions, of the household much below the subsistence level favoured such transfer deeds.

- 11.6 The majority of the tribal families (70%) had little knowledge about the land legislations.
- 11.7 It is observed that the district/tahsil level Revenue authorities arranged a special campaigns for restoring the land to the tribals. They also acted promptly in the disposal of such cases. However, the tribals' meek and amicable surrender and submission of land after restoration to the non-tribals in certain cases put the progress on low gear.

11.8 Tribals attitude towards restoration

It is observed that the attitude of the tribals toward the restoration is not responsive/resourceful. The tribal households evinced little interest in personal cultivation of land. The reasons assigned for not going into the personal cultivation of land ordered to be restored were mostly concerned to the economic conditions and want of agricultural input/implements etc. Besides, the absence of strong will of ascertain to go in for personal cultivation of suit land was noticed on the ground that the suit land has been transferred by the father or other elderly brothers some years ago and now the present respondents do not want to go against will of the father or the brother as the case may be. There was negation of ascertain of will against taking possession of suit land.

- 11.8 A good deal of registered cases were located in Thane, Dhule, Nashik districts from Sahyadri region and Bhandara, Yavatmal, Gadchiroli and Chandrapur district from Gondwan region.

11.9 In all 60% of the cases were summarily disposed of against the tribals. It is pointed out that they could preclude the decision otherwise. They could have been adjudged in favour of tribals provided -

1) They could have been given chance to produce document or evidence as required.

2) They could have been given more opportunities to appear for hearing and then disposed of their case;

3) They could have been guided properly to follow the legal formalities under the Acts,

4) They could have been convinced for personal cultivation of suit land after restoration;

5) They could have been insisted for representing the cases in a court of law or to the authorities concerned.

Naturally these cases presumably call for special treatment and a review in order to prevail the justice to the tribals who had alienated the land but deprived of the possession on restoration because of the perverted decision by the Revenue Authorities in the matter.

11.10 Hindrances in the disposal of cases

It is further observed that the implementation of the provisions under the protective enactments met with the number of hurdles and hindrances, because of the filing of writ petitions by the non tribals in the case of eviction proceeding instituted against them. The stay orders granted by the courts impeded (prolonged) the legal proceedings concerning the restoration of land to the tribal households.

11.10 a) It is observed that as much as 32% tribal families secured paper as well as physical possession of suit land. The actual (physical) possession of land was given to about 33% of the families while 35% families were devoid of physical possession but had possession on paper only.

b) Wide gap between defacto-dejure possession

It is further observed that there existed a wide gap in the defacto and dejure possession of suit land. Accordingly the records of right and mutation entries effected on restoration remained unaltered. In some cases the land was found to be in actual possession of the tribals while the records of rights showed the position otherwise. Secondly, the cases were seen where the possession of land ordered to be restored was not handed over by the non tribals to the tribals. No records of right were changed accordingly. The dejure and defacto possession was enjoyed by the non tribals despite the restoration orders. The complexities in the defacto and dejure possession of suit land were commonly observed.

c) Voluntary surrender by tribal to non-tribal

With the result under the stress of peculiar circumstances the tribal respondents duly put in the possession of suit land on restoration voluntarily surrendered to the non-tribals who then were cultivating his land now again cultivate the land as usual. Naturally the suit land despite restoration proceedings completed remained in the actual possession of non-tribals leading to the admixture of defacto and dejure possession of tribal land by the non-tribal households.

11.10 d) In certain cases it was observed that the non - tribals having political influence and local esteem still continued to be in possession of the tribal lands. The tribal respondent being helpless remained meek and mute without ascertaining against exploitation.

11.11 The major source of credit to the tribal was noticed as Bank (63%) and the co-operative society (22%). The average loan advanced by the credit institution per family amounted to Rs.1045/-. The tribal family could not incur any expenses for proper restoration of land. But the litigation costed him roughly between Rs.500/- to Rs.600/-.

11.12 The assessment of the previous linkages with the non tribal cultivator indicates that in as much as 88% cases, there existed no linkages. But only in respect of 12% cases there was some sort of linkages.

11.13 Economically better off reaped benefits on restoration

It was observed that amongst the tribals who were put in economically better - off condition as compared to their counterpart could reap more benefits on the restoration of land to them.

11.14 Difficulties faced on restoration of land

On the restoration of suit land to the tribal households, the following difficulties were faced by them.

a) Having taken over the possession of land, the tribal cultivators had no requisite agricultural inputs, agricultural implements for carrying out immediate agricultural operations.

b) Secondly, the respondents were not having the bullocks for personal cultivation of the land restored to him.

c) The respondent households were found short of credit for the purchase of agricultural input such as improved seeds/fertilisers or even to pay off the charges of agricultural operations such as ploughing or sowing harvesting etc.

d) Having put under the adverse economic conditions and heavy pressure of non credit or economic inability and the local peculiar political situation, the tribals dissuaded themselves from the personal cultivation of the suit land. The requisite lands of personal cultivation by the tribal respondents executed to the tahsil level authorities did not carry any spirit of letters.

e) It was further observed that a piece of the suit-land was very small and inferior in quality and hence it was not economical for cultivation in the existing situations. So the tribal respondent did not want to pursue the personal cultivation of the land so restored to him.

f) It was found that the old age and ill-health in some cases put a bar for preferring the personal cultivation of the suit land while in other cases the want of legal heirs to the property was the stumbling block in the restoration process.

11.15 Extent of land alienation as to area/family

The extent of tribal area alienated as per the estimation works out to 27.52% as per the lower value and 32.38% higher value. The estimation as to the

tribal families involved in the land alienation process arrives at 42.32% as the lower limit and 62.80% as the higher limit.

11.16 Want of upto date land records.

It was observed that the enormous extent of tribal land alienation could be attributed to the improper - maintenance of land records.

The update land records play a vital and crucial role in ensuring the proper preventive check on transfer of land. The land records were inadequately maintained. Such records prove problem in ascertaining the right/claim over the land. Being illiterate and ignorant of land laws and procedure the tribals fail to safeguard their interest in lands.

11.17 Preventative check through registry.

It has been observed that the sub-registrar's office (Registry) did not exercise proper check to the enquiries into whether the land belonging to tribals were being transferred or otherwise. The proper check at the registration of transfer deed would have deterrent effect on the transfer of land from tribals to non tribals.

11.18 Non-tribals adverse claim of caste.

It was also observed that the non-tribal occupant professed himself to be the 'tribal' and thus claimed the advantages under the provision of the protective enactment meant for the tribals. Thus the problem of pseudo tribes hampered the disposal of the cases under the perview of the restoration Act.

11.19 Non-tribal enjoying usufructuary benefits.

It was observed that the tribal debtor leased out his land against loan from the so-called non tribal money lenders not strictly called as the money lenders who have been registered under the money lenders Regulation Act. The non tribal thus were allowed to

enjoy the usufructuary benefits for the certain fixed period during which the defacto possession of tribal land passed into the hands of the non-tribals without disturbing the legal titles of the tribals.

11.20 Tracing out the non-tribal in illegal transfers

It was further noticed that the non-tribal belonging to the adjoining villages or the village merchant through Co-operation of non tribals some how managed to get the tribal land transferred or leased out on certain conditions or stipulation. Thus the category of non - tribals involved in illegal land transfers that operated in the tribal areas could be traced out as the well-to-do non tribal families having political influence in the village.

11.21 Allotment of surplus land and financial assistance

The State Government have not only restored the tribals with the land under Restoration Act but also allotted the surplus land or Govt. waste land. The average area allotted to a tribal family worked out to 1.29 hectares. The schemes of financial assistance to the assignees of surplus land as well the tribals who have been restored land are being implemented vigorously.
/The tribals have reaped the advantage if these schemes in full measure.

11.22 Consumption finance

It is observed that effect of Maharashtra Economic condition (improvements) Act has very much conducive in improving the lot of the tribal families. They have been relieved of the clutches of the private money lenders and traders. Their consumption needs and other

social needs are provided through the consumption finance which is operated by the Maharashtra State Co-operative Tribal Development Corporation.

11.23 Legal aid and advice scheme

Though the schemes of Legal Aid and Advice to the backward classes are under way in the State the tribal families did avail partial advantage out of the scheme. This may be due to the scant publicity of the schemes meant for the tribals. The wide publicity of such schemes is imperative. The State Government have made a laudable efforts in tackling the land alienation problem by legal measures as well as fiscal measures.

CHAPTER XIICONCLUSIONS/SUGGESTIONSIntroduction

12.1 It is a fact that Maharashtra State has been reorganised after consolidating the parts of neighbouring areas of Madhya Pradesh, Hyderabad, Khandesh Mahawassi Estates which were the part and parcel of different former States and Estates. Naturally several Tenancy Acts came into force in Maharashtra after reorganisation of State. The earlier Bombay Land Revenue Code 1879 and subsequent Bombay Tenancy and Agricultural Act 1948 made no special provision to check alienation of tribal land. However, the general provisions included later in the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act 1958 provided that in backward areas, which include "Scheduled Area" different economic holdings and ceiling areas have been fixed. In these areas different minima and maxima in respect of the purchase price payable to their landlord have been prescribed." "This was in keeping with a view to deal the peculiar agro-economic situation of tribal areas of the State.

12.2 The State Government have provided the adequate legal protection to scheduled tribes land holders against the unwanted transferer of land to non-tribals by enforcing Maharashtra Land Revenue Code 1966 with effect from 15th August, 1967. Section 16 of the Maharashtra Land Revenue Code protects the interest of Scheduled Tribes against alienation of their land. Besides, the Maharashtra Restoration of lands to Scheduled Tribes Act 1974 allowed a positive step for restoration of land to the Scheduled Tribes which have been alienated by them before 1974.

12.3 The legal provisions under the different enactments have, to some extent, failed to safeguard the interests of tribals and the tribal land in the State. It is, therefore, proposed that the following necessary steps may be taken -

1) The modifications in the provisions of Indian limitation Act are necessary so that the period of limitation may be increased to 30 years giving benefit to tribals to restore their lands.

2) No leasing of tribal land be allowed.

3) Tenancy laws merely protect the interests of tribal land holders. They must equally provide the adequate protection to the then tribal tenants who surrendered the land to the non-tribals under the Act.

4) Voluntary surrender of land by the tribal to non-tribal after due restoration be made ineffective (Null and void) in the eye of law.

5) The payment of compensation to be paid to non-tribal cultivator should be given in lump-sum amount. That may be help to create a congenial atmosphere in the social fabrics of the village. The present provision of payment in instalments to the non-tribals has created the tense situation causing social insecurity for the tribals. Thus the provision of payment of compensation /price of land, Land improvement charges in lump-sum to the non-tribals may go a long way in ensuring easy going atmosphere for the development of tribals.

6) The legal transactions in respect of tribal lands effected from 1st April 1947 instead of 1st April 1957, may be brought under the purview of the Restoration Act.

12.4 Enhancing Consumption Finance Limit :

Under consumption finance scheme, the tribals are given loans upto Rs.250/- in the form of cash and kind the percentage being 30 and 70 respectively. Even the land-less tribals get loans upto Rs.100/-. In view of the changing circumstances and rising prices it is proposed that the substantial increase in the financial assistance becomes necessary.

12.5 Suo-moto Action preferred

Despite the special campaign for the disposal of tribal land alienation cases by the Revenue Department and the distribution of the booklet entitled "Release of tribal land", the tribal families, do not seem to have been sufficiently enlightened on the subject. With the result a bulk of the cases of tribal land alienation has not been reported to the Government. Further in large no. of cases the tribal themselves aware of such alienation effected by their ancest-ors. It is therefore quite necessary to conduct field enquiries by the State Govt. The suo-moto actions initiated by the enquiry officers may also be continued for effective restoration of land to tribals.

12.6 Project Officer ITDP with Suo-moto

It is further proposed that the Project Officers of the Integrated Tribal Development Project may be saddled with the responsibility of such enquiries to deliver the good in the matter.

12.7 Review of 'dropped' cases

The official records point out the large no. of cases under "dropped" category. "It is presumed that these cases would be ^{adjudged} in favour of the tribals

if the certain" provisos are complied with. It is, therefore, proposed that the cases which have been summarily "dropped" and hence "decided" may be reviewed by the "special cell" at Tahsil level so as to find out the truth and in the cause of justice to the tribals. Again, the project officer I.T.D.P. may be associated in the review task.

12.8 Fictitious caste records investigation

It has been observed that the non-tribals have got executed the fictitious affidavits from the tribal households that they do not belong to Scheduled tribes on the strength of this fictitious declaration about the caste from the real tribals the non tribals have grabbed the tribal lands. Such cases need to be investigated on priority basis. The District Revenue Authorities initiative action in the matter will achieve better result.

12.9 Barring of Civil Courts from trial/stay

It is suggested that the Civil Courts and related courts may be barred from trying the cases under land transfer regulations specially made for the tribal communities. Thus the stay orders granted by these Courts will **not** impeditment the legal proceedings concerning restoration of alienated land to the tribals.

12.10 Stress on economic upliftment

The main reason for land alienation is attributed to general economic condition of the tribal households which very often are not in a position to retain the small land holdings of uneconomical nature he is tempted to sell out the land for the immediate and

pressing socio-economic problems such as marriage, illness and other social obligations. The temptation in this regard assumes greater proportion in the fact of increasing prices following unbanisation and industrialisation in the tribal areas on the one hand and exploitation by village traders and money-lenders on the other. It is obvious that the enforcement of land laws will not help in solving the problem unless there is general improvement in the economic condition of the tribals. The stress on economic upliftment of the tribal families will pave the way for headway.

12.11 Package programme of economic assistance

A package scheme of economic assistance need to be formulated and implemented on the priority basis for the tribal cultivators after restoration so that they will not surrender their land to big landlords or village farmers to obtain financial help for personal cultivation of land so restored. The package scheme must cover the agricultural inputs/implements and easy credit through bank or society.

12.12 Crop insurance in full

The facility of crop insurance in full may also be extended to the tribals in the initial stage of restoration in order to protect them against the failure of crops.

12.13 Programme of functional literacy

The exploitation of tribals stems from their illiteracy and consequent upon the lack of knowledge of legislation and other executive measures which have been taken to improve their lot. It is, therefore, necessary to undertake a programme of functional

literacy through non-formed educational means in the remote tribal areas. At the same time, the publicity campaigns with audio-visual aids should be employed to explain the implications of the legislative measures adopted by the Government to check the land alienation and eliminate exploitation.

12.14 Association and encouragement to Voluntary Agencies

It would be proper to mention here that the association of social workers and some voluntary organisation in the problem of tribal alienation has yielded good results and the tribal families were restored possession of land with standing crops. This spectacular result was achieved by Thane district Bhumi Sena in August 1970. So it is desirable that the voluntary organisation and the social workers association may be sought to eradicate the social evils and bring about social reforms in the tribal communities. They are required to be encouraged.

12.15 With a view to effective implementation of the provisions in land revenue code and to facilitate detection of the transfer of tribal land to non-tribal the State Govt. in Jan. 1982 directed all the Collectors that under Section 36 and 36(b) of Maharashtra Land Revenue Code, the entry regarding the tribal land in other columns must be manifested in VF VII and XII. But it is observed that such entries have not so far been taken in all cases. The entries must be taken in village form VII/XII of all the tribal land owners.

12.16 Steps for annulment of transactions of mis-use of tribal land

In the past, the tribal lands were sold to non-tribals after obtaining the prior permission from the authorities concerned. Such permissions were granted for the specific purpose laid down in the enactment.

Some test checks may be carried out by the District authorities to find out if such lands have been made use of, for the different purpose for which specific permission was not granted. If it is found that the tribal lands acquired for the specific purpose are misutilised, the steps for annulment of such transactions may be initiated. The lands acquired for industrial purpose but not put through may be restored to original owner. Instead he may be provided alternative land.

12.17 Elimination of procedural delay in records of right

The defacto and dejure possession of the land on restoration by the tribal households need to be peacefully enjoyed. The records of rights therefore must be updated promptly in each case of restoration so the existing wide gap in the actual possession as well as the legal possession can be bridged conveniently. The revenue authorities at the local level need to exert more care in this regard. The special treatment for tribal cases may prove fruitful. Procedural delays may be eliminated.

12.18 Set up special cell at Block-level to deal atrocities under political garb

With a view to curb down the tendency of suppression of the tribals under the political influence or otherwise and usurping the tribal land by the non-tribals, it is proposed that a special cell at Block Level may be constituted to deal with such cases on priority basis.

The helplessness of the tribals in the matters of land alienation needs to be brushed **raise** at the earliest so they will raise their voice against exploitation by the local elements.

12.19 Setting up special machinery to gear up disposal of cases

The problem of pseudo tribes needs to be tackled through the special machinery to gear up the work of disposal of land alienation cases. Some penal punishment in case of false profession of tribe may be prescribed.

12.20 Release of Social or community lands

The social or community lands seem to have changed the hands during the course of time and now are in the custody of non-tribals who are politically stronger. In the context, it is suggested that these "community lands" should be released from the so-called non tribal owners and restored to the tribal landless families. Such corrective action is rather imperative. It is, therefore necessary to trace out such transfers and examine their feasibility in the broader interests of the tribal community.

12.21 Compensation to tribal owner during restoration period

It is observed that even though tahsildar issues order of restoration of land to tribal owner, still the land is not handed over to him years together due to one and the other reason or purposely. During this period tribal has to be deprived of the income of this land while non tribal is taking advantage. There is no provision in the Restoration Acts to provide compensation to tribal owner. It is suggested that the Act may be modified accordingly so that tribal owner would be benefitted.

12.22 Removal of administrative defects

The orders of restoration of land to tribals and compensation to be paid to non tribals are not issued simultaneously or at one time. It has resulted

friction between land transferer and transferee. It is therefore suggested that the order of restoration of land to tribal and compensation of land to be paid to non tribal should be issued at one time to avoid conflict.

12.23 Removal of Loopholes in the Maharashtra Land Revenue and Tenancy Laws and Laws of Restoration of Tribal Land

The following loopholes are observed in the Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act 1974 regarding invalid transactions.

1) If the tribal tenant surrenders the land with his own will and wish, the land goes back to non tribal.

2) If the landlord terminates the tenancy of tribal cultivator the tribal tenant has no right on the land.

3) If the tribal denies to purchase the land on the tiller day, the land is given back to the non tribal.

It is therefore suggested that necessary provision in the said Act may be made so that land can be allotted to needy tribal in the area only, instead of giving back to non tribal. By doing so, land of the tribal would be remained with tribal only and there will be restriction on alienation of land from the tribal to the non tribal.

12.24 Safeguard of interest of tribal from losing his land on account of arrears of payment

The tribals are economically very weak. Sometimes they are not able to pay the instalments of land value fixed. Hence they are treated as defaulter on account of arrears of payment. Under such circumstances tribals have to lose their land. There is no provision in the Act to safeguard the interest of the tribals.

It is therefore suggested that the provision which would safeguard the interest of the tribals may be made in the Act i.e. 'the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Mah.14 of 1975). So that under no circumstances tribal would loose his land on account of failure in paying the amount or instalments of the payment.

The amount of arrears may be recovered from the tribal either by suitable instalments or it should be paid by Government in the form of loan or subsidy. So that poor and needy tribal would not suffer in the land matter.

12.25 Right on leased land by tribal

The Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act 1974 (Mah.35 of 1975) and The Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Mah.14 of 1975) do not hold good in case of leased land. The laws may be made applicable in the case of leased land of the tribals also, so that the tribals cultivating land years together, on lease could be benefitted.

STATISTICAL
STATEMENTS



Table No.1

Extent of Tribal Land Alienation in Maharashtra (1987)No. of villages surveyed

Sr No.	District	Tahsil	No. of villages covered	No. of households contacted
1	2	3	4	5
1.	Thane	1) Wada	2	108
		2) Shahapur	2	138
District Total			4	246
2.	Nashik	3) Nashik	2	110
		4) Niphad	4	112
District Total			6	222
3.	Dhule	5) Nandurbar	3	119
		6) Shahada	1	50
		7) Akkalkuwa	2	192
District Total			6	361
4.	Yavatmal	8) Pusad	3	183
5.	Bhandara	9) Deori	2	193
6.	Chandrapur	10) Rajura	2	134
Grand Total 167			23	1339

Table No.2

Extent of Tribal Land Alienation in Maharashtra (1987)Districtwise/Tahsilwise villages and households surveyed

Sr No.	District	Tahsil	Name of selected village	No. of household surveyed in the village
1	2	3	4	5
1.	Thane	1. Shahapur	Dahigaon	66
		2. Shahapur	Shirol	72
		3. Wada	Abje	57
		4. Wada	Khaniwale	51
2.	Nashik	5. Nashik	Talegaon (Anjani)	54
		6. Nashik	Pimpri Sayyad	56
		7. Niphad	Mukhed	23
		8. Niphad	Pimpalgaon (Baswant)	39
		9. Niphad	Narayangaon	8
		10. Niphad	Chandur	42
3.	Dhule	11. Nandurbar	Bhivadi	14
		12. Nandurbar	Dhewa	100
		13. Nandurbar	Ashte	5
		14. Shahada	Chikhali Bk.	50
		15. Akkalkuwa	Korai	96
		16. Akkalkuwa	Khapar	96
4.	Yavatmal	17. Pusad	Belura	53
		18. Pusad	Mukhed	88
		19. Pusad	Adgaon	42
5.	Bhandara	20. Deori	Chikha	99
		21. Deori	Palasgaon	94
6.	Chandrapur	22. Rajura	Mangi	63
		23. Rajura	Pachgaon	71
			Total	1339

Table No.3Extent of Land Alienation in Maharashtra (1987)No. of families of Scheduled Tribes Surveyed according to each tribe.

Tribal Community	District						Total
	Thane	Nashik	Dhule	Yavat- mal	Bhan- dara	Chand- rapur	
1	2	3	4	5	6	7	8
1. Bhil	-	4	361	-	-	-	365
2. Gond	-	-	-	-	136	134	270
3. Koli Mahadeo	33	218	-	-	-	-	251
4. Andh	-	-	-	183	-	-	183
5. Koli Malhar	79	-	-	-	-	-	79
6. Halba	-	-	-	-	57	-	57
7. Thakar	56	-	-	-	-	-	56
8. Katkari	49	-	-	-	-	-	49
9. Warli	29	-	-	-	-	-	29
Total	246	222	361	183	193	134	1339

Table No.4

Extent of Tribal Land Alienation in Maharashtra (1987)Tribewise literacy percentages amongst sample tribal households.

Name of Tribe	No. of households	No. of members according to category			Total	Literacy percentage
		Illiterates	Literates	Formerly educated		
1	2	3	4	5	6	7
Bhil	365	1591	339	--	1930	17.56
Gond	270	887	223	--	1110	20.09
Koli Mahadeo	251	1024	467	--	1491	31.32
Andh	183	630	195	--	825	23.64
Koli Malhar	79	278	127	--	405	31.36
Halba	57	208	119	--	327	36.39
Thakar	56	241	41	--	282	14.54
Katkari	49	201	22	--	223	9.87
Warli	29	141	40	--	181	22.10
Total	1339	5201	1573	--	6774	23.22
Percentages with total		(76.78)	(23.22)	(0.00)	(100.00)	

Sr No.	Tribe	Total No. of house holds	No. of households in sample depending on main occupation as					Total	No. of households in sample depending on subsidiary occupation as				
			Agri. Cultivator	Agri. Labour	Ser-vice	Trad-ing	Agri. Cultivator		Agri. Labour	Service	Trading	Total	
1.	Bhil	365	150	205	8	2	365	20	102	1	4	127	
2.	Gond	270	237	25	7	1	270	3	120	2	1	126	
3.	Koli Mahadeo	251	88	136	27	-	251	43	38	5	2	88	
4.	Andh	183	158	24	1	-	183	3	52	2	-	57	
5.	Koli Malhar	79	58	19	2	-	79	2	40	-	-	42	
6.	Halba	57	55	2	-	-	57	-	9	-	-	9	
7.	Thakar	56	36	15	5	-	56	6	8	-	-	14	
8.	Katkari	49	10	39	-	-	49	9	7	-	-	16	
9.	Warli	29	16	13	-	-	29	8	7	-	-	15	
Total		1339	808	478	50	3	1339	94	383	10	7	494	
Occupational Households Percentages		X	(60.34)	(35.70)	(3.73)	(0.23)	(100)	(19.03)	(77.53)	(2.02)	(1.42)	(100.00)	

Table No. 6

Extent of Tribal Land Alienation in Maharashtra - occupational distribution of major tribes in percentages

	No. of households in sample depending on main occupation in percentages according to tribe										Tribal Community as a whole
	TRIBE										
	Bhil	Gond	Koli Mahadeo	Andh	Koli Malhar	Halba	Thakar	Katkari	Warli		
1	2	3	4	5	6	7	8	9	10	11	
1. Agriculture Cultivator	41.10	87.78	35.06	86.34	73.42	96.49	64.29	20.41	55.17	60.34	
2. Agriculture Labour	56.16	9.26	54.18	13.11	24.05	3.51	26.79	79.59	44.83	35.70	
3. Service	2.19	2.59	10.76	0.55	2.53	-	8.92	-	-	3.73	
4. Trading	0.55	0.37	-	-	-	-	-	-	-	0.23	
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	

Table No.7Percent of Tribal Land Alienation in Maharashtra (1987)Annual Income of the families surveyed.

Source of Income	Total (Rs.)	Percentage to Total Income
1	2	3
(a) Land	27,20,830	47.50
(b) Employment (Regular)	6,43,760	11.24
(c) Wage earning	22,53,669	39.33
(d) Artisan Works	26,200	0.46
(e) Veterinary and Animal Husbandry	45,010	0.79
(f) Any others	38,900	0.68
Total	57,28,369	100.00

Per capita income - Rs.845.64

Table No.8

Study of Extent of Tribal Land Alienation in Maharashtra
 ----- (1987) -----

Annual Expenditure of the families surveyed (1987)

Item of expenditure	Total (Rs.)	Percentage to Total expenditure
1	2	3
(a) Food	36,30,715	68.35
(b) Clothing	7,04,060	13.25
(c) Housing	1,76,150	3.32
(d) Health	1,37,770	2.59
(e) Education	61,085	1.15
(f) Rituals	1,14,065	2.15
(g) Social functions	1,76,218	3.32
(h) Litigation	84,790	1.60
(i) Household durable consumer goods	1,93,975	3.64
(j) Others	33,480	0.63
Total	53,12,308	100.00

Per Capita expenditure Rs.784.22

Land Holdings and Areas of Selected households

Item or type of Land	Total Holdings		0 to 1 acre		1 to 2.5 acres		2.5 to 5 acres		Above 5 Acres	
	No. of Holdings	Ac. Gu	No. of Holdings	Ac. Gu	No. of Holdings	Ac. Gu	No. of Holdings	Ac. Gu	No. of Holdings	Ac. Gu
1	2	3	4	5	6	7	8	9	10	11
Dry Land	1283	6599-03	399	42-36	165	285-08	256	930-01	463	5340-38
Wet Land	56	231-29	8	2-05	26	61-10	9	32-16	13	135-38
Hum Land (Shifting cultivation)	-	-	-	-	-	-	-	-	-	-
Homestead Land	-	-	-	-	-	-	-	-	-	-
Garden Land	-	-	-	-	-	-	-	-	-	-
Fallow Land	-	-	-	-	-	-	-	-	-	-
Others	-	-	-	-	-	-	-	-	-	-
Total	1339	6830-32	407	45-01	191	346-18	265	962-17	476	5476-36

Table No. 9A (Item No. 9)

Land Alienation in Maharashtra (1987)

Districtwise land holdings and Areas of selected families in the sample

Type of Land District	Total Holdings 0 to 1 acre		1.1 to 2.5 acres		2.6 to 5 acre		Above 5 acres			
	No. of holdings	Area Ac. Gu.	No. of holdings	Area Ac. Gu.	No. of holdings	Area Ac. Gu.	No. of holdings	Area Ac. Gu.		
2	3	4	5	6	7	8	9	10	11	12
A - Dry Land										
Thane	246	989-34	109	25-29	25	51-30	55	222-05	57	690-10
Nasik	171	453-39	75	9-29	33	57-34	34	114-03	29	272-13
Dhule	356	1604-39	146	6-00	27	47-11	69	257-13	114	1294-15
Yavatmal	183	1085-08	33	(N)	6	12-28	38	141-20	106	931-00
Bhandara	193	496-38	31	1-18	73	113-20	46	134-00	43	248-00
Chandrapur	134	1968-05	5	-	1	2-05	14	61-00	114	1905-00
Total (A)	1283	6599-03	399	42-36	165	285-08	256	930-01	463	5340-38
B - Wet Land										
Nasik	51	206-29	8	2-05	25	59-10	7	25-16	11	119-38
Dhule	5	25-00	-	-	1	2-00	2	7-00	2	16-00
Total (B)	56	231-29	8	2-05	26	61-10	9	32-16	13	135-38
Total (A)+(B)	1339	6830-32	407	45-01	191	346-18	265	962-17	476	5476-36

Table No. 10. Item No. 10

Tribal Land Alienation in Maharashtra (1987)
Land transferred to non-tribals

Sr No.	Type of Land	Land possessed on the date of survey Acres Gunthas	Land transferred to non tribals in acres Acres Gunthas	Total holding of the families Ac Gu.	Percentage of land transferred to total holding
1	2	3	4	5	6
1.	Dry Land	6599-03	3502-36	10101-39	34.68
2.	Wet Land	231-29	129-35	361-24	35.92
3.	Jhum Land	-	-	-	-
4.	Home Stead Land	-	-	-	-
5.	Garden Land	-	-	-	-
6.	Fallow Land	-	-	-	-
7.	Other	-	-	-	-
	Total	6830-32	3632-31	10463-23	34.72

Table No. 10(a) (Item No. 10)

Tribal Land Alienation in Maharashtra (1987)Districtwise land transferred to non tribals in the selected sample

Sr No.	District	Land possessed on the date of survey	Land transferred	Total holding of the family	Percentage of transferred land to total holding
		Acres-Gunthas	Acres-Gunthas	Acres-Gunthas	
1	2	3	4	5	6
<u>A) Dry-Land</u>					
1.	Tthane	989-34	1085-00	2074-34	52.29
2.	Nasik	453-39	191-19	645-18	29.66
3.	Dhule	1604-39	832-12	2437-11	34.15
4.	Yavatmal	1085-08	453-00	1538-08	29.45
5.	Bhandara	496-38	188-05	685-03	27.67
6.	Chandrapur	1968-05	753-00	2721-05	27.67
	Total (A)	6599-03	3502-36	10101-39	34.68
<u>B) Wet Land</u>					
1.	Dhule	25-00	23-00	48-00	47.92
2.	Nashik	206-29	106-35	313-24	34.08
	Total (B)	231-29	129-35	361-24	35.92
	Total (A)+(B)	6830-32	3632-31	10463-23	34.72

Table No. 11(A) (Item No. 11)

Tribal Land Alienation in Maharashtra (1987)

Total Land Alienated by different forms amongst Tribal to tribal, Tribal to non-tribal and tribal to others (Area in Acres)

Sr No.	Form of Alienation	Extent (area in acres)	Category of Land	To whom alienated and how much			
				Tribal	Non tribal	Govt. Others	
1	2	3	4	5	6	7	8
1.	Sale	1854 16 1870	Dry Wet x	-	1854 16 1870	-	-
2.	Mortgage	302 48 350	Dry Wet x	-	302 48 350	-	-
3.	Lease	1119 20 1139	Dry Wet x	-	1119 20 1139	-	-
4.	Encroachment	54 42 96	Dry Wet x	-	54 42 96	-	-

	1	2	3	4	5	6	7	8
5. Public purpose								
a) Dry		67		Dry			67	
b) Wet		1		Wet			1	
c) Total		68		x			68	
6. Voluntary Organisations								
7. Others								
a) Dry		106		Dry		106		
b) Wet		3		Wet		3		
c) Total		109		x		109		
Total		3502		Dry		3435	67	
a) Dry		130		Wet		129	1	
b) Wet		3632		x		3564	68	
c) Total								

Table No. 11-B (Item 11)

Tribal Land Alienation in Maharashtra (1987)

Amount realised from alienation form and purposewise (Amount in Rs.)

Sr No.	Form of alienation	Amount realised	Purpose of alienation Debt redemption	Consumption	Medical expenses	Litigation	Others (specify)
1	2	3	4	5	6	7	8
1.	Sale	9,96,302	3,36,400	4,47,502	30,500	2,000	1,79,900
2.	Mortgage	75,010	5,660	54,200	5,500	-	9,650
3.	Lease	49,645	-	30,500	-	-	19,145
4.	Encroachment	1,000	-	1,000	-	-	-
5.	Public purposes	1,93,000	-	-	-	-	1,93,000
6.	Voluntary organisations	-	-	-	-	-	-
7.	Others	6,000	-	6,000	-	-	-
Total		13,20,957	3,42,060	5,39,202	36,000	2,000	4,01,695

Table No. 12

Tribal Land Alienation in Maharashtra State (1987)

Information of awareness about Land Legislation in the sample selected households

Sr No.	District	Total No. of Households	No. of Households who are aware about act	Percent- age of aware- ness	1	2	3	4	5	6	7	8	9	10	11	12	13
					Total No. of Households	Need- ities	Social Needs	Marri- age	Repay- ment of loan	Medical treat- ment	of Livestock agriculture etc.	Total	RE M A R K S				
1	Thane	246	104	42.28	19	42	42	9	10	4	126						
2	Nashik	222	7	3.15	24	43	10	-	23	-	100						
3	Dhule	361	147	40.72	80	9	6	15	27	85	222						
4	Yavatmal	183	7	3.83	67	1	3	2	5	-	78						
5	Bhandara	193	42	21.76	85	3	-	2	1	1	92						
6	Chandrapur	134	93	69.40	54	4	-	12	14	6	90						
STATE TOTAL		1339	400	29.87	329	102	61	40	80	96	708						
Causewise Percentages					(46%)	(14%)	(9%)	(6%)	(11%)	(14%)	(100%)						

Table No.13

Tribal Land Alienation in Maharashtra State (1987)
Information regarding Restoration efforts initiated

Sr No.	District	Total No. of House-holds	No. of House-holds who make efforts	Percent- age of House-holds who made efforts	Own Initiated	Sources of Motivation					Total
						Through Relation	Social Workers	Village leaders	Others		
1	Thane	246	39	16	32	-	7	-	-	39	
2	Nashik	222	27	12	18	-	5	4	-	27	
3	Dhule	361	87	24	63	4	10	10	-	87	
4	Yavatmal	183	20	11	4	2	10	4	-	20	
5	Bhandara	193	55	29	31	2	17	5	-	55	
6	Chandrapur	134	44	33	30	5	3	6	-	44	
STATE TOTAL		1339	272	20	178	13	52	29	-	272	
MOTIVEWISE PERCENTAGES					(65%)	(5%)	(19%)	(11%)		(100%)	

Note : No information on Table No.14

Table No.15

Tribal Alienation in Maharashtra State (1987)

Information regarding linkage of present tribal land owner with the earlier non-tribal land holder

Sr. No.	District	Is their any relation with non-tribal linkage in any form	No. of cases	Having relation	Having no relation	Type of linkage of tribal land owner with earlier non-tribal land holder			Broad type of linkage with respondent	No. of cases	Co-ordinal relation	Financial help in case- distress	Pecuniary help on social need	Carrying agriculture operations
						Good	As it is	Worst						
1	2	3	4	5	6	7	8	9	10	11	16	6		
1.	Thane	42	204	39	2	1	25	5	2	7				
2.	Nashik	12	210	11	-	1	5	2	3	1				
3.	Dhule	2	359	2	-	-	-	1	1	-				
4.	Yavatmal	32	151	29	-	3	15	5	3	6				
5.	Bhandara	36	157	26	-	10	13	4	4	5				
6.	Chandrapur	38	96	37	-	1	9	23	2	3				
STATE TOTAL		162	1177	144	2	16	67	40	15	22				
PERCENTAGE		12	88	89	1	10	46	28	11	15				

Note : No information on table Nos. 16 and 17

Table No. 18
(Item No. 16, 17 and 18)
Tribal Land Alienation in Maharashtra State (1987)

Economic condition of the tribal respondents prior to alienation and after restoration of their lands.

Sr No.	District	Number of tribal land alienated Households	Number of cases having Economic condition			After restoration				
			Poor	Fair	Rich	Total	Poor	Fair	Rich	Total
1	2	3	4	5	6	7	8	9	10	11
1.	Thane	46	4	10	32	46	3	10	33	46
2.	Nashik	26	-	5	21	26	-	2	24	26
3.	Dhule	17	-	16	1	17	5	51	3	59
4.	Yavatmal	59	-	52	7	59	-	10	21	31
5.	Bhandara	31	-	28	3	31	1	31	14	46
6.	Chandrapur	46	-	30	16	46	1	31	14	46
STATE TOTAL		225	4	141	80	225	9	104	112	225
PERCENTAGES			1.78	62.67	35.55	100.00	4.00	46.22	49.78	100.00

Table No.19Item No.19Tribal Land Alienation in Maharashtra State (1987)Information regarding Expenses on Litigation Restoration of land and time taken for finalising the cases

1.	On Litigation	1)Total amount spent	Rs.1,57,150
		2)No.of cases	293
		3)Average amount spent per case	Rs. 536
2.	On Restoration	1)Total amount spent	Rs. Nil
		2)Value of land restored	Nil
		3)% of land i.e.of amount spent for restoration per thousand of land value.	N.A.

3. Time Taken

Time Taken	No. of cases for			Total time taken for disposal of case
	Litigation	Restoration and delivery of possession		
1	2	3	4	
1.Less than 1 year	164	134		6 months
2.Between 1 to 3 years	41	69		2 years
3.More than 3 years	88	90		10 years
Total	293	293		-

Table No.2 0 (Item No.20)

Tribal Land Alienation in Maharashtra State (1987)

Extent of Indebtedness and Present Debt Burden of the selected families in the survey.

Sr No.	From whom loan taken	Rs.	Amount of loan taken	Range of interest rates	Amount repaid Rs.	Percentage of amount paid to loan taken
1	2	3	4	5	6	
1.	Money lender					
	a) Non tribal		43,220	25%	22,785	52.72
			(2.97)			
	b) Tribal		-	-	-	-
2.	Other individuals					
	a) Non tribal		20,500	14%	600	2.93
			(1.41)			
	b) Tribal		-	-	-	-
3.	Co-operative Societies		3,22,984	9 to 16%	51,250	15.87
			(22.23)			
4.	Banks		10,04,930	4 to 15%	8,59,270	85.51
			(63.17)			
5.	Government		48,720	6 to 9%	2,700	5.54
			(3.35)			
6.	Local bodies (Z.P. and P.S.)		11,600	6 to 10%	-	0.00
			(0.80)			
7.	Others Non Tribal		900	Nil	200	22.22
			(2.07)			
	Total		14,52,854	4 to 25%	9,36,805	64.48
			(100.00)			

(Bracketed figures are percentages) (Note : Z.P. = Zilla Parishad
P.S. = Panchayat Samitti)

Table No. V-1

Tribal land alienation in Maharashtra State (1987)
Village Schedule Consolidation

Population of the selected villages in the sample

Sr No.	District	No. of villages selected for survey	Male		Female		Total		Scheduled Tribes		Scheduled castes		Others		Total	
			Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female		
1	Thane	4	1723	1708	3431	65	67	132	1438	1475	2913	3226	3250	6476		
2	Nashik	6	4163	4001	8164	1180	1102	2282	15412	14605	30017	20755	19708	40463		
3	Dhule	6	2673	2431	5104	123	103	226	2803	2673	5476	5599	5207	10806		
4	Chandrapur	2	753	741	1494	45	34	79	558	593	1151	1356	1368	2724		
5	Yavatmal	3	690	602	1292	58	53	111	1773	1618	3391	2521	2273	4794		
6	Bhandara	2	596	614	1210	100	90	190	639	629	1268	1335	1333	2668		
Maharashtra State Total			10598	10097	20695	1571	1449	3020	22623	21593	44216	34792	33139	67931		
Size of sampling villages percentage composition of S.T. S.C. and others					30.46			4.45			65.09			100.00		

Table No. V-2

Tribal Land Alienation in Maharashtra State (1987)

Basic information of Schools/Colleges and facilities available in the selected villages

Sr No.	District	No. of sample villages	Enrolment in different types of schools		Total	Boys	Girls	Total	College	Boys	Girls	Total	Basic facilities available in the villages and their nearest place of distance in the range of Kms.			No. of villages with Co-op. Society	
			Primary	Secondary									City	Bus Sta	Rly. Sta		Police Station
1	Thane	4	930	171	1101	-	-	-	-	-	-	-	13	14	15	16	17
2	Nashik	6	2212	1621	3833	3228	1783	5011	657	325	982	4	4	3	0	0	5
3	Dhule	6	695	515	1210	167	30	197	-	-	-	7	7	2	0	0	3
4	Chandrapur	2	478	154	632	-	-	-	-	-	-	9	9	14	12	12	Nil
5	Yavatmal	3	326	385	711	773	160	933	-	-	-	17	17	17	3	3	1
6	Bhandara	2	293	134	427	-	-	-	-	-	-	15	15	8	11	11	1
State Total			4934	2980	7914	4168	1973	6141	657	325	982	-	-	-	-	-	11
Percentage of School going children			52.63		40.84		6.53										

Table No. V-3

Tribal Land Alienation in Maharashtra State (1987)

Village Schedule Abstract

Basic information of land in the selected villages of the survey

(Area in Hectare)

Sr. No.	District	No. of villages selected.	No. of villages surveyed.	Geographical Area of selected villages (Hect)	Allocation to tribals under Ceiling act	If Yes, No. of tribals families benefited	No. of tribal families took possession	Alienation cases	House holds	Land owned by Hect	Land released by forest	No. of house-holds allotted the land	Area allotted in Hect.	Incidence of clashes due to land alienation
1.	Thane	4	4	3138	No	-	-	56	56	3138	20	31	Nil	Nil
2.	Nashik	6	6	9756	No	-	-	36	79	9756	Nil	Nil	Nil	Nil
3.	Dhule	6	6	9057	Yes	7	7	88	88	9057	5	23	Nil	Nil
4.	Chandrapur	2	2	3069	No	-	-	38	39	3069	19	38	Nil	Nil
5.	Yavatmal	3	3	5003	Yes	2	2	52	162	5003	2	2	Nil	Nil
6.	Bhandara	2	2	1450	No	-	-	42	42	1450	Nil	Nil	Nil	Nil
State Total		23	23	31473	Yes-2 Villages No-4 Villages	9	9	312	466	31473	46	94		

