



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

**LEGAL STATUS AND GOVERNANCE OF PORAMBOKE
LANDS UNDER TAMILNADU LAND LAWS: ISSUES,
CHALLENGES, LAW & LEGAL IMPLICATIONS,
POLICY RECOMMENDATIONS**

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ABSTRACT:

In this article we shall seek what is actually a “poramboke land”,and explore the Acts and Legislations that has been specifically enacted and implemented by the Government of Tamilnadu and also examines the challenges in managing these lands including issues related to encroachment, environmental concerns and government lapses. This article also discusses the implementation of legal judgements that framed the structure of land laws w.r.t to poramboke lands and policy initiatives aimed at protecting such lands. It also provides Policy Recommendations for sustainable management, enforcement of land laws, and safeguarding the interests of the marginalized communities that rely on poramboke lands for their livelihood.

Keywords: 1. Encroachment, 2. Environmental protection, 3. Land management, 4. Legal framework, 5. Sustainable land use, 6. Public lands, 7. Community participation, 8. Water bodies, 9. Poramboke.

INTRODUCTION:

In Tamil Nadu, lands deemed unfit for cultivation and those that do not generate revenue—along with water bodies, coastal regulation zones, riverbanks, canals, tanks, village commons, grazing lands, and roadside areas—are collectively called as the "poramboke lands." These lands are owned through the government and aren't allowed for private ownership. Traditionally, the government of Tamil Nadu has utilized those uncultivable lands for various public functions, such as providing housing for economically and socially disadvantaged communities, building academic establishments, imposing public infrastructure projects, and leasing them to people for specific public use.

Historically, the term "poramboke land" dates back to the Chola dynasty, at some point of which such lands had been exempt from taxation. In ancient times, poramboke lands served limited purposes, along with sanitary functions like urination and excretion. Over time, however, their position has advanced to encompass broader communal and environmental significance.¹

CHALLENGES AND ISSUES:

1. **Incorrect land records and administrative oversight:** The Tamil Nadu government lacks accurate and up-to-date information on land ownership and registration, mainly due to financial actors not fulfilling their responsibility to monitor land-related activities for the purpose of the solution. This leads to ineffective land management and facilitates illegal land transactions.
2. **Urban encroachment:** Rapid population growth and urbanization pressure led to massive encroachment on Poramboke lands. With the expansion of cities, remote areas like Perungudi, which was earlier considered a fringe of Chennai, became highly developed areas for IT parks and residential projects. Despite huge development, Perungudi remains as an official part of Kanchipuram district rather than Chennai, creating administrative challenges in managing urban expansion.
3. **Influence of wealth and political power:** Wealthy individuals, big real estate developers and politicians often use their influence to acquire or allocate land in Poramboke for personal purposes or benefit from it. This not only depletes public land that can be used for local infrastructure, but also perpetuates inequalities in land access and ownership.
4. **Exploitation of Loopholes in Land Registration:** In the past, loopholes within the land registration and revenue structures allowed people to exchange the status (Re-Classification) of poramboke lands in their choice, frequently using fabricated files to falsely declare long-time period occupation. Although the government has applied stricter measures to close this loophole, the historic misuse has had a lasting impact on public land assets.
5. **Encroachment of Water Bodies:** Illegal occupation of lands surrounding water bodies, which include lakes, ponds, and tanks, has brought about big environmental degradation.

¹ Jayaraman, N. (2016) புறம்போக்கு என்கிற 'பாதுகாப்பு', *Hindu Tamil Thisai*. Available at: <https://www.hindustamil.in/news/supplements/uyir-moochi/196803-.html> (Accessed: 03 November 2024).

This encroachment disrupts the natural drainage systems and will increase the risk of flooding, even in the course of light to mild rainfall.

6. **Loss of Grazing Lands:** Lands traditionally used for grazing had been significantly decreased or completely misplaced due to encroachment, depriving rural groups of their sources for livestock rearing and threatening nearby livelihoods.
7. **Encroachment Around Temples:** Poramboke lands surrounding temples, which had been preserved for religious and communal purposes, have also been encroached upon. This diminishes the cultural heritage and communal functions of those sacred areas.
8. **Limited Reporting Mechanisms and Public Awareness:** There are inadequate avenues for reporting incidents of encroachment, primarily because of a loss of public awareness regarding the category and legal reputation of lands. This understanding gap hinders effective community participation in figuring out and addressing illegal profession of poramboke lands.

POLICY RECOMMENDATIONS:

1. **Regular Land Surveys and Reclamation of Encroached Poramboke Lands:** The government should conduct regular surveys to perceive lands with poramboke fame and reclaim all encroached lands that come under its authority. Additionally, there have to be stringent measures to prevent the leasing or allotment of poramboke lands to private individuals.
2. **Strengthened Monitoring by way of Revenue Officials:** Revenue branch officials have to actively monitor poramboke lands to prevent encroachment by way of personal parties and to sell environmental conservation. Regular oversight will make sure that these communal lands continue to be protected and serve their supposed public purposes.
3. **Periodic Review Meetings through Government Authorities:** District collectors, local self-government bodies, and all revenue officers, officials associated with environment, rural and urban planning officials, have to conduct evaluate conferences to assess land management practices. This will make sure for proper governance and oversight of poramboke lands at all administrative ranges.
4. **Enforcement of Strict Laws to Protect Water Bodies:** The authorities need to put in legal guidelines with severe penalties to protect water bodies from encroachment. This will guard vital environmental assets and prevent issues such as flooding and ecosystem degradation.

5. Public Awareness and Digitization of Land Data: Educating the general public about land classification is critical. The authorities must digitize land data to make them easily accessible to the general public and set up mechanisms for citizens to report land law violations without delay to the authorities via technological advancements like a Mobile app.
6. Increased Staffing and Special Task Forces: To improve enforcement, the revenue branch ought to recruit additional officers and establish a special mission force with the authority to take action towards illegal occupants. Empowering such mission forces will enhance the authorities' potential to deal with land encroachment issues effectively.
7. Reclassification of Poramboke Lands for Public Welfare: Poramboke lands which have misplaced their original motive and might not serve their intended use have to be reclassified for public welfare projects. Special provisions should be applied to guard the livelihoods of vulnerable groups, making sure that these lands make contributions to poverty reduction and the well-being of marginalized groups.
8. Collaboration with NGOs and International Experts for Sustainable Land Management: The authorities ought to collaborate with NGOs and international companions to adopt sustainable and land management practices. Such collaborations could help save the environmental degradation and at the same time promoting the responsible use of poramboke lands for communal and ecological benefits.

**THE TAMIL NADU PANCHAYATS (RESTRICTION AND CONTROL
TO REGULATE THE USE OF PORAMBOKES IN RYOTWARI
TRACTS) RULES, 2000:**

While all the other Legislations that was enacted for the purpose of regulating land laws in Tamilnadu, almost all of those acts just has an inclusion of “Poramboke” as a small part in it, meanwhile, This act was enacted solely for the regulation and governance of poramboke lands in Tamilnadu and mentioned the provisions in this legislation below-

1. Definitions and Regulations: Poramboke lands are defined as public lands intended for public use. For example, grazing area or water bodies, which prohibits unauthorized private use or alteration
2. Authority of Panchayats: It allows the local panchayats to monitor, supervise and manage the usage of Poramboke lands inside their jurisdiction to prevent misuse or unauthorized use.

3. **Prevention of encroachments:** There are orders for panchayats to conduct normal surveys of Poramboke lands, perceive encroachments and take disciplinary action, along with reporting violations to higher government. **Penalties for unauthorized use:** It establishes penalties and legal actions for individuals or entities which are found encroaching on or using Poramboke lands without a permit.
4. **Environmental protection:** It emphasizes conservation of Poramboke lands with environmentally sensitive resources (e.g. water bodies) to prevent environmental degradation and hold resources for public consumption.
5. **Community participation:** It encourages public awareness of land classifications and allows residents to report the use of violations to authorities, thus involving communities in land management.
6. **Collaboration with Revenue and District Managers:** It requires collaboration with district officials, especially in cases of persistent enroachment.

These policies aims to protect the Poramboke lands in the Ryotwari area by ensuring their continued conservation and availability for the community and the environment.

CASES THAT EXHIBITED LAND LAWS OR CREATED AWARENESS ABOUT THE USE AND RULES FOR PORAMBOKE LANDS IN TAMIL NADU:

1. The **L. Krishnan v. State of Tamil Nadu (2005)²**: is a critical point in the judgment of the Madras High Court. This incident helped to strengthen the defense of the Poramboke lands which had a strong focus on unauthorized encroachment. The court directed the Tamil Nadu government to identify, plan and remove encroachments on these community lands, emphasizing its vital role in water conservation, flood mitigation and community welfare. The social and ecological importance of Poramboke lands were highlighted by the judgment by establishing the government's duty of protection under Article 21 of the Indian Constitution. This resolution helped in outlining the protection of public lands to ensure they remained accessible and beneficial to local communities and the environment. Moreover, the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 came into being because of this.

²*L Krishnan vs State of Tamilnadu*, [2005] High Court of Madras, AIR, 2005 MADRAS 311

2. The **T.K. Shanmugam v. State of Tamil Nadu (2005)**³: is a case which was an important decision of the Madras High Court. It focuses on the unauthorized use of land designated for public use in Poramboke, such as water bodies and grazing areas. The petitioner challenged the government's inaction in protecting these lands from encroachment, arguing that such violations cost the communities vital resources. The court affirmed the government's duty to protect Poramboke lands and ruled that these lands could not be converted to private use. It ordered local authorities to respond immediately to encroachments and ordered regular inspections to prevent unauthorized occupancy. The judgment also emphasized the ecological significance of Poramboke lands in terms of water conservation and environmental sustainability. This judgment had a major impact on Poramboke land law in Tamil Nadu by strengthening legal protections in these lands, enhanced government accountability and established an influential legal precedent that had an impact on subsequent cases. It also raised local awareness of the importance of preserving Poramboke lands, and highlighted the important role of public welfare and environmental health. This issue plays an important role in society in the conservation of resources in the country.
3. **State of Madras v. Kasthuri Ammal (1974)**⁴: is one of the earliest cases on record in Poramboke land in Tamil Nadu. It was a significant Supreme Court case on the issue of encroachment on Poramboke lands, that are public lands in the community such as agriculture, water resources conservation and grazing. In this case, Kasthuri Ammal had constructed a building on a piece of land classified as Poramboke by the Madras district and sought to evict her claiming that her project be allowed, and the land reserved for public purpose pointing out that it is intended for public benefit and for public use. The court also held that unauthorized occupation of poramboke land does not confer any rights, that it violates the principle of land ownership when length or construction does not exceed the legal division of land, which states that Poramboke has the right to reclaim the lands at any time to reinforce the assurance that they remain accessible for public purposes. This judgment had a profound impact on land laws in Tamil Nadu and across India, establishing clear legal protections for Poramboke lands, mandating government accountability in monitoring and preventing encroachment, which made it a critical reference for future conflicts over government land. This case not only reinforced the importance of conserving

³ *TK Shanmugam vs The State Of Tamil Nadu*, [2015] Highcourt of Madras, AIR, 2016 MADRAS 25

⁴ *State of Madras vs Kasthuri Ammal*, [1973] Supreme court of India, Madras Law Journal, (1974) 2 MLJ 531.

public resources for the public good, but also encouraged a greater awareness and understanding of the use of managing public resources for sustainable environment and the needs of the community.

CONCLUSION:

The concept and management of the Poramboke lands in Tamil Nadu reflect a complex of historical, environmental and socio-economic factors. Though these lands have traditionally been a valuable public asset, today they face major challenges such as encroachment, poor management and exploitation by interested parties with powers. Tamil Nadu Panchayats, for instance, in the case of restricting and controlling for regulating the use of Porambokes in Ryotwari tracts, in the year of 2000 shows how the legal framework aims to safeguard these lands for public benefit. However, the protection of the land requires an adaptable and multidimensional approach for sustainable management. This could include, active law enforcement, local communities cooperation, and ongoing policy changes to reinforce. The major key recommendations to include are regular land surveys, monitoring intensively and public awareness, which are necessary to preserve Poramboke lands as a community resource. Only the concerted efforts of government, judiciary and the civilians can help in creating an effective way to protect these lands, ensuring they continue to serve the ecological functions and needs of marginalized communities.

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