

Land Alienation and Restoration: Macro Level Experience in Andhra Pradesh

P. Raghupathi¹

¹ICSSR Senior Fellow, Council for Social Development, Southern Regional Centre, Hyderabad. E-mail: raghurp16@gmail.com

Venkateswarlu Gunna²

¹Assistant Professor, Koneru Lakshmaiah Education Foundation, Green Fields, Vaddeswaram, Guntur Dist

Abstract

Increasing penetration into the agency regions by non-tribals and government initiation of various projects in the post-independence period have forced the tribal to leave their lands. With the introduction of commercial use of land as a resource, there was a substantial increase in the pressure on tribal land. The problem of land alienation started with the opening of the tribal areas as a result of developmental processes and the setting up of various irrigation, power, industrial, and mining projects. The incidents of land alienation are more common in areas that are rich in minerals and other natural resources and where there are possibilities for increased agricultural production.

In general, land alienation takes place in two aspects: land alienation by non-tribes and land acquisition by the government. In both aspects, people are victimised on a large scale. Importantly, the government made a serious attempt to protect agency lands by adopting compensatory measures like land-to-land and land-to-cash, as well as rehabilitations. However, land alienated by tribes leads to various disturbances among the tribes and between tribes and non-tribes. Among various problems, land alienation cases filed in the respective court are one of the major issues in which tribes are unable to retain their lands within a short period of time or are defeated in court in most of the cases. Resultantly, on the one hand, the number of cases detected and disposed of appears to be higher in the case of tribes. Similarly, cases decided in favour of STs were relatively higher when compared with non-tribes. Interestingly, overall growth rates with respect to cases decided in favour of STs are also

¹ICSSR Senior Fellow, Council for Social Development, Southern Regional Centre, Hyderabad.

E-mail: raghurp16@gmail.com

²Assistant Professor, K.L. University.

around 50 per cent higher. Taking all those aspects into account, STs are considerably more progressive when compared with their counterparts. Conversely, the average size of holdings obtained by the tribes in almost all districts and ITDAs of Andhra Pradesh is relatively lower when compared with non-tribes. It is to be noted that the average size of holdings is the result of the number of cases detected, disposed of, and cases in favour of STs. Despite all these aspects being in favour of STs, the average size of holdings alone is in favour of non-STs, and that is where the actual progress of non-tribes and tribes is seen. In this aspect, tribes are far behind non-tribes, and the actual expected progress from tribes was not up to the mark, hence, stringent measures need to be taken so as to benefit from a higher average size of land for tribes. It may be feasible only when the pending majority court cases are delivered in favour of tribes for whom serious legal assistance needs to be provided.

Keywords: LTR cases detected and disposed, cases in favor of tribes and non-tribes.

Introduction

Increasing penetration into the agency regions by non-tribals and government initiation of constructing various projects in the post-independence period has forced the tribal to leave their lands (Chandra Kumar Sharma, 2001). With the introduction of commercial orientation of land as a resource, there was a substantial increase in the pressure on tribal land. The problem of land alienation started with the opening of the tribal areas as a result of developmental processes and setting up of various irrigation, power, industrial and mining projects (Shylendra, H. S. 2018). The tribals could not take advantage of the legal remedies on account of illiteracy and poverty. In the post-Independence period, the reorganization of the states and scheduling of the areas had far-reaching implications on the tribal land. Many predominantly tribal areas that had remained outside the scheduled areas did not benefit from protective land-laws for quite some time. Apart from the alienation of tribal land to the non-tribals, its acquisition for various public and private purposes has also been allowed. The incidents of land alienation are more in areas that are rich in mineral and other natural resources and where there are possibilities of increased agricultural production.

Therefore, in the first part of this paper, the changes in operational holdings (number of operational holdings, area operated, and average size) among social groups between India and Andhra Pradesh state were analysed. In the second section, it is focused on LTR cases,

through which a number of cases were detected and disposed of; cases decided in favour of STs and non-STs were analysed in detail. Above all, the average size of land benefited by the LTR Act between STs and non-STs is also a focus. In addition to this, micro-level evidence is also analysed in order to understand both macro and micro-level landholding dynamics.

Constitutional Provisions

Schedule V of the Constitution lays down provisions for protection of land, and welfare and advancement of scheduled tribes. Legal protection is provided in Schedule V under which laws are to be framed by the state governments to 'prohibit or restrict the transfer of land by or among members of the scheduled tribes' scheduled areas. The Samatha judgment, delivered in the context of the Andhra Pradesh Scheduled Area Land Transfer Regulation 1959, held that private mining industries are a non-tribal 'person' and therefore, mining leases to private industries in tribal lands of scheduled areas are null and void and any transfer of land to a non-tribal was prohibited. The judgment went on to state that in scheduled areas, every Gram Sabha should prevent alienation of land, and minerals of these areas should be exploited by the tribal people themselves (Rebbapragada, R and Kalluri, B., 2009). However, these two provisions could not protect the interests of tribal communities and their lands.

Andhra Pradesh Enacted Legislations

The Government of Andhra Pradesh has enacted the following regulations to prevent the transfer of tribal lands to non-tribals or for restoration of the alienated lands to the tribals:

(i) Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (APSALTR) (1/1959) as amended by Regulation 1/1970, 1/1971 & 1/1978.

(ii) Andhra Pradesh Schedule Areas Land Transfer, Rules 1969. 7.2. 2

The above-mentioned regulations enacted by the Government of Andhra Pradesh, inter-alia, provide that:

1. The land can be transferred from a tribe to another tribe without any conditions.
2. The land in scheduled areas cannot, under any circumstances, be transferred from a tribal to a non-tribal under Section 3 of the APSALT, Regulation 1 of 1959 as amended by Regulation 1 of 1970, 1/1971 & 1/1978. Originally, there was a provision in APSALTR, 1959, which facilitated the transaction between tribals and non-tribals subject to obtaining previous sanction of the state government, or with the written permission from the agent to

government or of any prescribed officer, which has been withdrawn by the amending Regulation, 1/1970.

(i) Any transfer of land in the scheduled areas from a tribal to a non-tribal shall be treated as null and void unless such transfer is made in favour of a person who is a member of ST or a society registered under the Andhra Pradesh Cooperative Societies Act, 1964 which is composed solely of members of scheduled tribes. However, partition among the non-tribal pattadars and devolution by succession do not attract the definition of transfer—under Sec. 3(9) of APSALTR, 1959; and as such tribal land may be indirectly under the possession of non-tribals.

Section 3 of the Regulation, 1/1970 provides restriction on transfer of lands from any person to the non-tribals. In case the alienation has been made in violation of the provisions of the Regulation, Sec. 3(2) (a) provides for restoration of lands to tribals after rejecting the transferee. If restoration is not possible, Sec 3 (2) (b) provides for disposal of such lands as if it was the property of the state government by way of assignment or sale of it to any member of a scheduled tribe or their society.

Section 6A of the Regulation (amended Regulation, 1/1978) contains penal provisions which state that any person who, on or after the commencement of the Andhra Pradesh Scheduled Areas Land Transfer (Amendment) Regulation 1978 (a) acquires any immovable property in contravention of the provisions of this Regulation; or (b) continues in possession of such property after a decree for ejection is passed; shall on conviction be punished with rigorous imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both. Offences under the Regulation are treated as cognisable under Sec. –6B.

The commission has been informed that in order to plug the loopholes, the review of these laws is being undertaken from time to time by the state government. The government has been regularly reviewing the progress of the implementation of the regulation. Recently, a study has been conducted in Telangana and Andhra areas on tribal land issues and the recommendations of the land committee set up by the state government to peruse the report are under the active consideration of the state government.

The state government has said that the provisions of the amendment Act No. 7 of 1998 and the AP Panchayat Raj Act, 1994 are consistent with the provision of Section 4 (m) (iii) of Panchayat Extension to Scheduled Areas (PESA) Act, 1996 which provides that while

endowing powers to Panchayats in the scheduled areas, the State Legislature shall ensure that the Panchayat at appropriate level and the Gram Sabha are endowed specifically with the power to prevent alienation of land in the scheduled areas and to take appropriate action to restore any unlawfully alienated land of a scheduled tribe. The state government has further stated that rules are yet to be framed for implementing the provisions of Act No. 7 of 1998. The Commission recommends that the state government of Andhra Pradesh should take urgent action to frame the rules for implementing the provisions of amendment Act No. 7 of 1998” (National Commission for scheduled tribes, Second Report for the Year, 2006-07).

Despite the above Constitutional provisions and Andhra Pradesh state enacted legislations, the tribal lands have been continuously alienated by non-tribals and it is being continued even after Independence. This alienation of tribal land has paved the way to decrease the extent of tribal land and is a contributory factor in forced migration. Before analysing the land alienation issue with reference to the Andhra Pradesh agency region. It is pertinent to understand the landholding pattern at macro level between India and Andhra Pradesh state among various social groups in general and scheduled tribe group in particular. Thus, it gives us scheduled tribe overall landholding position in terms of number holdings and area operated and above all average size of landholdings they owned.

Status of Landholdings: Macro Level Analysis

All India level as well as Andhra Pradesh state level landholdings status of STs is analysed in this section. Based on the agricultural census data for years 2010-11 and 2015-16 number of operational holdings, operated area and average size were analysed in this section.

Table: 1 - Number of Operational Holdings and Area Operated by Social Groups, 2010-11 and 2015-16

Social Groups	Number of Holdings (in'000)		% Variation in 2015-16	Area Operated in (in'000 ha)		% Variation in 2015-16
	2010-11			2010-11		

		2015-16	over 2010-11		2015-16	over 2010-11
Scheduled Caste	17099 (12.36)	17341 (11.84)	1.42	13721 (8.60)	13481 (8.54)	-1.75
Scheduled Tribes	12005 (8.68)	12669 (8.65)	5.53	18221 (11.42)	17784 (11.27)	-2.40
Others	109006 (78.79)	116180 (79.33)	6.58	126108 (79.02)	125012 (79.21)	-0.87
Institutional	239 (0.17)	264 (0.18)	10.54	1542 (0.97)	1540 (0.98)	-0.11
All Social Groups	138348 (100)	146454 (100)	5.86	159592 (100)	157817 (100)	-1.11

Source: All India Report on Agriculture Census 2015-16, Ministry of Agriculture and Farmers Welfare, Government of India, 2020.

The above table reveals the operational holdings and areas operated by different social groups during 2010-11 and 2015-16. The holdings operated by scheduled castes constituted 11.84 percent of the total number of holdings in the country in 2015-16 as against to 12.36 per cent in 2010-11. Similarly, scheduled tribes' holdings registered 8.7 per cent of total holdings in both 2010-11 and 2015-16. The proportion of operated areas held by scheduled tribes has marginally decreased from 11.42 per cent in 2010-11 to 11.27 per cent in 2015-16. Conversely, in the case of 'other' social group, the proportion of number of holdings in 2015-16 was 79.33 and it stood at 78.79 percent in 2010-11, therefore, there was a marginal decline in operational holdings. In absolute terms, the total number of operational holdings in the country has increased from 138 million in 2010-11 to 146 million in 2015-16. Uttar Pradesh is the state which registered largest number of lands holders, constituting 16 per cent of the total number. Moreover, the number of small land holdings has registered an increase compared to the previous census, while the number of large land holdings has decreased. It is to be noted that with the increase of number of small holders, there are more people who now own smaller parcels of agricultural land. It is interesting to note that marginal, small and

medium land holdings constitute the lion's share of operated area – large land holdings account for only 9 percent of the total operational area. (Varun B. Krishna, 2018).

With respect to the operated area by other social groups, the proportion of operated area has marginally increased from 79.02 per cent in 2010-11 to 79.21 percent in 2015-16. Precisely, the number of operational holdings marginally increased in the case of other and institutional while it is seen marginally declined in the case of SCs and STs between 2010-11 and 2015-16. but there was a decrease in operated areas in every social group including Institutional in 2015-16 when compared with 2010-11. Same trend is seen even in the area operated by different social groups, between other and institutional it was marginally increased whereas in the case of SCs and STs, it slightly declined during the same period. The Percentage of variation with respect to the number of holdings clearly shows that SCs and STs registered at 1.42 and 5.53 percent respectively which is below all social groups. On the contrary, others and institutions constituted 6.58 and 10.54 percent respectively which is higher than all social groups. Operational holdings percentage of variation appears to have given same trend wherein SCs and STs registered negatively high percentage. On the contrary, others and institutions constituted negatively low percentage. Thus, in both aspects namely number of operational holdings and area operated, SCs and STs were largely lagging behind with their counterparts in India as a whole. As per agriculture census, there is an increase of 5.33 percent of holdings and 1.53 per cent decrease in area at all India level. Irrespective of social group, Andhra Pradesh state stood at sixth place at all India level in the number of holdings and in seventh place in the operated area. In addition to this, Andhra Pradesh state occupied 24th place at all India levels in average size of holdings. (GoAP, 2018).

Table: 2 - Average Size of Landholdings by Social Groups, 2010-11 and 2015-16

Social Group	All India		AP	
	2010-11	2015-16	2010-11	2015-16
SC	0.80	0.78	0.76	0.68

ST	1.52	1.40	1.18	1.07
Others	1.16	1.08	1.12	0.95

Source: National Holding by Type Table2 (dacnet.nic.in), StateT1table3 (dacnet.nic.in)

The above table reveals the average size of landholdings among various social groups between India and Andhra Pradesh in 2010-11 and 2015-16. The average size of landholdings, in fact, plays a significant role in order to assess the individual social group status. Scheduled tribe's average size is relatively higher when compared with scheduled caste and others in both periods i.e., 2010-11 and 2015-16. The average size of holding has shown a steady decline in all the categories for the past five years. It is attributed that due to continuation of fragmentation of holding on account of increasing population, the average size of operational holdings declined. As a result, the arable plot size has also decreased for every generation.

Higher the size of landholdings; lower the proportion of ST households is a common phenomenon across the country as well as in Andhra Pradesh. It is pertinent to note that land alienation by non-tribes is the major problem in order to enhance their landholding size. Further, in order to adopt better technology for cultivation, tribes are mortgaging their lands to moneylenders and non-payment of these debts eventually paved the way for the transfer of land to non-tribes. Inaccessibility of institutional credit gives rise to and propels them to approach moneylenders to invest in cultivation (MoTA, 2014). In addition to this, identified surplus land distribution to the landless tribe will go a long way in safeguarding their livelihood. However, distribution of acquired surplus land by the government is not taking place at regular intervals nor properly implemented. Instead, such lands are still in the possession of government years together.

Table: 3 -Average Size of Holdings of Scheduled Tribe by Size Group during 2010-11 and 2015-16

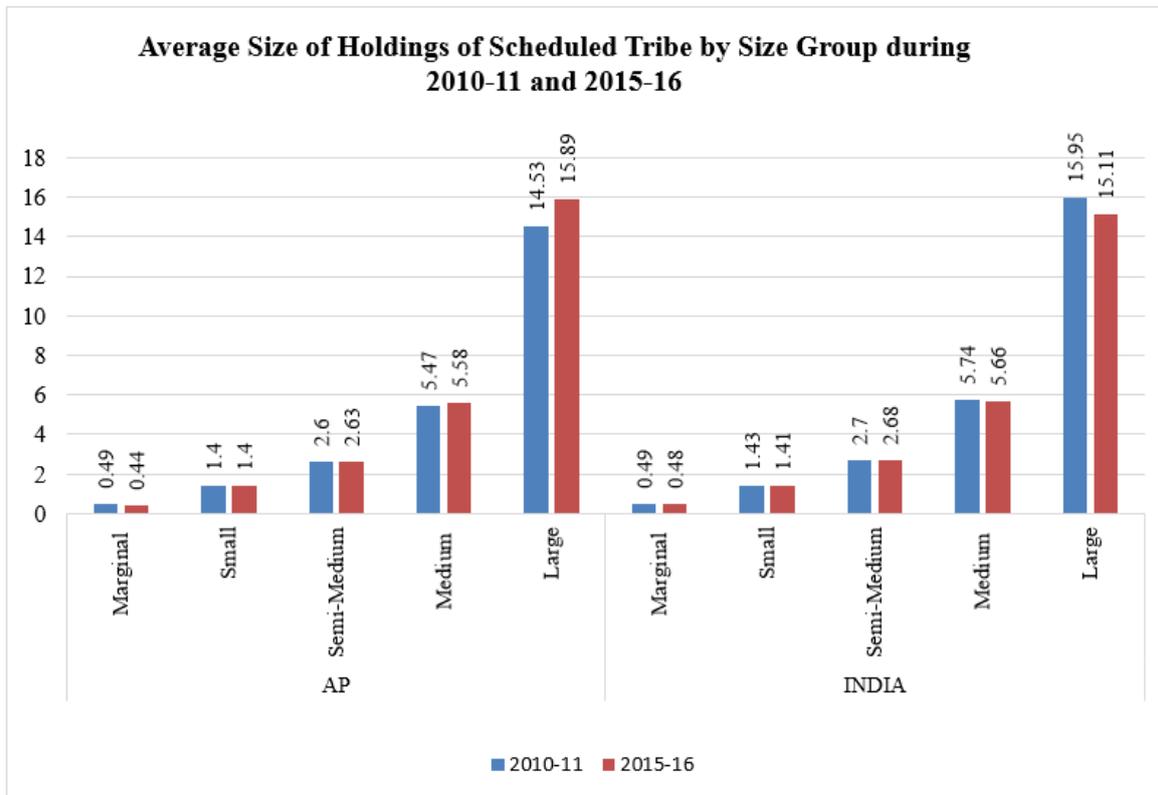
Size Group	India		Andhra Pradesh	
	2010-11	2015-16	2010-11	2015-16
ST	1.52	1.40	1.18	1.07
Others	1.16	1.08	1.12	0.95

Marginal	0.49	0.48	0.49	0.44
Small	1.43	1.41	1.40	1.40
Semi-Medium	2.70	2.68	2.60	2.63
Medium	5.74	5.66	5.47	5.58
Large	15.95	15.11	14.53	15.89
All Classes	1.52	1.40	1.18	1.07

Source: National T1 Size Class/Size Group Table4 (dacnet.nic.in)

The average size of holdings had shown a consistent decline particularly at all India level from all size groups. For instance, in 2010-11 it was 1.52 hectares, which was reduced to 1.40 hectares in 2015-16. It is observed that in all size groups namely marginal, small, semi-medium, medium and large average size of holdings at all India level have declined during the same period. Rate of average size points decline is relatively high (.84 points) among the large class and low (0.1 points) among the marginal class. It appears that there is no change in small average size group, contrary to this, marginal, semi-medium, medium and large groups average size decreased. The average size of holdings operated by scheduled tribes in 2015-16, as per agriculture census, is 1.07 as against 1.18 hectares in 2010-11. Thus, the average size of landholdings, irrespective of size group, declined (0.11 points) over a period of five years. Considering the declining trends observed in the average size of agriculture holdings during 2010-2015 and the prospective increase in population over time, the fragmentation of holdings is likely to continue and the average size of operational holdings is expected to decrease further in the country.

Interestingly, in Andhra Pradesh, it is observed that Kurnool district's average size significantly increased from 0.77 hectares in 2010 to 1.25 hectares in 2015. Similarly, West Godavari district's average size has also marginally increased from 1.16 hectares to 1.18 hectares during the same period. In addition, SPS Nellore district's average size marginally increased from 0.58 hectares in 2010 to 0.59 hectares in 2015. As against this, both YSR and East Godavari district's average sizes were drastically declined from 1.33 hectares to 0.89 hectares and from 1.85 hectares to 1.02 hectares during the same period. Remaining districts like Vizianagaram, Prakasam average size declined marginally i.e., 0.02 to 0.03 only. Other districts like Srikakulam, Visakhapatnam, Krishna, Guntur, Chittoor and Ananthapuram average size declined between 0.13 to 0.17 only (GoAP, 2018).



After looking at the macro level picture, it is understood that scheduled tribes have the highest average size of holdings across social groups. According to statistics from the agricultural census, the same tendency persisted even during the preceding time periods. Nevertheless, regardless of social group, the average size of operational holdings is steadily decreasing. In light of this context, the paper makes an attempt to study the status of LTR cases in the agency areas of Andhra Pradesh in general and examine the average size of holdings in particular. Since the tribal department always argues that about 90 per cent of LTR cases are in favour of scheduled tribes, tribes are benefited by the LTR act much better. Therefore, this paper focuses mainly on average size holdings benefited through the LTR Act in the agency region, while at the macro level, average size is much higher than that of other social groups, namely SCs and others.

Land Alienation and Restoration: Macro Level Experience

A significant section of the tribal neophytes opted for agriculture as the main source of their livelihood. However, many of them continued with their traditional occupations like shifting cultivation, terrace cultivation, fishing, hunting, animal husbandry, food gathering, etc. Community ownership of land and comprehensive dependence on the usage of forest products

continued to be the important hallmarks of their societies. Land and the yield of the forest still remain the main source of livelihood for the scheduled tribe population in general and for those who reside in the scheduled areas in particular. Andhra Pradesh has a scheduled area in five districts, and in all these districts, the LTR prohibit alienation of tribal land to non-tribals. Further, the law presumes that all land in the scheduled areas originally belonged to the scheduled tribes. It is further stated that every non-tribal who occupied or purchased the land in the scheduled areas has to prove that neither he nor his predecessor in title purchased it from a tribal. Further, the law directs the government not to wait for a tribal to complain. Instead, it is directed that the government has to initiate an enquiry into all occupied land in the scheduled areas by the non-tribals. This is the essential and dynamic feature of the land transfer regulation or LTR as it is briefly called and its full name is - Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 as amended by regulation 1 of 1970 which was promulgated on February 3, 1970.

Though this issue comes under the legal framework, on the one hand, the availability of land is largely being restricted by the forest department and a significant proportion of the land is also being encroached by the non-tribals. At this juncture, livelihood in the scheduled areas of the tribal groups, who are originally natives of the forest region, has become greatly difficult. In order to mitigate this problem, the government has been exercising and adopting various mechanisms. As part of it, the government itself initiated negotiations with the SCs and STs in order to ensure no disputes in the acquisition. Despite the government's series of endeavours, the land alienation programme in Andhra Pradesh is worse than ever before as the government was persuading scheduled castes and scheduled tribes to give up their holdings for peaceful settlements. Further, in order to disown the land ownership rights in the Agency region, the government itself watered down the laws governing land alienation. Various studies argued that 1 of 70 legislations in the scheduled areas to prevent transfer of land from tribals to non-tribals was found to be ineffective. Several empirical studies also proved this at micro as well as macro level. A few studies also emphasized that about 50 percent of assigned lands of scheduled tribes were deliberately transferred to non-poor through the pattas are prohibited transactions. Thus, scheduled areas were disturbed by both non-tribes through their illegal activities on the one hand and on the other by the government in the name of irrigation and power projects without fulfilling the promises made to the locals.

Andhra Pradesh has a scheduled area in five districts, namely Srikakulam, Vizianagaram, Visakhapatnam, East Godavari and West Godavari Alluri Sitha Ramaraju, and Parvathipuram Manyam. In all these districts, the LTR prohibits alienation of tribal land by non-tribals. It was legally initiated ever since the regulation 1 of 1970 was promulgated on February 3, 1970. Indeed, based on the Land Committee Report and Commissioner of Tribal Welfare Report, Andhra Pradesh state has been slow in land restoration to the tribal groups. From all these five districts, number of cases were detected, rising from 26406 to 29725 during 2005-2022. However, of these cases, it disposed of about 98 percent, but still a precarious balance has been struck despite tribals receiving a variety of assistance from political forces and the Naxalites in particular and social activists as well. It is noted that land alienation matter has gradually become more serious when the government involved with the proposals of forest-based projects like initiating the construction of dams for providing water to the agricultural fields and the bauxite mining project in the tribal areas. Gradually, forest products and forestland, which is their only means of livelihood, on which the tribal population depended profoundly, were also totally brought under the control of the government. Incursion of non-tribal peasantry into tribal areas was actively encouraged by the government, and opposition of tribals to this incursion was suppressed by force wherever it was required. In addition, the incursion of non-tribals into tribal areas ultimately led to transfer of land from tribals to non-tribals. Further, the plain areas converted tribals into landless labourers and pushed them onto marginal lands. The non-tribals, in fact, were interested in plain cultivable lands, leading to large-scale alienation of such lands. Thus, tribal areas are under assault by both the government as well as non-tribes. Further, acquisition of fertile land from tribes and the same land acquisition for industrial purposes as well as construction of reservoirs also aggravate the lack of fertile land in the agency areas. Obviously, multi-cropped system is adopted in the agency region and most of the fertile land is cultivated as such. And a range of leaders from Sonia Gandhi to MS Swaminathan also argued that multi-cropped land should be exempted from acquisition. (Balagopal, K, 2007). Compensation given by the government to the fertile land losers could have provided them alternative livelihood. On the contrary, the compensation given for the poor-quality land would provide them nothing.

As per tables 4 and 5, cases decided in favour of STs as a whole were 44 per cent and 40 per cent in favour of non-STs. It is observed that the government exercises its power only

in the case of small and marginal farmers in LTR cases where the extent of land size is hardly less than 2 acres. As a result, the number of cases disposed of appeared to be higher than 90 percent. Contrary to this, medium, semi-medium, and large farmer's LTR cases were not in favour of STs, which the government itself was unable to make a serious attempt. Hence, the majority of these cases were in favour of non-STs. Due to the lack of legal awareness, illiteracy, inability to invest in legal issues, and inability to influence political leaders, tribal groups were unable to fight against LTR cases on their own. Since non-tribal people have a high literacy rate, are socially sound, and have good administrative and political networks, they manipulate land records, which leads to success in LTR cases in exclusively land categories such as medium, semi-medium, and large.

Table: 4 - Detection and Disposal of Cases under LTR since Inception to 30-09-2005

District	Cases Detected		Cases Disposed		Cases Decided in Favour of STs		Cases Decided in favour of non-STs		Land Restored to Tribals		Balance Cases at the end of the month	
	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent (Acres)
Srikakulam	457	1081	432 (94.53)	978 (90.47)	291 (67.36)	533 (54.50)	31 (7.18)	352 (35.99)	250 (85.91)	522 (97.94)	25 (5.79)	103 (10.53)
Vizianagaram	1303	7427	1249 (95.86)	7233 (97.39)	891 (71.34)	5490 (75.90)	28 (2.24)	296 (4.09)	847 (95.06)	5476 (99.74)	54 (4.32)	194 (2.68)
Visakhapatnam	5307	21616	5240 (98.74)	21290 (98.49)	4127 (78.76)	16931 (79.53)	1113 (21.24)	4359 (20.47)	3013 (73.01)	13909 (82.15)	67 (1.28)	326 (1.53)
East Godavari	8260	48494	7993 (96.77)	47487 (97.92)	3548 (44.39)	18947 (39.90)	4361 (54.56)	28540 (60.10)	3303 (93.09)	17370 (91.68)	267 (3.34)	1007 (2.12)
West Godavari	11079	56401	10953 (98.86)	56184 (99.62)	2429 (22.18)	10018 (17.83)	5122 (46.76)	29677 (52.82)	2419 (99.59)	9955 (99.37)	126 (1.15)	217 (0.39)
Total	26406	135019	25867 (97.96)	133172 (98.63)	11286 (43.63)	51919 (38.99)	10655 (41.19)	63224 (47.48)	9832 (87.12)	47232 (90.97)	539 (2.08)	1847 (1.39)

Source: Land Committee Report, Government of Andhra Pradesh, 2006.

Table: 5 -Detection and Disposal of Cases under LTR since Inception to 28-02-2022

District	Cases Detected	Cases Disposed	Cases Decided in	Cases Decided in	Land Restored to	Balance
----------	----------------	----------------	------------------	------------------	------------------	---------

					Favour of STs		favour of non-STs		Tribals		Cases at the end of the month	
	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent (Acres)
Srikakulam	628	1116.63	508 (81)	1114.43 (99)	350 (67)	628.30 (56)	31 (7)	352.32 (32)	343 (98)	628.18 (99.98)	0 (0)	0 (0)
Vizianagaram	1470	7808.56	1470 (97)	7808.56 (98)	1083 (74)	5898.18 (75)	28 (2)	296.04 (4)	1037 (95.75)	5838.57 (99.98)	46 (3)	59.61 (2)
Visakhapatnam	5872	22649.31	5784 (97)	22388.5 (98)	4490 (78)	17999.45 (80)	1260 (22)	4312.34 (20)	4342 (96.70)	16919.42 (93.99)	70 (3)	246.75 (2)
East Godavari	9492	54720.71	8955 (94)	51645.65 (95)	4079 (46)	20680.71 (41)	4507 (51)	28766.49 (56)	3551 (87.05)	17711 (85.64)	576 (6)	3024.44 (5)
West Godavari	12263	66243	12020 (98)	64552 (97)	2669 (22)	11665 (18)	5511 (46)	32218 (50)	2455 (91.98)	10109 (86.66)	256 (2)	1750 (3)
Total	29725	152538.21	28737 (97)	147509.49 (97)	12671 (44)	56811.92 (39)	11337 (40)	65945.15 (45)	11728 (92.55)	51206.17 (90.13)	948 (3)	5080.8 (3)

Source: Director of Tribal Welfare, Vijayawada, Feb, 2022.

Table: 6 -Percentage Change of Cases Detected and Disposed under LTR between 2005 and 2022

Districts	2005				2022				Growth Rate			
	Cases Detected		Cases Disposed		Cases Detected		Cases Disposed		Cases Detected		Cases Disposed	
	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent	No.	Extent (Acres)	No.	Extent	No.	Extent (Acres)
Srikakulam	457	1081	432	978	628	1116.63	508	1114.43	37.4	3.30	17.5	13.95
Vizianagara m	1303	7427	1249	7233	1470	7808.56	1470	7808.56	12.8	5.14	17.6	7.96
Visakhapatna m	5307	21616	5240	21290	5872	22649.3	5784	22388.5	10.6	4.78	10.3	5.16
East Godavari	8260	48494	7993	47487	9492	54720.7	8955	51645.6	14.9	12.84	12.0	8.76
West Godavari	1107	56401	1095	56184	1226	66243	1202	64552	10.6	17.45	9.74	14.89
Total	2640	13501	2586	13317	2972	152538.	2873	147509.	12.5	12.98	11.1	10.77
	6	9	7	2	5	2	7	5	7		0	

Source: Computed from Respective Tables.

Table: 7 -Percentage Change of Cases Decided in Favour of STs and Non-STs under LTR between 2005 and 2022

Districts	2005				2022				Growth Rate			
	Cases Decided in Favour of STs		Cases Decided in favour of non-STs		Cases Decided in Favour of STs		Cases Decided in favour of non-STs		Cases Decided in Favour of STs		Cases Decided in favour of non-STs	
	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent (Acres)
Srikakulam	291	533	31	352	350	628.3	31	352.32	20.2	17.88	0.00	0.09
Vizianagaram	891	5490	28	296	1083	5898.18	28	296.04	21.5	7.43	0.00	0.01
Visakhapatnam	4127	16931	1113	4359	4490	17999.4	1260	4312.3	8.80	6.31	13.2	-1.07
East Godavari	3548	18947	4361	28540	4079	20729.9	4548	29362.	14.9	9.41	4.29	2.88
West Godavari	2429	10018	5122	29677	2669	11665	5524	32277	9.88	16.44	7.85	8.76
Total	11286	51919	10655	63224	12671	56920.9	11391	66600	12.2	9.63	6.91	5.34

Source: Computed from Respective Tables

As per tables 6 and 7, a total of 26406 land dispute cases were identified across the newly formed Andhra Pradesh, of which West Godavari district alone registered 11079 (about 42%) cases, followed by East Godavari (8260) and Visakhapatnam (5307) up to September 2005. When we closely observed the 2005 LTR scenario, only 43.63% of cases were decided in favour of STs, and more or less the same proportion (41.19%) of cases were also decided in favour of non-STs. With a marginal proportion, i.e., only about two per cent of the cases were decided in favour of STs when compared with their counterparts. Both cases detected and cases disposed of increased over a period of 17 years, but the proportion of cases decided in favour of STs had not increased; instead, it was almost constant. It appears that the government has not implemented the SDC court order in favour of tribals. In 2005, there were 26406 cases detected, and it increased to 29725 cases resulting in 12.57 per cent cases detected. In terms of cases detected, West Godavari district alone registered 17.45 per cent which is higher than the state percentage. However, the proportion of cases disposed of during the same period was just 11 per cent. Remarkably, the cases detected growth rate was 12.57 across the state, whereas the cases disposed of growth rate was just 11. Therefore, there

was nearly a 1.5 per cent gap between them. The figures show that the total detected cases are yet to be disposed of, and a few cases are still pending with the respective courts. Among the five districts, Srikakulam district was first in terms of cases detected and disposed of. However, there was a huge gap between cases detected and disposed of, and the growth rates of cases detected were about 38 and cases disposed of were nearly 18. Similarly, cases decided in favour of STs and non-STs reveal peculiar scenarios during the same period. East Godavari and Vizianagaram districts occupied the second and third places, followed by Srikakulam district, in terms of cases detected. Vizianagaram district registered 5 points higher than that of cases disposed of, which means the growth rate of cases detected is 12.82, whereas the growth rate of cases disposed of was 17.69. When more cases are resolved than are discovered, it is obvious that these districts might be regarded as "forward districts" for addressing land alienation matters. The disparity between cases detected and disposed of in the East Godavari district, however, was higher than the gap between cases detected, at 3 points. As a result, this district can be referred to as a "backward district" when it comes to handling land alienation matters. Interestingly, the West Godavari district formed a minor or marginal gap whereas the Visakhapatnam district did not; hence, these two districts can be classed together as 'resolving land alienation cases at a slow pace' districts. Thus, Vizianagaram ITDA (Integrated Tribal Development Agency) showed outstanding performance, whereas Visakhapatnam ITDA has given plausible performance in Andhra Pradesh. Therefore, these two ITDAs' strategies and mechanism systems can be adopted even by the other ITDAs in resolving land alienation cases.

The growth rates with respect to the cases decided in favour of STs and non-STs of all ITDAs in Andhra Pradesh states that a proportion of STs and non-STs relatively benefited from land alienation cases. At all ITDAs in Andhra Pradesh, land alienation cases were in favour of STs, however, the beneficiaries' proportion varies across the state and ITDAs as well. As such Vizianagaram and Srikakulam ITDAs registered first and second places and these districts constituted 21.55 and 20.27 per cent respectively. In addition, the East Godavari district land alienation cases also constituted about 15 per cent. Thus, all these three districts namely Vizianagaram, Srikakulam and East Godavari districts' ITDAs proportion is relatively higher than the state average (12.57). A similar condition is also seen in the case of non-STs. However, in Vizianagaram and Srikakulam ITDAs, there was no single case that favoured non-STs as there were neither cases detected nor disposed of during 2005-2022. From the rest of the ITDAs, Visakhapatnam district stood at first place followed by West Godavari and East Godavari districts that favoured non-STs in land alienation cases. Only one ITDA i.e., East Godavari (4.29%) is lagging behind the state average growth (6.91%). Unfavourable cases of both tribes and non-tribes were due to problems such as landlessness

and displacement. In general, displacement takes place when the government initiates public infrastructure initiatives such as the construction of irrigation projects, dams and reservoirs. In fact, both landlessness and displacement are intertwined with each other. For instance, from the government side, when lands are acquired from the public, compensation is paid only in terms of cash and not in kind. Such incidents created landlessness among the tribes.

Further, displacement for projects resulted in greater landlessness for tribals as well. In addition to this, tribal lands have been predominantly declared as state forests through which tribals lost their ownership rights on their occupied lands in the agency regions. As a welfare measure, the government has to adopt different mechanisms so as to benefit tribes through exclusively 'land to land' but not 'land to cash'. In such a case, landlessness among tribes can be avoided which the government should initiate as and when it utilizes agency lands for welfare measures. Moreover, the government should pay serious attention to marginal and small farmers who are the immediate victims of the land acquisition process. These category farmers probably will have no option other than to depend on land for their livelihood. Hence, at least for them, 'land-to-land' mechanism should be implemented in order to mitigate landlessness in the agency regions across the nation as well.

Table: 8 -Average Size of Land Benefited by Tribes and Non-Tribes under LTR since Inception to 30.09.2005

District	Cases Decided in Favour of STs		Cases Decided in favour of non-STs		Average Size of Land Benefited by Tribes (Col.3/2)	Average Size of Land Benefited by Non-Tribes (Col.5/4)
	No.	Extent (Acres)	No.	Extent (Acres)		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Srikakulam	291	533	31	352	1.83	11.35
Vizianagaram	891	5490	28	296	6.16	10.57
Visakhapatnam	4127	16931	1113	4359	4.10	3.92
East Godavari	3548	18947	4361	28540	5.34	6.54
West Godavari	2429	10018	5122	29677	4.12	5.79

Total	11286	51919	10655	63224	4.60	5.93
-------	-------	-------	-------	-------	------	------

Source: Computed from the respective tables.

Table: 9 -Average Size of Land Benefited by Tribes and Non-Tribes under LTR since Inception to 28.02.2022

District	Cases Decided in Favour of STs		Cases Decided in favour of non-STs		Average Size of Land Benefited by Tribes (Col.3/2)	Average Size of Land Benefited by Non-Tribes (Col.5/4)
	No.	Extent (Acres)	No.	Extent (Acres)		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Srikakulam	350	628.3	31	352.32	1.80	11.37
Vizianagaram	1083	5898.18	28	296.04	5.45	10.57
Visakhapatnam	4490	17999.45	1260	4312.34	4.01	3.42
East Godavari	4079	20729.99	4548	29362.3	5.08	6.46
West Godavari	2669	11665	5524	32277	4.37	5.84
Total	12671	56920.92	11391	66600	4.49	5.85

Source: Computed from the respective tables.

The average size of land benefited by land alienation cases reveals that both STs and non-STs were benefited. However, between these two groups, non-STs' average size of land appears to be comparatively higher. In absolute numbers, STs' average size of land was 4.60 acres and for non-STs, it was 5.93 acres, a difference of about 1.30 acres of additional benefit to non-STs in the state by 2005 and the same trend has continued till 2022 either. Among the five districts, Vizianagaram district's average size of land is 6.16 acres for STs which is higher than the state average size (4.60 acres) in 2005. However, during the same period, non-STs benefited by 10.57 acres from the Vizianagaram district which is also higher than the state average (5.93 acres). Interestingly, in Srikakulam district, non-STs benefited with 11.35 acres which is considerably higher when compared with both STs and state averages. With a marginal difference, the same trend is seen even in 2022 from both tribes and non-tribes. Thus, landlessness, land deprivation and land marginalization occurred on a large scale among

STs due to lack of awareness of legal procedures and inability to incur legal expenses. In addition to this, improper and irregular survey and settlement practices have also given rise to land deprivation among the tribals. It is stated by several studies that the uneconomic size of land holdings forces the tribals to sell their lands. Besides the uneconomic size, the number of marginal farmers increased in the agency regions due to the land acquisition process.

It is observed, as per the agriculture census, that both at the India and at the Andhra Pradesh state level, the average size of holdings of scheduled tribes is higher when compared with the scheduled caste and others. Conversely, according to the LTR cases data, the average size of holdings of scheduled tribes is lower than that of their counterparts.

Conclusions

The Status of landholdings of scheduled tribes at all India level states that their holdings slightly declined from 8.68 percent to 8.65 percent of total holdings in both the years namely 2010-11 and 2015-16. The proportion of operated areas held by scheduled tribes has also marginally decreased from 11.42 percent in 2010-11 to 11.27 percent in 2015-16. Thus, in both aspects namely number of operational holdings and the area operated, STs were lagging behind in India as a whole. In terms of 'size group' proportion of all number of holdings, barring marginal size category, of scheduled tribes between 2010-2015 at all India level has declined. However, the declining proportion is very marginal both in AP and India as well. Contrary to this, number of marginal holdings increased from 53.9 per cent to 56.26 percent during the same period at all India level. The same trend is perceived even in Andhra Pradesh, however, the increased rate varies between India and Andhra Pradesh, and it was more than 2 per cent in India, whereas in Andhra Pradesh it was about 5 per cent. It is attributed that state government-initiated programmes have given rise to increased marginal holdings in Andhra Pradesh. Similarly, the proportion of operated area of marginal category increased from 17.26 per cent in 2010 to 19.19 percent in 2015 in India. However, in Andhra Pradesh there was a significant increase from 24.31 percent to 27.02 per cent during the same period. The increasing rate of proportion in Andhra Pradesh is relatively higher than in India. Lastly, the average size of holdings operated by scheduled tribes, as per agriculture census, declined from 1.18 hectares to 1.07 hectares in Andhra Pradesh during 2010-2015. As a result, the average size of landholdings, irrespective of size group, declined 0.11 points over a period of five years at state level. Even, at all India level, the average size of holdings declined from 1.52

hectares to 1.40 hectares, consequently, there were 0.12 points declined which is more or less equivalent to state level.

Land alienation takes place in two aspects, namely land alienation by non-tribes and land acquisition by the government. In both aspects, agency people are victimized on a large scale. Importantly, the government has made a serious attempt in order to protect agency lands by adopting compensatory measures like land-to-land and land-to-cash and also rehabilitations. However, land alienated by tribes leads to various disturbances among the tribes and between tribes and non-tribes. Among various problems, land alienation cases filed in the respective courts is one of the major issues in which tribes are unable to retain their lands within a short period or were defeated in the court in most of the cases. As a resultant, on the one hand, the number of cases detected and disposed of appears to be higher in the case of tribes. Similarly, cases decided in favour of STs are relatively higher (44%) when compared with non-tribes (40%). Interestingly, the overall growth rates with respect to cases decided in favour of STs are also around 50 per cent higher. Taking all those aspects into account, STs have made considerable progress when compared with their counterparts. Conversely, the average size of holdings obtained by the tribes in almost all districts and ITDAs of Andhra Pradesh is relatively lower when compared with that of non-tribes. It is to be noted that the average size holdings is the result of the number of cases detected, disposed of and cases in favour of STs. Despite all these aspects being in favour of STs, the average size of holdings alone is in favour of non-STs, that is where the actual progress of non-tribes and tribes is seen. In this aspect, tribes are far behind the non-tribes and the actual expected progress from tribes was not up to the mark. Hence, stringent measures need to be taken so as to help the tribes make the most of their higher average size of land. It may be feasible only when the pending majority of court cases are delivered in favour of tribes for which serious legal assistance needs to be provided to the tribal people.

Acknowledgments *This manuscript was prepared as part of the ICSSR Senior Fellowship (grant ref:2-10/2021-22/GEN/SF). The author thank the anonymous reviewer whose comments greatly improved the manuscript.*

References

- [1] Ambagudia, Jagannath(2010): ‘Tribal Rights, Dispossession and the State in Orissa’, *Economic and Political Weekly*, August 14, Vol. XIV, No. 33.
- [2] Balagopal, K. (2007): ‘Land Unrest in Andhra Pradesh – III – Illegal Acquisition in Tribal Areas’, *Economic and Political Weekly*, October 6.
- [3] Government of Andhra Pradesh (GoAP) (2018), ‘Census of Landholdings 2015-16 Andhra Pradesh’, *Directorate of Economics and Statistics*, Planning Department.
- [4] GOI, Planning Commission (1986): ‘Report of the Study Group on Land Holding Systems in Tribal Areas’, New Delhi.
- [5] Heredia, Rudolf C. (2000): ‘Tribal History, Living Word or Dead Letter’, *Economic and Political Weekly*, April 29.
- [6] Land Committee Report (2006): Government of Andhra Pradesh.
- [7] Mohanty, P.K. (2002): ‘Development of Primitive Tribal Groups in India’, *Kalpaz Publications*, Delhi,
- [8] Mohd. Ali Faraz, Rajanya Bose, Sajjad Hassan and Sandeep Ghusale (2016): The Extent and Nature of Individual Tribal Land Alienation in Fifth Schedule States in India: A Study undertaken by Centre for Equity Studies, New Delhi, India.
- [9] M. Venkatanarayana and L. Sudhakar Reddy, (2009): “The State of Human Development among the Marginalized Sections in Andhra Pradesh: A Case of Scheduled Caste and Tribes” in Mahendra Dev, S. et al (eds.), Human Development in Andhra Pradesh – Issues and Challenges, *CESS Publication*, Hyderabad.
- [10] Panigrahi. N. (2001): “Impact of State Policies on management of Land Resources in Tribal Areas of Orissa’ *Man & Development*, March.
- [11] Phansalkar, S J and Verma S (2004): “Improving Water Control as a Strategy for Enhancing Tribal Livelihoods’ *Economic and Political Weekly*. July 31.
- [12] Pinto, Ambrose(1988): ‘Fillip to Land Transfers Land Acquisition Bill’, *Economic and Political Weekly*, December 5.
- [13] Ramnath, Madhu (2008): ‘Surviving the Forest Rights Act: Between Scylla and Charybdis’, *Economic and Political Weekly*, March 1.
- [14] Rao, Trinadha P. (2006): ‘Nature of Opposition to Polavaram Project’, *Economic and Political Weekly*, April 15.

Research paper © 2012 IJFANS. All Rights Reserved, UGC CARE Listed (Group -I) Journal Volume 8, Issue 4, 2019

- [15] Rebbapragada, R. and Kalluri, B., (2009): 'Samatha Judgement' in Mehta, Lyla (2009), *Displaced by Development: Confronting Marginalization and Gender Injustice*, Sage Publications India, New Delhi.
- [16] Reddy, A. Amarendar (2011): Disparities in Employment and Income in Rural Andhra Pradesh, India, *The Bangladesh Development Studies*, Vol. 34, No. 3 (September 2011).
- [17] Reddy, Subba N. (1989): 'Sword of Damocles over Tribal People of Andhra Pradesh', *Economic and Political Weekly*, July1.
- [18] Reddy, D. Narasimha (2006): "Half a Century of Travails of Agriculture in Andhra Pradesh" in R. S. Rao, V. Hanumantha Rao and N. Venugopal (eds.) *Fifty Years of Andhra Pradesh*, Centre for Documentation, Research and Communication, Hyderabad.
- [19] Reddy, Subba N. (1988): 'Depriving Tribals of Land: Andhra Move to Amend Land Transfer Laws', *Economic and Political Weekly*, July 16.
- [20] Sadana, Nidhi and SukhadeoThorat (2009) "Caste and Ownership of Private Enterprises", *Economic and Political Weekly*, Vol - XLIV No. 23, June 06.
- [21] Sambireddy C. Jojaiah K, Venugopala Rao N & Narasaiah I (2012): 'Land and Income Inequalities in Andhra Pradesh', *The Marxist*, XXVIII 2, April-June.
- [22] Saxena N.C. (2006): 'The Resettlement and Rehabilitation of India' in Hari Mohan Mathur (ed.), *Managing Resettlement in India: Approaches, Issues, and Experiences*, Oxford University Press, New Delhi.
- [23] Shylendra, H. S. (2018): 'Land Acquisition: Need for a More Progressive Discourse,' *Economic & Political Weekly*, Vol. 53, No 5.
- [24] SumatiNarainDubey, RatnaMurdia (1979): 'Land Alienation and Restoration in Tribal Communities in India' *Himalya Publishing Hourse*, New Delhi.
- [25] Varun B. Krishna (2018), 'What the Agriculture Census shows about the Landholdings in India' *The Hindu-Daily News Paper*, October 3.