

## "LAND, LAW, AND INEQUALITY: A STUDY OF SAHERIYA ADIVASI ENCROACHMENT CASES"

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### Abstract

This research paper delves into the socio-legal injustices faced by the "Sahariya Adivasi Community in Madhya Pradesh. It highlights the need for realization about their struggles and sufferings. This paper calls attention to the critical issues and aims to push authorities to take speedy and necessary actions to address the injustices outlined in this paper. It further draws attention to the pervasive inequalities that the sahariya adivasi community undergo, particularly related to land rights and legal protections like the encroachment of their lands by members of other communities, thereby, raises the urgent need for intervention and attention to propose reforms.

The primary objective of this paper is to influence policy-making and foster social change with an outcome of justice. By documenting the painful insights of the lives of sahariya adivasi, this research aims to vigilantly highlight the comprehensive understanding of their plight with the motive to encourage stakeholders, including governmental bodies and civil society organizations. This will help recognize and rectify the administrative issues

Ultimately, this study aims to empower the Sahariya Adivasi by championing their rights and ensuring their voices are heard in debates about land, law, and social justice.

The research utilized a mixed-methods approach, combining secondary and primary studies. The secondary study involved analyzing existing research papers and materials, while the primary study drew upon personal case experiences acquired during my tenure as a Legal Consultant at the Zenith Society for Socio-Legal Empowerment, Gwalior-MP. These cases included both resolved and pending matters. The study uncovered legal loopholes and systemic challenges faced by the Sahariya Adivasi community in reclaiming their rightful lands. It offered a comprehensive analysis of the community's struggles and exposed the systemic failures of lower revenue authorities, such as the Tehsildar and Sub-Divisional Officer.

## I. Introduction

The Sahariya community are particularly vulnerable tribal group (PVTG)<sup>2050</sup> primarily geographical concentration is in the northern districts of found in Madhya Pradesh forming a significant presence in areas such as Shivpuri, Sheopur, Gwalior, Datia, Morena and Bhind. This PVTG underscores the critical challenges faced by them such as low literacy rates, pre agricultural level of technology. They are often referred to as the 'forest people', because they have been associated with hunting, gathering, and shifting cultivators as their life is deeply connected to forests and natural resources.

The Sahariya community has long faced severe land related challenges that threaten their livelihood identity, and survival. Large scale development projects such as dams and establishment of sanctuaries have resulted in the forced displacement of Sahariya from their lands without any proper compensation. Land alienation remains a persistent issue as Sahariyas have experienced illegal encroachment<sup>2051</sup>. This resulting landlessness has pushed them into inter-generational bonded labor, where families work for years without wages to repay small debts, trapping them in systematic exploitation.

The issue of encroachment primarily arises from exploitative lending practices, particularly affecting marginalized communities like the Sahariya people. These individuals often receive small loans from members of dominant castes, who entice them into agreements that allow the lenders to use their agricultural land<sup>2052</sup>. The loans carry excessively high interest rates, creating a debt trap that makes repayment almost impossible. As a result, they become trapped in a cycle of debt, continually borrowing to meet their financial obligations. Even when they manage to repay the loans, the lenders often refuse to relinquish the land, resorting to threats and intimidation to maintain control.

The lenders familiarity with the legal system, particularly the workings of revenue courts, which they manipulate to their advantage compounded the exploitation<sup>2053</sup>. This knowledge creates a significant power imbalance, leaving the Sahariya people vulnerable and without legal recourse. The situation highlights a broader issue of social injustice and economic exploitation, demanding immediate and systematic reforms to safeguard the rights of marginalized communities and ensure equitable access to land and resources.

## II. Historical and socio-economic causes of land encroachment among Sahariya Adivasi

Land rights are central to the survival, dignity and cultural identity of Adivasi communities in India. For particularly Vulnerable Tribal Groups (PVTGs) such as the Sahariya Adivasis of the Gwalior-Chambal region in the Madhya Pradesh, land is not merely an economic resource but the roots of their social structure and traditional way of life. Despite constitutional safeguards and progressive land and forest legislations, Sahariyas continue to suffer through systematic dispossession and encroachment over their lands. These issues are

<sup>2050</sup> Ministry of Tribal Affairs, List of Particularly Vulnerable Tribal Groups, Govt. of India (2013)

<sup>2051</sup> Census of India, Primary Census Abstract: Scheduled Tribes, Madhya Pradesh (2011).

<sup>2052</sup> Anthropological Survey of India, Tribal Profile of Sahariya Community (2010).

<sup>2053</sup> Ministry of Tribal Affairs, Status Report on Forest Dwelling Scheduled Tribes (2014).

not isolated incidents but reflect deeper structural failures rooted and traced in history, governance, and socio-economic marginalisation. Examining and evaluating the land encroachment in this region reveals how historical exclusion, development-induced displacement, and administrative apathy align to deny Sahariyas effective access to justice. Understanding these patterns is significant to assess the functioning of revenue administration and to identify why legal remedies remain largely inaccessible to one of the most vulnerable communities in the country.

Land encroachment faced by the sahariya adivasis in the Gwalior Chambal region in madhya pradesh is result of long-standing historical injustice and present day social and economic problems. During the colonial period, forest and land laws ignored the traditional ways in which the sahariya community used to work and own the land. Their customary community rights were not properly recorded and over time it was considered as illegal and informal. After independence, this problem continued because they were given poor quality land that was dry, infertile and unsuitable. This made their livelihoods more difficult to survive and which forced them to work on others land and resulted in bonded labour.

Many large development projects in the Chambal region began which forced many sahariya families to move away from their ancestral land. When they were displaced, they lost their control over their land and due to lack of proper documents to prove ownership. This allowed non-tribal, more powerful groups to encroach upon the sahariya land<sup>2054</sup>.

What patterns can be observed in the outcomes of the 7 cases involving illegal encroachments?

- The inability of this community to raise their voices for their land rights

<sup>2054</sup> Law Comm'n of India, Land Alienation of Tribal Communities, Report No. 289 (2019).

and address the issue of land encroachment stems from their fear of revenue authorities and the concerning working style of tehsildars in revenue courts. This issue is compounded by a weak monetary system governing the tehsildars. Many tehsildars lack proper legal training and are often unaware of revenue court rules and procedures. It is commonly observed that court schedules are not updated regularly, and patwaris take excessive time to submit their reports. This delay occurs because they are already aware of the vulnerable condition of these groups, who are unable to meet the demands of tehsildar staff, including stenographers, readers, and patwaris. As a result, a blame game ensues among the officials, while the tehsildar ultimately orchestrates and perpetuates this dysfunctional system. In out of 7 cases 1 case is only disposed off in a year while 6 are pending for the patwari report and still blaming game continues.

### III. Legal Framework

Section 250 of the Madhya Pradesh Land Revenue Code deals with the ejectment of a person who has taken unauthorized possession of someone else's agricultural land. It provides a legal remedy to restore the rightful owner or

occupant to possession without requiring a long civil suit<sup>2055</sup>.

It also allows Bhumi swami (recorded tenure holder) to apply to the tehsildar for the restoration of possession within a fixed limitation period, generally two years from the date of dispossession or from the date on which possession is officially deemed unauthorised in demarcation or similar proceedings<sup>2056</sup>. He can enquire, and if he is satisfied that the applicant is the lawful Bhumi swami, he can order eviction of the unauthorized occupant and delivery of the actual possession to the Bhumi swami using coercive processes and even in recourse of 250-A and 250-B if the order is not obeyed<sup>2057</sup>.

The addition of these provisions Sections 170 (A) and 170 (B) and implication save the lands of adivasi people otherwise the In madhya pradesh people either forcefully or willfully take the lands of adivasi's. Sections 170 (A) and 170 (B) in the Madhya Pradesh Land Revenue Code, 1959 were added by amendments in 1976 and 1980, respectively<sup>2058</sup>. Section 170 (A) deals with where the Sub-Divisional Officer (SDO) may, on his own motion, or upon an application relating to agricultural land belonging to an Aboriginal tribe. The officer has power for enquiry relating to the transfer of land, which might have been a result of sale or as per a court decree, which has been transferred to a person who is not a part of such tribe or when such transfer has been caused by "way of accrual of right of occupancy tenant under section 169" or of Bhumiswami under section 190 (2-A), "at any time during the period commencing on the 2nd October, 1959, and ending on the date of the commencement of the Madhya Pradesh Land Revenue Code (Third Amendment) Act, 1976."<sup>2059</sup> The scope of the inquiry is for the transferor to satisfy the officer about the bonafide nature of

the transfer of such land. If, after the enquiry, the officer is satisfied that the transfer of the land belonging to the aboriginal tribe was not bona fide in nature, which might have been made through force, coercion, or other practices evading legal restrictions, then he may intervene and annul the transaction of the land belonging to the tribe<sup>2060</sup>. This provision is of great significance as it gives powers to a revenue officer to even take suo moto action along with when the case is brought up by an application and take action to even nullify the transaction, require the relevant parties to pay costs and is not bound by the limitations act.

Section 170(B) of the Madhya Pradesh Land Revenue Code, 1959, as amended in 1980, forms one of the strongest legal safeguards ever enacted in India to protect tribal (Adivasi) land rights. Unlike Section 170(A), which empowered the Sub-Divisional Officer (SDO) to act when specific transactions were challenged, Section 170(B) introduces a mandatory, proactive, and retrospective mechanism to identify, scrutinize, and rectify all transfers of tribal land to non-tribals since 1959<sup>2061</sup>.

Section 170B mandates that all information regarding how the position of such land came into being needs to be submitted with the SDO in such form and manner that may be prescribed. It for the put the obligation on the SDO to make inquiries about the transaction of the transfer upon the receipt of the information. His duty is to uphold the rights of tribal people and the community on their land, and when such a transaction has occurred due to fraud, the transfer has to be declared null and void<sup>2062</sup>.

Sometimes upon such land, there might be structures or buildings erected or the transferor might be dead. When no building or structure is erected prior to the order for nullifying the transaction, but the transferor is dead, it is reverted in the name of his legal heirs. In case where buildings have been elected before the

<sup>2055</sup> Madhya Pradesh Land Revenue Code, No. 20 of 1959, § 250 (India).

<sup>2056</sup> Id. § 250(1); see also *Ramgopal v. Tehsildar*, 2006 SCC OnLine MP 321.

<sup>2057</sup> Madhya Pradesh Land Revenue Code, No. 20 of 1959, §§ 250-A, 250-B (India).

<sup>2058</sup> Law Comm'n of India, One Hundred Sixty-Ninth Report on Prevention of Alienation of Tribal Land 3.1–3.5 (2000).

<sup>2059</sup> Madhya Pradesh Land Revenue Code (Third Amendment) Act, No. 45 of 1976; Madhya Pradesh Land Revenue Code (Amendment) Act, No. 15 of 1980 (India).

<sup>2060</sup> Madhya Pradesh Land Revenue Code, No. 20 of 1959, § 170(A) (India).

<sup>2061</sup> Id.; see *Kesharlal v. State of Madhya Pradesh*, 1995 SCC OnLine MP 67.

<sup>2062</sup> *Lalchand v. State of Madhya Pradesh*, (1996) 10 SCC 121

order has been passed, then in such a case the price of such land is fixed as per the Land Acquisition Act, 1984, and the transferor is to be paid the difference, if any, between the price fixed and the price paid to him, additionally<sup>2063</sup>.

### Overview of relevant laws and policies

Section 250 MPLRC provides a summary, time-bound remedy for a Bhumi Swami wrongfully dispossessed of agricultural land, enabling the Tehsildar to order ejection of an unauthorized occupant and restore possession, generally within two years of dispossession or of formal declaration of unauthorized occupation.

Sections 170(A) and 170(B) MPLRC are special protective provisions for tribal land, empowering and obligating the SDO to examine transfers of agricultural land from notified “aboriginal tribes” to non-tribals from 2.10.1959 onwards, annul non-bona fide transfers, and restore land or award compensation, even overriding limitation and, to a large extent, civil decrees.

Wider policy support comes from constitutional directives to protect Scheduled Tribes and prevent their exploitation, and from schemes and jurisprudence recognizing tribal land as a core element of livelihood, identity, and cultural survival<sup>2064</sup>.

### Analysis of how these laws apply to Saheriya Adivasis

Saheriya are recognised as a particularly vulnerable Adivasi community in Madhya Pradesh, and their agricultural land formally falls within the protective ambit of Section 165(6), 170(A), and 170(B) whenever the land is registered in the name of a Saheriya Bhumi Swami or another tribal tenure-holder.

In practice, Saheriya land in regions such as Chambal and around Kuno Sanctuary has been alienated through distress sales, benami holdings, forgery, and manipulation of revenue

records, precisely the patterns Sections 170(A)/(B) and 250 are supposed to address through enquiries into bona fides, restoration orders, and eviction of unauthorized possessors.

Field studies indicate that despite the legal tools, many Saheriya households remain landless or hold only small residual patches; cases are often not initiated, information is not filed under 170(B), or proceedings are delayed or diluted, meaning that the promised “automatic” or mandatory protection does not effectively materialise on the ground.

### Gaps in the legal framework that affect land rights

The pertinent gaps that need to be addressed, which this paper seeks to highlight, include the following:

1. **Access and procedural gaps:** The legal requirements and formalities under Section 250, which includes the strict compliance with the limitation period and requires the dispossessed Bhumi Swami to approach the Tehsildar, is difficult for illiterate, marginalised and vulnerable Saheriya households. They are most of the time not aware of the law, their formal legal status or the dates relevant for limitation.
2. **Design and coverage gaps:** Sections 170(A)/(B) are tied to notified “aboriginal tribes”, recorded tenurial status, and specific cut-off periods; informal or unrecorded customary holdings, encroachments linked to displacement (for example around protected areas), and post-1980 patterns of alienation can fall outside the strict textual frame, leaving many Saheriya families without effective statutory remedies<sup>2065</sup>.
3. **Implementation and power gaps:** Studies focusing on tribal land alienation

<sup>2063</sup> Madhya Pradesh Land Revenue Code, No. 20 of 1959, § 170(B) (India); see *State of M.P. v. Balram*, (2005) 5 SCC 554.

<sup>2064</sup> INDIA CONST. arts. 46, 244; see also *Samatha v. State of Andhra Pradesh*, (1997) 8 SCC 191

<sup>2065</sup> Ministry of Tribal Affairs, Govt. of India, *List of Particularly Vulnerable Tribal Groups (PVTGs)* (2013); Madhya Pradesh Land Revenue Code, No. 20 of 1959, §§ 165(6), 170(A), 170(B) (India).

have revealed the chronic underuse of 170(A)/(B), seldom suo motu action taken by the revenue officers, which is also coupled with societal factors like pressure from local elites, and poor follow-up and accountability on restoration orders. Even in cases where Saheriya technically qualify for restoration or compensation, enforcement on the ground might be partial or absent.

#### IV. Analysis Case Studies

The researcher handled a total of seven cases. One case has been resolved, while six remain pending. The resolved case, filed in November 2024, and it was disposed of in November 2025. Despite an order to remove encroachments being issued in June, the inaction of the Tehsildar, Revenue Inspector, and Patwari delayed the granting of possession. It was only after persistent follow-ups and representations to multiple authorities that the encroachers were finally removed from the Adivasi Saheriya lands. However, the six pending cases have been delayed for four months due to the non-submission of the Patwari report. This report is a critical survey document detailing the encroachment, the area affected, and any land transactions contributing to the encroachment. The primary reason for the delay lies in the failure to submit the Patwari report on time and the lack of enforcement of orders issued by the revenue authorities.

The delay in resolving the six pending cases has caused significant distress among the affected Adivasi Saheriya community, as their rightful lands remain encroached upon. Despite repeated appeals to higher authorities, there has been little progress in expediting the submission of the Patwari report or enforcing the orders issued. The community has expressed concerns over the lack of accountability and transparency in the process, urging the revenue department to take

immediate action to resolve the matter<sup>2066</sup>. Additionally, the prolonged delays have raised questions about systemic inefficiencies, highlighting the urgent need for reforms to ensure timely resolution of land disputes.

#### V. Challenges Faced by Saheriya Adivasis

The struggle against the illegal encroachment of tribal lands by non-tribal groups in the Chambal region has been ongoing for years. Over the past 5 to 10 years, vast areas have been forcibly occupied by local mafias and individuals with political influence. Significant portions of these lands have been sold to wealthy migrants from Haryana and Punjab, who now employ tribal people to work on lands that originally belonged to them. This situation exemplifies land alienation, where tribal communities have been dispossessed of their lands and compelled to work as laborers to earn a meager income for their basic needs.

Numerous hectares of land across various areas have been encroached upon, highlighting a profound systemic failure and a troubling level of corruption. The administrative machinery has failed to protect the fundamental rights of tribal communities. Although the government allocated land to landless tribal people, they were unable to benefit from it due to various challenges. One significant reason is that many tribal groups, such as the Saheriya, are traditionally non-agricultural communities. Historically reliant on hunting and gathering in forested areas, their forced displacement and transition to agriculture have left them ill-equipped to succeed as cultivators<sup>2067</sup>. This complex issue underscores the urgent need for effective governance and policies to safeguard tribal rights and livelihoods.

One of the major impacts faced by the Saheriya community due to encroachment is the disruption of their traditional way of life. As a tribal group primarily residing in forest areas,

<sup>2066</sup> Law Comm'n of India, One Hundred Sixty-Ninth Report on Prevention of Alienation of Tribal Land 4.2–4.6 (2000)

<sup>2067</sup> *State of M.P. v. Balram*, (2005) 5 SCC 554.

they have historically depended on activities like hunting and gathering, without practicing agriculture. However, when wealthy farmers encroach upon their land, the Sahariya people are often forced to take up farming as a means of livelihood. This shift occurs as their traditional livelihood activities are disrupted for various reasons, pushing them towards other economic activities, including agriculture. Wealthy farmers often acquire their lands at low prices, leaving the Sahariya community with little choice but to engage in farming<sup>2068</sup>.

Moreover, the Sahariya people, by nature, are not accustomed to a savings or investment-based economy. Their lives revolve around meeting immediate needs through daily wages. This lack of financial security has further exacerbated their challenges, as many of them are compelled to become bonded laborers, working under exploitative conditions for the same wealthy farmers who took over their lands.

## VI. Recommendations

1. It is proposed that, within a clearly defined timeframe, every Collector should submit a compliance report confirming that cases under Section 170-B have been registered suo-moto for all land transactions where the land belonged to a tribal as of but was in possession of a non-tribal.
2. Collectors must also certify that they have re-examined all orders passed in favor of non-tribals. Any cases where orders were illegally issued in favor of non-tribals should be reopened. Illegal orders include instances where non-tribals failed to notify in the prescribed form before the collector, resulting in automatic reversion of the land to tribals. Additionally, orders are deemed illegal if non-tribals notified before the due date but failed to prove the transaction was bona fide, including

obtaining the Collector's permission, ensuring a fair price was calculated and paid fully to the tribal (not adjusted against loans or acquired by force). Collectors must also investigate benami transactions where land is fraudulently held in the name of tribals by non-tribals.

3. Non-tribals often exploit extended litigation to retain possession of land, even in cases where orders favor tribals. To address this, it is proposed that the Code mandates the implementation of the SDO's order favoring tribals, specifically restoring land possession to tribals, before admitting the first appeal to the Collector. This amendment would significantly empower tribals.
4. A comprehensive Act should be introduced to strengthen the legal framework and provide more robust enforcement mechanisms.
5. Beyond legislation against usury, cooperative and rural banks must ensure easy and reliable access to affordable consumption credit for tribals during times of need. Their vulnerability can be further reduced by implementing a guarantee scheme with a 'food-for-work' component in tribal areas as a social security measure. Additional supportive measures include granting tribal cooperatives ownership rights over non-tribal forest produce (e.g., the successful Madhya Pradesh Government initiative for Tendu-patta), creating effective marketing channels for tribal products, promoting watershed development, and advancing dry-land agricultural practices.
6. A review meeting should be conducted, led by the collector, to address cases of illegal encroachment concerning the Sahariya Adivasi community.

<sup>2068</sup> Centre for Equity Studies, *Dispossession and Displacement of Sahariya Tribes in Chambal Region* (2019)

7. Progressive legislation enforced to prevent tribal land alienation can succeed only if the oppressed people intended to benefit from these provisions are truly 'conscientised' in the Paulo Friecian sense. They must firstly be made aware about the provisions of the law, and convinced about their legitimacy. There are several ways in which such legal literacy and mobilisation can be secured. One way is to intensively educate the tribal youth in the large number of tribal high schools and tribal hostels that abound in the state about the laws and motivate them to be activists in their village to educate and mobilise their elders to benefit from their provisions. Booklets in simple local language which demystify the law and legal processes would also be invaluable.

## VII. Conclusion

This research paper explores and evaluates the deeply rooted issue of land encroachment affecting the Sahariya Adivasi community in the Gwalior–Chambal region of Madhya Pradesh. Drawing on seven specific cases handled by the researcher in Ghatigaon tehsil, the study situates the problem within a broader context of historical injustices, socio-economic marginalization, and systemic administrative failures. The findings of the paper reveals that land alienation among the Sahariyas is not just an isolated or recent phenomenon but the cumulative outcome of colonial-era land policies, post-independence developmental interventions, and persistent governance deficits. The denial of recognition to customary land rights during the colonial period laid the roots for dispossession, which continued after independence through the allotment of infertile land and inadequate rehabilitation mechanisms.

The study further demonstrates that illegal encroachment is closely interlinked to exploitative credit practices, where Sahariya

Adivasis are drawn into debt traps by dominant caste lenders who subsequently usurp their lands. These practices are sustained by stark power imbalances, lack of legal awareness, and the community's limited capacity to navigate formal legal institutions. Displacement caused by large-scale development projects and wildlife sanctuaries has further weakened their control over ancestral lands, making them vulnerable to encroachment by non-tribal groups with greater economic and political influence.

A key contribution of this research lies in its empirical analysis of 7 (seven) encroachment cases. The case studies further reveal a clear pattern of administrative delay, procedural and systematic non-compliance, and lack of accountability within the revenue machinery. Despite the availability of legal remedies under Section 250 of the Madhya Pradesh Land Revenue Code, enforcement remains weak. The persistent non-submission of Patwari reports, failure to execute eviction orders, and the culture of blame-shifting among revenue officials collectively undermine access to justice for Sahariya Adivasis. The fact that only one out of seven cases was resolved after prolonged efforts undermines the structural inefficiency and apathy of the system.

The research also highlights that the consequences of land encroachment extend beyond economic deprivation. Loss of land disrupts the Sahariya community's traditional way of life, erodes their cultural identity, and perpetuates cycles of bonded labour and inter-generational poverty. Forced transitions from forest-based livelihoods to agriculture, without adequate support or training, have exacerbated their vulnerability. These outcomes reflect a failure to align development and governance policies with the lived realities of Particularly Vulnerable Tribal Groups.

From a policy perspective, the findings underscore the urgent need for institutional reform, stronger enforcement of protective land laws, and enhanced accountability within the

revenue administration. Legal safeguards such as Sections 170-B and 250 of the MPLRC must be implemented in both letter and spirit, with time-bound procedures and mandatory restoration of possession to tribals. Equally important is the empowerment and development of Sahariya Adivasis through legal literacy, access to affordable credit, and livelihood support systems that reduce dependence on exploitative lenders.

In essence, addressing land encroachment faced by the Sahariya Adivasi community requires more than just the legal provisions; it demands a transformative approach rooted in social justice, administrative integrity, and community empowerment. Ensuring secure land rights for Sahariyas is not only a constitutional obligation but also a critical step toward rectifying historical wrongs and advancing substantive equality. Future research and policy interventions must continue to shape and raise tribal voices and lived experiences to create a more inclusive and just land governance framework.





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