CHAPTER 10
THE NAVY-NICOBARESE KAMORTA ISLAND LAND CONUNDRUM

Truth is our longest lie, our most intimate ally and enemy.
― Michel Foucault, In ‘Ethics’ (1954-1984)

The ownership of 208 acres of land on Kamorta Island in the central Nicobar is disputed between the INS 120 Kardip (a forward operating base of the Indian Navy in Kamorta) and the Nicobarese. The dispute concerns a land donation made in the 1970s to the defence by the then Rani (Queen) of Nancowry—Lachmi. Despite myriad negotiations in the past decade, the dispute remained unresolved. Of late, it has reached an impasse. While the Kardip substantiates its claim on the land through five donated land-related documents, the indigenes, except for oral testimonies, are unable to corroborate their claim since all their documents were washed away during the Indian Ocean tsunami (2004). Based on fieldwork and archival research work conducted in the Andaman and Nicobar islands, this chapter analyzes the land dispute and discusses the Nicobarese perspective that has hitherto remained subjugated.

10.1 Introduction

The Kamorta island land dispute is the most sensitive and complex issue in the central Nicobar. It concerns the ownership of 317 acres of land, especially 208 acres, which both the Nicobarese and the INS Kardip claim. The conflict first emanated in 2006 when the Kardip asserted claim on 208 acres of land in Kamorta and demanded the Nicobarese eviction from it. Surprised with such a claim on the land that fifteen Nicobarese villages had traditionally owned, the indigenes fervently opposed their eviction. Despite myriad negotiations in the past decade, the dispute remained unresolved. Of late, it has reached an impasse.

The issue is an upshot of a land donation made in the 1970s to the defence by the then Rani (Queen) of Nancowry—Lachmi. While the donor Rani has already passed away in 1989, her successor—Rani Fathima and the Nicobarese tribal councils argue that Lachmi had donated only a small “grassy patch”, and the 208

120 Indian Naval Station
acres of land had never been a part of the donation. However, besides oral testimonies, the indigenes are unable to corroborate their claim with documented evidence since all their official documents concerning the land donation were washed away during the Indian Ocean tsunami (2004). On the other hand, the Kardip thoroughly disqualifies the Nicobarese oral testimonies and asserts an absolute ownership of the land that it substantiates through five donated land-related documents.

In 2014, the land conflict led to a serious confrontation between the Kardip and the tribal councils that was assuaged only through the arbitration of the Lt. Governor and the chief secretary who assured both the parties of a prompt and amicable solution (Saini 2015a). The succeeding discussions, however, failed to yield result as the Kardip rejected the Nicobarese oral version and reinforced its absolute claim on the land. While both the contending parties have much at stake, the Nicobarese are the worst hit people, as alienation from the disputed land affects the livelihood of a large number of indigenous families. The loss of documents has incapacitated the Nicobarese to negotiate the dispute. With the failure of negotiations and disregard to the oral testimonies of the elderly in the past decade, a fear of uncertainty has descended upon the historically isolated Nicobarese community. The tribal councils have repeatedly urged the administration for a fair inquiry into the matter and a speedy solution to the conundrum, which, however, has hitherto remained unfulfilled.

This issue was studied on the behest of the tribal councils of Nancowry and Kamorta to fulfill two objectives— (1) To document the Kamorta land dispute in a systematic/chronological order and represent the Nicobarese version of the dispute. (2) To channelize the discourse of the dispute for result-yielding negotiations through proffering an analysis of the dispute in terms of: (a) the relevance of the donated land-related documents (b) the Nicobarese post-tsunami situation. This chapter builds on three lines of inquiry. First— how did the land dispute between the Nicobarese and the INS Kardip emanate? Second— what were the measures and the courses of negotiations undertaken to address the issue? Third— why has the dispute reached an impasse? Through these lines of inquiry, the chapter unpacks the problematics of the discourse of negotiations concerning the dispute and discusses its prospective solution.
10.2 Genesis of the Conundrum

This section of the chapter analyzes our first line of inquiry: how did the land dispute between the Nicobarese and the INS Kardip emanate? During their regime in the islands, the British conferred the title of Rani (Queen) to a Nicobarese woman— Islon, who commanded wide respect among the indigenes, especially in the central Nicobar. After Islon’s demise, her daughter— Lachmi succeeded as the Rani, who acted as a bridge between the isolated Nicobarese and the island’s administration. She cajoled the Nicobarese tuhets (extended families), which enjoy traditional right on the land, to donate land to the government for setting up administrative apparatus in the islands. The INS Kardip, a forward operating base of the Indian Navy in Kamorta, is one of such infrastructural developments in the islands which was established and commissioned in 1973 on the land (33 acres) donated by the Rani (Saini 2015a). As per records, the Kardip has a land holding of 242 acres— the INS Kardip (33 acres), the Navy land (208 acres), 0.5 acre (next to Kamorta jetty) and 0.5 acre (behind the guest house of Andaman Public Works Department).121

In 2006, the Kardip asserted its claim on 208 acres of land surrounding the tribal villages of Sanuh, Changhua and Banderkhari that the Nicobarese had traditionally owned. During their meeting with the deputy commissioner (DC), Nicobar on 4 February 2006, the Nicobarese learnt that 317 acres of land in Kamorta was allotted to the defence in the late 1970s. On 14 February 2006, the tribal council received a formal intimation from the Kardip to stop the “encroachment and illegal cutting of trees” on the Navy Land.122 Thereafter, the Navy personnel approached the Nicobarese families and demanded their eviction from the allegedly donated land. In their letter to the assistant commissioner (AC), Nancowry on 1 November 2006, the Nicobarese described this experience as “the Navy suddenly came to our land for the first time. They put numbers on our trees and cut down two areca nut trees, one banana and one boer tree. They cut coconuts without asking the owners and took away our one bundle of rope.”123

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121 A Letter (5 October 2006) “Encroachment and Illegal Cutting of Trees Naval Land at Kamorta”, from the Commanding Officer (CO) of INS Kardip to the Assistant Commissioner (AC), Nancowrie.
122 Letter (7 April 2007) of the Tribal Council (TC) to the Deputy Commissioner (DC), Nicobar.
123 A Letter (1 November 2006) of TC, Nancowrie to the AC, Nancowrie and the CO, the INS Kardip.
When the Nicobarese declined to evict the land, the commanding officer (CO) of the Kardip, in his letter to the AC, Nancowry reasoned that if the Nicobarese did not evict the land, his office would be “compelled to use Public Premises (Eviction of unauthorized occupants) Act, 1971 for removal of the encroachments.” In order “to solve the problem amicably”, the CO sought the intervention of the AC to direct the “encroachers” to vacate the “defence land” at the earliest. He also requested that no construction work should be allowed on the “defence land” either by the “encroachers” or by any department of civil administration.\textsuperscript{124} Post-tsunami, the government had constructed temporary shelters for the Nicobarese on this land, which was also chosen as a site for the construction of permanent shelters for the community. However, the objection raised by the Kardip deterred the construction work.

The tribal councils questioned the Kardip’s claim and requested the island’s administration to clear the confusion. In a meeting on 10 September 2007 that the AC, the chairpersons of tribal councils (CTC) and the captains (leaders) of the Nicobarese villages attended; the Kardip put forth five documents to substantiate its claim on the Kamorta land: (1) the Andaman and Nicobar administration letter DO No. 42-4/2007/Rev/154, dated 9 March 2007. (2) No objection certificate (NOC) of the late Rani Lachmi. (3) Revenue order sheet (unnumbered), dated 7 June 1978 (three pages including file notings of tehsildar and deputy commissioner, Nancowry). (4) Deputy Commissioner, Nancowry office order no. 29, dated 15 February 1979. (5) Possession certificate.\textsuperscript{125} As per these documents, the defence was allotted 317 acres of land in Kamorta of which 109 acres\textsuperscript{126} were allotted to the Army vide revenue case no. 3/1978 and 208 acres were allotted to the Navy vide revenue case no. 15/1978.\textsuperscript{127} Later, in 1993, the Ministry of defence transferred 20 acres of land from the Navy’s allotment to the Coast Guard for setting up a Coast Guard station in Kamorta.

\textsuperscript{124} A Letter (5 October 2006) “Encroachment and Illegal Cutting of Trees Naval Land at Kamorta” from the CO of INS Kardip to the AC, Nancowry.

\textsuperscript{125} Minutes of the meeting held with the civil authorities to resolve encroachment upon the Navy Land at Kamorta, 10 September 2007, Meeting held at INS Kardip, 11:30 hours (Restricted Document).

\textsuperscript{126} There is no dispute on the ownership of 109 acres of land.

\textsuperscript{127} F. No. ACN/7-38/2012/835, A letter (dated 6 July 2012) from the AC, Nancowrie to the DC, Car Nicobar. Subject “Survey/Demarcation of Coast Guard land at Kamorta”
army and the Navy were allotted land through order no. 90, dated 15 April 1978 and order no. 29, dated 15 February 1979 of the DC (Nicobar), respectively. 128

The land was allotted only on papers and without proper demarcation. The defence forces also did not develop infrastructure on the allotted land for a long time and it was only in 2009 that a survey team visited Kamorta. 129 Vide letter no. 42-9/2006/Rev, 7 January 2009; the island’s administration directed the AC, Nancowry to demarcate the land allotted to the defence. 130 The survey team reached Kamorta on 27 January 2009 131 and demarcated the land allotted to the Army from 30 January 2009 to 12 February 2009. Thereafter, the demarcation of the land allotted to the Navy and the Coast Guard (208 acres) commenced which the Nicobarese foiled. The indigenes were not convinced by an untimely and unexpected claim of the Kardip on a vast tract of cultivable land. Upon consultation with the elderly, the Nicobarese leadership learnt that Rani Lachmi had donated a piece of land—a “grassy patch” to the defence for which a survey was conducted in 1976 that was attended by five Nicobarese: Tiwari Jeem, Thomas Ton, Ismail Poye, Mark Paul and Khatija. Except for Ismail Poye, all the witnesses are alive and have categorically expressed that Lachmi never donated 317 acres of land. Rather, a small “grassy patch” which had no plantations/trees was surveyed and donated to the defence. 132

The tribal leadership has also raised seminal questions concerning the alleged land allotment to the Navy—Did the Rani Lachmi actually donate 317 acres of land to the defence? If yes, why does her successor Rani Fathima or any of the tribal leaders have no information about it? The Rani has donated lots of land for administrative set up in the central Nicobar and each land donation was discussed with the village captains, why was the Rani so reticent about the Kamorta island land donation? If the land was allotted to the Navy in 1978, why did it not demarcate and develop infrastructure on it for three decades? why did it not claim

128 Office Order No. 29 (15 February 1979) and Order No 90 (15 April 1978) Deputy Commissioner, Nicobar District.
129 F.No. ACN/7-38/2012/835 (A letter, 6 July 2012, “Survey/Demarcation of Coast Guard land at Kamorta” of the AC, Nancowrie to the DC, Nicobar)
130 F.No. ACN/Land/Army/7-7/2008/69 (Circular/Notice, 14 January 2009, released by the AC, Nancowrie.
131 F. No. ACN/Army/Land/7-7/2009/376 (A letter, 19 February 2009, of the AC, Nancowrie addressed to the DC, Nicobar)
132 Interviews and focus group discussions conducted with the witnesses to the land survey conducted in 1976.
the land when Rani Lachmi was alive? As per the documents, the land was allotted by the order of the DC (Nicobar). Does the DC have authority to allot land in the tribal reserve? Why was the NOC, which is such an important document, not witnessed by anybody from the Nicobarese community? Even if the Rani allotted 317 acres of land, did she have the authority to do so without the informed consent of the tuhets (extended families) who actually own that land?\footnote{A Joint Representation (24 February 2009), “Issue Relating to Encroachment on Tribal Land by Navy Authorities at Kamorta”, submitted by the tribal leaders of Kamorta, Nancowrie to the Lieutenant Governor, ANI.}

Further, what would happen to the Nicobarese whose livelihood depends on this land and how would they survive when the Karip takes away their land? Is it justified that the Nicobarese are dispossessed of their land without a monetary compensation or rehabilitation plan? Does the Kardip actually need such a large tract of land that it could not use anyway for the last three decades? Why does the Kardip not ask for a reasonable amount of land on a small island such as Kamorta?\footnote{A letter, 24 September 2007, “Minutes of Meeting held with Civil authorities to resolve alleged encroachment on Navy Land at Kamorta” from the Federation of Tribal Councils of Nicobar to the CO, INS Kardip, Kamorta.}

The land dispute has strained relations between the Kardip and the Nicobarese. Both the contending parties have often accused the other of trespassing into and encroachment upon its land that resulted in confrontations and lodging of complaints against each other. A press release of the Andaman and Nicobar Command (ANC)\footnote{The ANC is India’s first and the only joint tri-service command that has rotating three-star commanders-in-chief from the Navy, the Army and the Air Force who report directly to the chairman of the Chiefs of Staff Committee.}, Port Blair on 13 February 2009 further aggravated the situation. While responding to the allegation of encroachment upon the tribal land leveled against the defence by the tribal leadership, the public relation officer (PRO) of the ANC called them “completely untrue”, “malicious” and “detrimental to the image and morale of the Armed Forces.” He reasoned that the land “issue is being fanned by anti-national elements” and “leveling baseless allegations against the nation’s Armed Forces, especially in these times of sub-conventional and separatist threats, tantamount to high treason.”\footnote{Press Release (13 February 2009, Port Blair) of the Andaman and Nicobar Command.} The expressions— “anti-national elements” and “tantamount to high treason” attracted strong criticism from the
Nicobarese leadership. In her letter to the Member of Parliament (MP), the CTC, Nancowry expressed as:

With a pained heart, I am writing this letter. After 30 years of social service in my life and nearly two centuries of public service by my family, I and my colleague have now been accused of being `ANTI-NATIONAL’ and even committing `High Treason’….. Being ordinary Indian citizens and members of a tribal community living in a remote island it is difficult for us to seek legal redress. However, we shall be compelled to take this extreme step unless the slur on our name is removed.137

10.3 Negotiations and Arbitrations

This section of the chapter proffers an analysis of our second line of inquiry: What were the measures and courses of negotiations undertaken to address the issue? Numerous fruitless negotiations and arbitrations have happened at Port Blair and in New Delhi to settle the land dispute. In his letter no. 143/01 to the AC on 5 October 2006, the CO, Kardip sought help from the civil administration to remove the Nicobarese “encroachments” from the alleged Navy land. The AC wrote to the CTC, Kamorta on 6 October 2006 and requested her to “stop the illegal encroachment by the local tribal or appraise the Naval officer about the legal point of view, if some confusion occurred in the matter.”138

On 29 December 2006, the administration conducted a survey to measure the land allegedly encroached by the Nicobarese, especially the inhabitants of Sanuh Village. Sanuh, which is located 50 meters west of the eastern boundary of the alleged Navy land and 30 meters north of the coastline of Satellite Bay, is the natural southern boundary of the alleged Navy land.139 The survey recorded that the Nicobarese use 11.01 acres of land for residential purpose and 21.44 acres, where there is a fresh water creek and jungle, are used for livelihood. Sensing strong resistance from the community against a forceful eviction, the Kardip proposed to leave 32.45 acres (11.01 and 21.44) of land to the Nicobarese of Sanuh.140

However, in lieu, it demanded an equal amount of land adjacent to Sanuh. The tribal councils rejected the proposal and reasoned that the land being claimed by the Kardip has been inhabited by the Nicobarese of Sanuh, Munack, Changhua and

137 A letter (20 February 2009) of TC, Nancowrie to the Member of Parliament, ANI.
138 F.No. ACN/10/10/2006/135 (A letter, 6 October 2006, of the AC, Nancowrie to the CTC, Kamorta)
139 From enclosure I to the CO, the INS Kardip, letter 143/01, 5 October 2006.
140 A Letter, 28 February 2007, “Encroachment of Navy Land at Kamorta”, from CO, the INS Kardip to the DC, Nicobar.
Banderkhari villages for several generations. The councils passed a resolution to oppose the land demarcation until the settlement of the dispute. Through their letter and enclosed resolution, the tribal leaders requested the Lieutenant Governor (LG) to stop the land demarcation. Sensing strong resistance and discontentment among the Nicobarese, the local administration postponed the demarcation until further direction from the higher authorities.

Society for Andaman and Nicobar Ecology (SANE), a Port Blair-based NGO, took up the issue with Jairam Ramesh, the then minister of state for commerce, who through his letter, dated 21 December 2006, explained to the defence minister that “no compensation was paid to tribal families and communities who have traditional rights over the lands.” The minister urged the defence minister to redress the “injustice” done to the community. The MP (ANI) also discussed the matter with the LG and the defence minister. In his 18 February 2009 letter to the defence minister, the MP expressed how the “tribal land was forcibly taken by the Defence” and requested the minister to “do the needful at the earliest.”

The MP, along with a delegation from the community, met the defence minister on 21 February 2009 and explained the Nicobarese perspective of the dispute. The delegation also discussed the matter with the minister of tribal affairs and the chairperson of the National Commission for Scheduled Tribes. The tribal leaders were reassured that the issue would be redressed soon. In its communication with the Outlook magazine (2009) concerning the Kamorta land dispute, the defence ministry said, “the defence minister has ordered that the issues raised by the delegation be examined expeditiously, because of the nature of allegations made against the navy, so that the factual position can be ascertained.”

The Nicobarese also sought intervention from the President of India, the Prime Minister of India, the Chief Justice of India and the Election Commissioner. In

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141 Letter (10 February 2009) of the Tribal leadership to the Lt. Governor (ANI), Subject- “Stopping of demarcation of land allegedly belongs to Defence.”
142 A letter (21 December 2006) of Jairam Ramesh (the Minister of State for Commerce, Ministry of Commerce and Industry, GOI) to A.K. Antony (the Minister of Defence).
144 F. No: CTC/Nan/2007-08, Office of the Chairperson, Tribal Council, Nancowrie.
2009, the community expressed to boycott the Lok Sabha election if the land issue was not resolved. After a long deliberation during a meeting held on 27 August 2009 in the chamber of the AC, Nancowry and in its attempt to settle the land dispute permanently, the tribal leadership agreed to surrender 77 acres of land to defence forces. Before signing the surrender certificate, the Nicobarese made it clear that the community would not give more land to the defence forces.\textsuperscript{146} However, the land despite surfaced again and it has now reached an impasse.

10.4 The Problematics of Discourse on Land Dispute

This section of the chapter analyzes our third line of inquiry—why has the dispute reached an impasse? The Kardip argues that the Rani donated 208 acres of land to the Navy in the 1970s and the Nicobarese “encroachment” on the “donated land” is a post-tsunami phenomenon. The Nicobarese leadership refutes both these claims and argues that the land has always belonged to the community. The Kardip possesses five donated land-related documents that it argues as an irrefutable evidence to substantiate its absolute claim on the land. The donated land-related documents that the Nicobarese possessed were washed away during the tsunami. Therefore, besides oral testimonies, the tribal councils have no documentary evidence to support their arguments. Since Kamorta is not a revenue area, the office of assistant commissioner also does not have land records that could settle the dispute.

The civil administrators, usually the AC (Nancowry) and the DC (Nicobar), who act as mediators during negotiations are posted in the islands for a short duration. Being unfamiliar with the intricacies of the land dispute, they readily accept the evidence-based discourse initiated by the Kardip. During the past negotiations, the administrators have not only acknowledged the claim of the Kardip on the disputed land but have also overtly cajoled the Nicobarese to surrender land. Since the Nicobarese have no documentary evidence to corroborate their claim, their version remains subjugated. The Kardip enjoys a clear advantage in negotiations, the discourse of which is limited to the possession of legal documents. Such a discourse gives a negligible chance to a semi-literate

\textsuperscript{146} The proceedings of a meeting held on 27 August 2009 in the Chamber of the AC, Nancowrie with the tribal leaders to discuss the matter related to allotment of land to the Army, the Navy and the Coast Guard in Kamorta/ Nancowrie.
Nicobarese society that is being governed by oral agreements that are passed on from one generation to another by word of mouth.

The Nicobarese tuhets, which exercise ownership on the land, have a clear understanding of what portion of land belongs to which tuhet. The tribal councils are sensitive to the fact that the Nicobarese dispossession from the disputed land would jeopardize the livelihoods of a large number of Nicobarese families. Therefore, despite disregard of their oral testimonies and pressure from the Kardip/local administrators, the tribal councils have taken a firm stand that the community would not give away land.

10.4.1 Loopholes in the Land Allotment Procedure
The Nicobarese have traditional rights over land in the Nicobar. Even for defence establishments, the government has to request the Nicobarese leadership for land donation. The Kardip argues that Rani Lachmi donated 317 acres of land to defence by signing the ‘no objection certificate’ (NOC). However, the Nicobarese leadership denies the claim of donation of 317 acres and argues that the Rani only donated a small “grassy patch”, which all the members of the survey team from the community have testified.

The content of the NOC is written in English language and it has the name of Rani Lachmi scrawled in capital. The Rani had no knowledge of English language. She was old (80 years old) and in poor health when she allegedly signed the NOC. The NOC also does not have any witnesses from the community. The Nicobarese wonder if the Rani herself signed the NOC. If she did sign it, did she actually know what was written on the paper? If yes, then why did she not inform the community leaders about the donation of 317 acres of land to the defence forces? All these questions are vital which have no apparent answers. In the light of all these questions, it is worth asking if such a dubious document (NOC) has any authenticity.147

Even if we give the benefit of doubt to the NOC, it is imperative to reflect if the donation of a vast tract of land without the informed consent of the tuhets to which it belonged was a justified act. Did the Rani have the authority to donate land on her own without consulting the captains and the chiefs of the villages? The regime of the Rani was not de jure and the central and the southern Nicobar

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147 Based on FGDs with the tribal leaders.
Islands, where she commanded respect were not one of the 442 princely states under the British domain. The *Rani* had no military, postage stamp, coinage or any of the characteristics of the *Rajas* (Kings) and the *Ranis* (Queens). Neither she owned the entire land of the islands, nor did the Nicobarese pay any revenue to her. *Rani* Lachmi was also not a dictator or a sovereign ruler. She ascribed the title of *Rani* from her mother Ishlon that the British conferred on her for her extraordinary leadership skills.

Even if we consider *Rani* Lachmi as a sovereign with absolute power, did she have the authority to give away land even when the 26th amendment to the constitution of India in 1971 had already extinguished all the privileges and powers of the former Kings and Queens? It is self-explanatory that the de facto regime of the *Rani* had no authority to donate the land of other people without their informed consent. Therefore, the claim on Kamorta land by the *Kardip* based on the land allegedly donated by the *Rani* and the NOC issued for the same is problematic. 148

The *Kardip* argues that the land was taken over by the Navy on 04 June 1979 vide deputy commissioner, Nicobar office memorandum no. 29, dated 15 February 1979. However, such an order contradicts the provisions of the ANPATR (1956). The entire Kamorta Island, except for the port area, is a tribal reserve that is governed as per the provisions of the ANPATR. The section 6(1) of the regulation states that—

No person other than a member of an aboriginal tribe shall, except with the previous sanction of the Chief Commissioner, acquire any interest in any land situated in a reserved area or in any product of a crop raised on, such land, or shall, except under and in accordance with the terms and conditions of a license granted by the Chief Commissioner, carry on any trade or business in any such an area.

This section has a direct implication on the claim put forth by the *Kardip* on the Kamorta land. As per the regulation, only the chief commissioner (now the LG) has the authority to allot land in the tribal reserve and that too after the denotification of the concerned land. However, the DC and the AC allotted land to defence at Kamorta without any denotification of the land. Therefore, the procedure adopted in the allotment of land to the defence contravenes the provisions of the ANPATR (1956). Further, as per the revenue rules of the island’s administration, if the recipient of the land fails to use the allotted land within two

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148 Based on the FGDs and interviews conducted with the Spokesperson (TC, Nancowrie); the CTC (Nancowrie and Kamorta) and the Society for Andaman and Nicobar Ecology.
years from the date of allotment, the land reverts to the administration. The Kardip could not use the allegedly allotted land for decades and it was only in 2006 that it claimed the land, which is a violation of the rule.  

10.4.2 The Objections Raised by Rani Lachmi

The Rani Lachmi has herself contested the donation of 208 acres of land to the defence. In her letters to the local administrators, which have been archived at the Andaman and Nicobar Archives (Port Blair), she expressed her discontentment on the allotment of land to the defence by the island’s administration. In her letter, dated 13 July 1978, to the AC, Nancowry the Rani complained that the Navy was allotted land without her knowledge or the consent of tribal chiefs. She also expressed her concern over the “reckless” cutting of bamboo plants and picking of coconuts from the Nicobarese plantations that stood on the land allotted to the Navy.  

The Rani viewed that such a “practice interferes in the freedom of the tribes”, and asked— “What harm would it be if such matters were discussed by the government in the presence of the tribal chiefs and an amiable decision could be arrived at?” The Rani also reasoned that “the government should guide the tribals. But I see that on the other hand the government is forcing the tribals to give up their land against their will.”  

In her another letter, dated 3 September 1979, to the AC, Nancowry the Rani argued that the Naval personnel were found picking coconuts/areca nut and cutting bamboo from the plantations of the Nicobarese. After a “thorough inquiry” into the matter, the Rani learnt that the land of the Nicobarese of Banderkhari and Ramjaw villages is made a part of the land allotted to the defence, against which she reasoned as such.

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149 FGD with the Assistant Commissioner, Nancowrie.
150 The letter (13 July 1978) from Rani Lachmi addressed to the AC, Nancowrie. Document accessed from the Andaman and Nicobar Archives, Port Blair.
151 Ibid
152 S 84(R), A letter (3 September 1979) of Rani Lachmi addressed to the AC, Nancowrie. Document accessed from the Andaman and Nicobar Archives, Port Blair.
I would like to remind you that the piece of land under issue was not allotted by
me, since I am aware that there are many things on that land like coconut trees,
*supari* (areca nut), plantation, *kevdi* (pandanus), bamboo etc. that belong to the
people. I would have never delivered land to anyone without prior consulting the
people of the place. I do not remember signing document for 208 acres of land for
the Navy but I do remember signing 109 acres only..... The people who voice
their disagreement on the issue and who are the owner of plantations in the area
have strongly refused to yield their land.\footnote{153}

The *Rani*’s letters support the argument put forth by the Nicobarese leadership that
only a tract of land with no plantations or trees— “grassy patch” was donated to
the defence. The *Rani* also objected to the defence land shown on the map and
argued that the land that she actually donated was not as vast as the map later
showed it. She called the area shown on the map as “absolutely wrong”.\footnote{154}

In an undated document, marked as a “secret report”, the chief commissioner
(CC) also acknowledged the *Rani*’s concerns. On his visit to Kamota, the *Rani*
complained to him that 109 acres of land had been released in Kamorta for
allotment to the army without any reference to her or to any other relevant village
captains. In this secret report, the CC also shared his apprehension with regard to
250 acres of land that were cleared adjacent to 109 acres for allotment to the
defence. He argued that the *Rani* would also complain about this land allotment.
Therefore, realizing the sensitivity of the issue concerning the allotment of tribal
land to the defence without the consent of the community, the CC wrote that:

\begin{quote}
It is, therefore, necessary that we may tell the DC and the Assistant Commissioner
that they may tell the Rani or captains of the village concerned that these lands are
required for Defence Forces and the government intend [sic] to allot them
accordingly. In the 109 acres of land she had pointed out the existence of some
coconut trees belonging to some village. That should be looked into. In the same
way, if there are [sic] any such property of the tribal village the matter should be
examined whether it would be possible for the Defence to pay some compensation
and necessary action should be taken accordingly.\footnote{155}
\end{quote}

**10.5 Discussion**

Ever since the land dispute emanated in 2006, the Nicobarese have been repeatedly
requesting the concerned authorities to settle it amicably. The community does not
understand measurements in acres, hectares, yards or so on. Traditionally, it has
been using trees or water bodies as a landmark for demarcation of the territories.
The Nicobarese are simple and honest people who respect their oral contracts.

\footnotesize\textsuperscript{153} Ibid
\footnotesize\textsuperscript{154} Ibid
\footnotesize\textsuperscript{155} Extract of the noting of the CC on File No. (8)-270/77-RH
Therefore, even in the absence of written records, clear demarcations or fenced boundaries, they have never witnessed intra-community feuds over the ownership of land.

The indigenes also do not deny the fact that Rani Lachmi donated land to the defence. Their only contention is that the Rani did not donate 317 acres, but a small “grassy patch” (109 acres). The indigenes do not have documented evidence to substantiate their claim as all the official documents of the community were washed away during the tsunami. However, the legitimacy of their claims could be verified from the official correspondences of the Rani and the report of the CC. The tribal councils have maintained the same line of argument, as the Rani had set since the late 1970s— the community donated only a “grassy patch” to the defence that had no plantations or trees on it— the island’s administration released 208 acres of land to the Kardip without the consent of the Rani or any other relevant Nicobarese leader.

The Rani was sensitive to the fact that the donation of a vast tract of land on a small island such as Kamorta would jeopardise the livelihood of a large number of the Nicobarese. The resistance of the present leadership of the central Nicobar is also grounded in the same rationality. Traditionally, the Nicobarese have lived in isolation and practised hunting, gathering, horticulture and livestock rearing. Copra production helped them strike up limited trade relations with the outer world.

The community lived an independent and self-sustaining life until the Indian Ocean tsunami struck the islands in 2004. The catastrophe hit the indigenes hard and they virtually lost everything— people, livelihoods, land, livestock, plantations, settlements and so on. In the aftermath of the tsunami and the humanitarian response that it warranted from the government, the indigenes have become vulnerable. With the permanent inundation of large tracts of cultivable land and negligible availability of alternative livelihoods, pressure on the existing land has increased (Saini 2015b, 2015e).

Kamorta is a small island (188.2 km²) with a total population of 3,557 (Census 2011). Approximately 800 non-Nicobarese people live on it illegally. Post-tsunami, the island’s administration evacuated the Trinket Island and resettled 234 Nicobarese in Kamorta (Table 9).
Table 9: Demographic Profile of the Nicobarese on Kamorta Island (2011)

<table>
<thead>
<tr>
<th>S.No</th>
<th>Village</th>
<th>HH</th>
<th>Population</th>
<th>M</th>
<th>F</th>
<th>Literate</th>
<th>M</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Pilpillow</td>
<td>62</td>
<td>282</td>
<td>152</td>
<td>130</td>
<td>209</td>
<td>113</td>
<td>96</td>
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<tr>
<td>2</td>
<td>Daring</td>
<td>27</td>
<td>115</td>
<td>64</td>
<td>50</td>
<td>72</td>
<td>45</td>
<td>27</td>
</tr>
<tr>
<td>3</td>
<td>Chanel/Chanol</td>
<td>02</td>
<td>13</td>
<td>07</td>
<td>06</td>
<td>06</td>
<td>03</td>
<td>03</td>
</tr>
<tr>
<td>4</td>
<td>Banderkhari</td>
<td>11</td>
<td>23</td>
<td>12</td>
<td>12</td>
<td>07</td>
<td>05</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Changhua</td>
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<td>146</td>
<td>73</td>
<td>73</td>
<td>76</td>
<td>43</td>
<td>33</td>
</tr>
<tr>
<td>6</td>
<td>Alhukheek</td>
<td>10</td>
<td>46</td>
<td>26</td>
<td>20</td>
<td>23</td>
<td>14</td>
<td>09</td>
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<td>Knot</td>
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<td>05</td>
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<td>09</td>
<td>15</td>
<td>09</td>
<td>06</td>
</tr>
<tr>
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<td>Munak</td>
<td>24</td>
<td>117</td>
<td>51</td>
<td>66</td>
<td>83</td>
<td>38</td>
<td>45</td>
</tr>
<tr>
<td>10</td>
<td>Ramjaw</td>
<td>23</td>
<td>98</td>
<td>48</td>
<td>55</td>
<td>62</td>
<td>32</td>
<td>30</td>
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<tr>
<td>11</td>
<td>Kamorta</td>
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<td>1028</td>
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<td>12</td>
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<tr>
<td>13</td>
<td>Bada Enaka</td>
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<td>108</td>
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<td>66</td>
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<td>14</td>
<td>Vikas Nagar</td>
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<td>234</td>
<td>154</td>
<td>80</td>
<td>153</td>
<td>108</td>
<td>45</td>
</tr>
<tr>
<td>15</td>
<td>Kakana</td>
<td>71</td>
<td>266</td>
<td>155</td>
<td>111</td>
<td>206</td>
<td>123</td>
<td>83</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>893</td>
<td>3557</td>
<td>2036</td>
<td>1520</td>
<td>2544</td>
<td>1539</td>
<td>1005</td>
</tr>
</tbody>
</table>

Source: Census 2011

A multitude of factors post the tsunami—permanent inundation of land, destruction of livelihoods, new settlements and land encroachments has put pressure on the existing limited land in Kamorta. The community practises land intensive source of livelihood and land and sea is its only source of sustenance. The Nicobarese argue that the contested land is a common property of 400 families spread across 15 villages in Kamorta. It is also the main source of livelihood for many villages—Banderkhari, Changhua, Munak, Ramjaw and Sanuh. Therefore, dispossession of land would badly hit the livelihoods of these villages and force the indigenes to starvation.

With the establishment of defence infrastructure and fencing in of the land, the Nicobarese accessibility to Banderkhari and Changhua villages would also be obstructed. The community is also concerned about its fishing rights and mobility on coasts and creeks of the sea surrounding the disputed land that is their major catchment area. The community cannot venture into the deep sea, as it does not have the requisite vessels and other equipment (Saini 2015a). The village captains also argue that the close proximity of the defence forces to the Nicobarese has implications on their mobility, freedom and privacy. Many times the defence intercepted the Nicobarese while fishing or navigating from one island to another in their hodis (handmade canoes). The community fears that the allotment of more land to the defence would curtail its privacy, mobility and freedom that would affect its livelihood and wellbeing.
While survival and well-being are the major concerns for the community, the government is concerned with developing the islands as a strong defence base. Since 2001, the identity of the ANI has undergone change, the rationality of which is best explained in a letter (29 October 2008) of the ministry of defence. Vide its letter No. 14018/1/88/1065/45/D (L)/94, dated 6 July 1994, the ministry of defence offered the transfer of the Army land (109 acres) in Kamorta to the Andaman and Nicobar administration. The island’s administration accepted the land transfer. It also agreed to refund the royalty of Rs. 59.375.75 and reimburse the expenses (Rs. 109.01 lakhs) incurred by the ministry of defence in the form of development activity.\textsuperscript{156}

However, through its letter, dated 29 October 2008, to the chief secretary (ANI), the army headquarters requested the cancellation of the letter no. 14018/1/88/1065/45/D (L)/94 of the ministry of defence and requested the accordance of concurrence for retention of land in Kamorta. The defence argued that the land was offered for transfer by the army headquarters before the establishment of India’s first tri-service defence organisation, the Andaman and Nicobar Command (ANC) in 2001 at Port Blair. Over the period, the islands have emerged as significant strategic spaces. Therefore, keeping in mind its expansion plans in the islands, the defence has developed a keen interest in the land.\textsuperscript{157}

The Nicobarese acknowledge the significance of defence establishments in the islands. They have always cooperated with the defence forces and donated land to the Army, the Navy and the Coast Guard. The community has never raised an objection on the “grassy patch” that the Rani donated to the defence. In the interest of national security, the Nicobarese are willing to surrender land for further defence establishments in Kamorta. However, their major concern is that the acquisition of land should not affect the survival of the local people and the discourse of negotiations concerning the land dispute should represent the Nicobarese version as well.

In an attempt to settle the land dispute permanently, the Nicobarese leadership agreed to surrender 77 acres of land and signed the surrender certificate at the chamber of AC, Nancowry on 27 August 2009. However, even after the surrender of 77 acres, the land dispute is not resolved. The Nicobarese have been appalled by

\textsuperscript{156} Document titled ‘Retention of 109 Acres of Army Land at Kamorta’.

\textsuperscript{157} Ibid
the lack of sensitivity that the government has shown in handling the whole issue. They also wonder if the present crisis is a repercussion of some misunderstanding or it was designed this way. A decade since the land dispute and almost seven years after the community surrendered 77 acres of land to the defence, the magnitude of the Nicobarese sufferings has not yet eased. Their anguish could be understood through the excerpts of three letters that they addressed to the authorities at three different points of time—November 2006, when the dispute emerged; March 2011, after they had surrendered 77 acres; and 2014, the current situation.

The defence establishment came much later and settled on the land of tribal people. To try and take additional land now, which belongs to the tribal people by threatening them with eviction is most cruel and illegal (1 November 2006)158….. If we are forced again and again to surrender any more land, the tribal community will be left with no other alternative but to take up hunger strike to finish their lives (23 March 2011)159….. if the land is surrendered, we would starve to death. Life does not seem an option to us. We have decided to get shot by the bullet of the Navy, rather than the slow and disgraceful death of starvation and humiliation (17 October 2014)160

It was painful and at the same time intriguing for me to read a large number of letters that the Nicobarese had written to the authorities requesting them to settle the land dispute. These letters, which the Nicobarese call as “the Letters of Sufferings” peculiarly end with four words, “In Protest,” and beneath it, are followed by two more words, “Respectfully Yours.” While concluding this discussion, I could not help thinking of an excerpt from a letter (dated 10 February 2009) of the Nancowry Tribal Council which is addressed to the Lieutenant Governor of the Islands:

…The Tribal Council recognises and appreciates the role played by the defence services including the Navy during the tsunami. The Council admits that National security must take priority. But in a country of 110 crores, should the burden of National security be placed on 400 tribal families alone?...
In Protest
Respectfully Yours

158 A Letter (1 November 2006) of the TC, Nancowrie to the AC, Nancowrie and the CO, the INS Kardip.
159 F.No CTC/Nan/2007-08/95 (A Letter, 23 March 2011, of the TC, Nancowrie to the AC, Nancowrie.
160 A Letter, 17 October 2014, of the Nicobar Youth Association, Kamorta to the Lt. Governor, ANI.
10.6 Conclusions

The present crisis in Kamorta is a result of an ill-conceived land allotment whereby the island’s administration allotted 208 acres of land to the defence without consulting the Nicobarese community or following the provisions of the ANPATR (1956). It created confusion over the ownership of allotted land and precipitated a conflict of interest between the INS Kardip and the Nicobarese. Despite myriad negotiations and arbitrations for the past decade, the issue is not resolved.

The dispute has reached an impasse, as the negotiations concerning it are confined to a document-centric discourse that out-rightly disqualifies the oral testimonies of the semi-literate Nicobarese society and alienates it from its sole source of subsistence without giving it an opportunity to represent itself. As discussed in this chapter, the documentary evidence has serious fault lines. Therefore, a document-centric discourse, as it has happened in the last decade, would not offer a permanent-amicable solution. The dispute could only be settled through channelizing its discourse and setting it against the backdrop of the historical-contemporary facts and the protective provisions of the ANPATR, 1956.

There is no denying the fact, that the Andaman and Nicobar islands are strategically significant for the country. However, the islands are also a natural habitat for endemic biodiversity and six indigenous communities of which five are particularly vulnerable tribal groups (PVTGs). While the disputed land is a prerequisite for further defence establishments in the islands, it is also a major source of livelihood for the indigenes. The Nicobarese resistance to eviction is grounded in a rationality of survival and wellbeing that has become critical after the tsunami.

The Nicobarese acknowledge the significance of defence establishments and appreciate the role that the defence played in their rescue and rehabilitation during the tsunami. The community is keen to settle the dispute amicably. However, they are appalled by the fact that their perspective of the dispute finds no place in the discourse of the negotiations. Their only concern is that the solution to the Kamorta land dispute should also factor in their concerns and strike a balance between the need of the defence for reasonable
defence establishments on a small island and the land requirement of the Nicobarese for a sustainable survival and wellbeing.

The negotiations should also have a proper rehabilitation/compensation plan for the affected Nicobarese. Mere monetary compensations would do more harm than good. A sustainable alternative livelihood plan needs to be drawn for the indigenes, for instance, the repatriation of the unsolicited non-Nicobarese would open livelihood avenues in Kamorta which could be extended to these Nicobarese.