



The Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959: A Review

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Abstract: Land Transfer Regulations 1 of 70 brought under Fifth Schedule of the Constitution, the Andhra Pradesh state regulation of land in the Scheduled Areas was made uniform across the state through the Andhra Pradesh Scheduled Areas Land Transfer Regulation (APSALTR) in 1959. This Act provided the right for civil courts to adjudicate on tribal land issues and increased litigation and subsequent land alienation, as the tribals were ill-informed to fight such cases. Subsequent amendments enacted in 1970 and 1971 prohibited all transfer of land in scheduled areas – not only tribal to non-tribal but also non-tribal to non-tribal – and prohibited attachment of tribal land in any money decrees. The current paper is part of a PhD research work that discusses the history of forest tenure in Andhra Pradesh state, land governance in Scheduled Areas of Andhra Pradesh state. The paper mainly focused on and reviewed the Andhra Pradesh Scheduled Areas Land Transfer Regulation (APSALTR), 1959 (popularly known as LTR 1 of 70 Act), and its provisions to protect tribal lands in the scheduled areas of Andhra Pradesh state. Further, it has discussed the dispossession of tribal lands by the non-tribes and also the local government for the purpose of development projects and how much extent of land has been restored and distributed to the tribal farmers who were adversely affected.

Keywords: Constitutional Provisions, Tribe, Land and Forest, and Land Alienation, Andhra Pradesh

Introduction

The Indian Constitution has provided safeguards for protecting and promoting the interest and welfare of tribal people, thus also providing space for their empowerment. These constitutional provisions include reservations and special administration in the form of the Fifth and Sixth Schedule areas. In addition, special legislative measures were also adopted to prevent alienation of land from tribes to non-tribes (Virginus Xaxa, 2008). Although, the Constitution of India protects the weaker sections by

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providing constitutional and legal provisions, due to various reasons, they have been exploited and deprived of their rights by the mainstream of society. Among them, the tribal people have been the most marginalised, isolated and deprived population. The various safeguards and protective measures sought to ensure for them all round development and freedom from exploitation and social injustice so that they could become part of the mainstream of society. The scheduled tribes also possess specific laws to protect tribal lands.

The paper mainly focused on and reviewed the Andhra Pradesh Scheduled Areas Land Transfer Regulation (APSALTR), 1959 (popularly known as LTR 1 of 70 Act), and its provisions to protect tribal lands in the scheduled areas of Andhra Pradesh state. Further, it has discussed the dispossession of tribal lands by the non-tribes and also the local government for the purpose of development projects and how much extent of land has been restored and distributed to the tribal farmers who were adversely affected. This paper is part of my PhD research and discusses issues and challenges in the implementation of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (known as 1 of 70 Act), in Andhra Pradesh state. The paper also discussed the constitutional provisions and protective laws for the development of tribal communities in Andhra Pradesh state.

Land Transfer Regulations 1 of 70 brought under Fifth Schedule of the Constitution, the Andhra Pradesh state regulation of land in the Scheduled Areas was made uniform across the state through the Andhra Pradesh Scheduled Areas Land Transfer Regulation (APSALTR) in 1959. This Act provided the right for civil courts to adjudicate on tribal land issues and increased litigation and subsequent land alienation, as the tribals were ill-informed to fight such cases. Subsequent amendments enacted in 1970 and 1971 prohibited all transfer of land in scheduled areas – not only tribal to non-tribal but also non-tribal to non-tribal – and prohibited attachment of tribal land in any money decrees.

Objectives

- (1) Describes the constitutional protections and specific laws to protect tribal lands pre independence and post independent period,
- (2) To review the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 and its implementation in the scheduled area of Andhra Pradesh
- (3) To discuss the ambiguities in the implementation of constitutional provisions to protect and safeguard the land rights of Scheduled Tribes

Tribes and Forest – History of Forest Tenure in Andhra Pradesh State

Tribes, land and forest - why land and forest are so important to the tribal communities? If the question arises to our mind, it is absolutely right that land and forest are so important to tribal people because land and forest are the only means of livelihood source for more than 90 per cent of tribal people even today. Saxena (1999) & Verma (1995) discussed in their study that the importance of land and forest to the tribal people, land is the primary source and forest is the secondary source for them and they have sustainable livelihoods accessing the forest resources.

The tribal culture, beliefs and practices are associated with the land and forest. The tribal people believe that their deities live in sacred groves in the forest and on hillocks to protect them in all situations. In tribal habitations, they have sacred groves where they worship and sacrifices animals and poultry birds. These sacred groves mostly arranged in their forest which is close to their habitation. And tribal people strongly believe that their ancestors souls stay in their lands to protect their agricultural produce from natural calamities, animals and thieves and also guard them. Therefore, the tribal people have emotional and aboriginal relations with the forest and land.

The Andhra Pradesh Reorganization Act, 2014 bifurcated the erstwhile State of Andhra Pradesh into two separate States of Andhra Pradesh & Telangana in June, 2014. The state of united Andhra Pradesh was formed on 1 November, 1956 by merging Andhra state (from Madras Presidency) and Telangana region of the erstwhile Hyderabad state which was under Nizam's rule for many centuries.

The forest area of the united Andhra Pradesh state was in two administrative domains prior to the formation of the state in 1956. While the forests of the north-eastern districts Srikakulam, Visakhapatnam, East and West Godavari - were administered by a separate line of administration instituted by the British, the forests in the northern districts Adilabad, Khammam, Nizamabad, Warangal were under the Nizam's administration. The forests of Kurnool – the Nallamala Range inhabited by the Chenchus had a troubled history of being under individual rulers, followed by the Nizam. Until the formation of Andhra Pradesh in 1956, the tribal areas of these regions were governed by two distinct administrative systems (Gopinath Reddy, M. and K. Anil Kumar, 2010). During these two Colonial and Nizam administrations, forest people were deprived of their forest rights. In both the Presidency and the Nizam ('Residency') areas, the state's interest in forested landscapes gradually changed from extending agriculture to exploiting timber, and the relationship with the people there became increasingly conflictual as the respective states sought to extend monopoly control over the forest areas and institutionalise a forest management regime.

Land Governance in Scheduled Areas of Andhra Pradesh State

In the colonial administration, the British identified the problem of land alienation in the agency tracts, and passed the Scheduled Districts Act XIV, 1874 aimed to protect tribals from the danger of further land alienation and indebtedness. Exercising the power under Section 6 of the Scheduled Districts Act, 1874, the local government issued rules for the administration of the agency tracts and for regulation of the procedure of the officers so appointed to administer them. Later, the Agency Tracts Interest and Land Transfer Act 1917, (Act of 1917) passed with the objective of limiting the rate of interest and to check the transfer of land in the agency tracts in Gujam, Vizianagaram and Godavari districts and the Act was extended to the taluk of Bhadrachalam in East Godavari district (Trinadha Rao Palla, 2017). During the colonial period, the tribal habitations, where large portions of areas predominantly inhabited by the tribes had been declared to be excluded or partially excluded areas by the British. After Independence India, the Constitution of India came into force, the Fifth and Sixth Schedules were incorporated into the Constitution.

As per the Constitutional provision under Article 244 (1) of the Constitution of India, the 'Scheduled Areas' are defined as 'such areas as the President may by order declare to be Scheduled Areas' – as per paragraph 6(1) of the Fifth Schedule of the Constitution of India. The specification of "Scheduled Areas" in relation to a State is by a notified order of the President, after consultation with the Governor of that State. In accordance with the provisions of paragraph 6 (2) of the Fifth Schedule of the Constitution of India, the President may increase the area of any Scheduled Area in a State after consultation with the Governor of that State; and make fresh orders redefining the areas which are to be Scheduled Areas in relation to any State. The same applies in the case of any alteration, increase, decrease, incorporation of new areas, or rescinding any Orders relating to "Scheduled Areas". At present, Scheduled Areas have been declared in the States of Andhra Pradesh, Telangana, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan.

Article 244 contained in Part X of the Constitution entitled the Scheduled and Tribal Areas, state as under: "Article 244. (1) the provision of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any state other than the states of Assam, Meghalaya, Tripura and Mizoram."

In 1950, certain areas in the Andhra and Telangana region were notified as Scheduled Areas by Presidential orders. Exercising the powers of the Governor under the Fifth Schedule, viz. to make regulation for the peace and good governance of the Scheduled Area after consulting the Tribes Advisory Council, the Governor issued the

Andhra Pradesh Scheduled Area Land Transfer Regulation, 1959 (Regulation 1 of 1959). This came into force on March 4, 1959, partially repealing the earlier Agency Tracts Land Transfer Act of 1917. This was to regulate the transfer of land in the Scheduled Areas of Andhra Pradesh.

Emerging of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959

Identifying land related troubles in the tribal areas in Andhra Pradesh state in the late 1950s, the state government enacted a protective law, the AP Scheduled Areas Land Transfer Regulation (APSALTR), in 1959, which prohibited the transfer of tribal lands to non-tribals and also provided for retrieval of tribal lands illegally acquired by non-tribals. Though it was done with good intentions, the government did not take any necessary steps for its enforcement during the next 10 years. In 1969, the High Court of AP pointed out that the regulation of 1959 could not be enforced due to lack of working rules. This regulation was first made applicable only to Andhra region and was later extended to Telangana districts in 1963 superseding the existing regulation (Reddy, N.S, 2006).

The APSALTR Act 1959 became effective from 4 March 1959 in the Andhra area. It was extended to Telangana region with effect from 1 December 1963. In the face of rising revolts in the Scheduled Areas of Srikakulam district, the government of AP reinforced the regulation of 1959 with stringent amendments. The amended enactment, which came to be known as Land Transfer Regulation-I (popularly known as Regulation I of 1970), provided that the non-tribals could transfer their lands only to tribals or to the government, and could not sell them to other non-tribals. It also postulated a statutory presumption that unless the contrary is proved, any land in the possession of a nontribal in the scheduled area would be deemed to have been acquired from tribals. But a serious lacuna in this law was that it was not given retrospective effect. When an attempt was made to apply it to a past case and the matter was challenged in the High Court, the latter ruled that the wording of the regulation allowed only for prospective application and not with retrospective effect (Ramachandraiah. C and Venkateswarlu. A, 2014).

Following the passage of 1 of 1970, branches of the Cooperative Land Mortgage Bank had to suspend their operations in scheduled areas. With a view to removing this hurdle, the APSALTR was further amended by Regulation 1 of 1971. Yet another amendment was affected to the above enactment in 1978 which prohibits registration of sale transactions in favour of non-tribals. The tribal land policy took an interesting

turn in 1979, following a lull in tribal tracts, when the state government directed the officials concerned not to evict non-tribals occupying up to five acres of wetland or 10 acres of dryland in scheduled areas. Predictably, the high court of AP declared the order bad in law and doubted the sagacity of the government which tried to dilute a legislative enactment through an executive order (Laxman Rao. S, et.al, 2006).

The policy towards tribal land entered into another decisive phase in the 1990s. Attempts were made in the late 1990s and early 2000s by the reforms-oriented Telugu Desam Party regime – especially in the wake of Samata Judgment – to amend Regulation 1 of 1970 to allow land transfers between non-tribals (see section on development projects). A final verdict in the Samatha case was reached by the Supreme Court in 1997. Relying on a combination of the Indian Constitution's Fifth Schedule, set up to protect and support Adivasis across the country, and Andhra Pradesh state land transfer legislation, the court reached the conclusion that no land, including government (or 'revenue') land, private land or forest land, could be leased out to non-tribals or to private companies for mining or industrial operations. The judgment stated that 'if the government was allowed to transfer or dispose of its own land in favour of non-tribals, it would completely destroy the legal and constitutional fabric made to protect the Scheduled Tribes' (Para 193, Samatha Judgement, India, 1997). The court ordered an immediate closure of all existing private mines in Andhra Pradesh, and suggested a process for other states with Scheduled Areas to review their laws in accordance with the judgment (Patrik Oskarsson, 2018). Both state and central governments began initiatives towards amending the Fifth Schedule following the Supreme Court verdict in Samata case.

After Regulation-I of 1970, the transfer of immovable property by a member of a Scheduled Tribe (ST) is governed that are:

- (1) Any transfer of immovable property situated in the Agency areas by a person, whether or not such person is a member of a ST, shall be null and void, unless such transfer is made in favour of a person, who is a member of a Scheduled Tribe or a Cooperative Society composed solely of members of Scheduled Tribes.
- (2) Until the contrary is proved, any immovable property in the Agency areas in the possession of a person who is not a member of ST shall be presumed to have been acquired by such person or his predecessor through a transfer made to him by a member of an ST.
- (3) When no member of an ST is willing to purchase the land, the person intending to sell the land may apply to the Agent or any other prescribed

officer for acquisition of such land by the State Government that takes over such land on payment of compensation.

- (4) Where a transfer is made in contravention of the above provisions, the Agent or Prescribed officer, on application by the concerned persons or on information by a public servant or suo-moto, decree ejectment of any person in possession of that land and restore it to the transferor or his heirs, may assign or sell it to any other member of STs or a cooperative society, composed solely of STs or otherwise dispose it off as if it was a property at the disposal of the state government.

Diluting the Provisions of Regulations – I of 70 Act

With a view to conferring 'patta' rights (legal titles) on tribal farmers and putting in place proper land records after due survey, the government of A.P made the following regulations (Laxman Rao et al. 2006):

- (1) A P Mahals (Abolition and Conversion into Ryotwari), Regulation 1 of 1969: Every tribal farmer in possession of land continuously for a period of one year before the notified date shall be entitled to Ryotwari Patta only if he is in occupation for a continuous period of eight years and such occupation is not violative of the APSALTR, 1959.
- (2) A P Muttas (Abolition and Conversion into Ryotwari), Regulation 2 of 1969: This regulation states that no non-tribal ryot (farmer) is entitled to ryotwari patta unless he is in a lawful possession of the said land for a continuous period of eight years.

AP Scheduled Areas Ryotwari Settlement, Regulation 2 of 1970: This applies to lands other than those covered by the earlier two Regulations (within Muttas and Mahals). Regarding non-tribals, this enactment also incorporates the same provision as above.

Ramachandraiah. C and Venkateswarlu. A (2014) have discussed that the above measures have effectively conveyed to the non-tribals that if they could produce some evidence to show that they were in possession of the lands in the preceding eight years, they could automatically get legal titles ('*pattas*'). This has considerably diluted the purport of the Regulation-I of 1970 to put to severe test the legitimacy of the possession of land by non-tribals in the scheduled areas. If we recall the legal vacuum that existed during the 1960s, we can imagine how easy it could have been for the non-tribes to fabricate evidence of possession for eight years and secure legal titles under any one of the three regulations mentioned above.

Despite this, the rebellions continued, and even became worse after passage of the *Madras Forest Act 1882*, which put ownership of most Agency land in the hands of the government as ‘reserved forest’. This included all land not under continuous cultivation but subject to the practice of shifting cultivation, known locally as *podu* (Saxena 1997; Laxman Rao et al. 2006). Another device was to declare land on hill slopes to be unsuitable for agriculture. In the hilly Visakhapatnam Agency, this process ensured that most of the land came to be vested in the government, leaving only the flatter valley land to be recognised as private land. For these reasons, the forest dwellers, hunter-gatherers and subsistence farmers of the Agency were rarely included in any formal system of property rights, and this situation has continued to the present day (Balagopal, 2007).

The Land Transfer Regulation, as it currently stands, completely prohibits the transfer of any type of land to anyone but an Adivasi person or a registered Adivasi cooperative society. This crucially includes forest land owned by the government. The law further presumes that all land in the state’s Scheduled Areas originally belonged to a tribal person, which means that land found in the possession of a non-tribal person should be restored to the original owner. Nominal tribal landholdings in which the real beneficiary is a non-tribal person, which are known as *benami* titles, are also prohibited (Balagopal 2007). However, the regulation does not attempt to resolve issues related to ownership of, and access to, forest land. Nor does it propose a solution for the problems of the rural but non-tribal poor, who outnumber the tribal population in some parts of the Scheduled Areas.

Ever since the first land transfer legislation in Andhra Pradesh, the only amendments that have been enacted have been meant to further strengthen land rights. Civil society protest and electoral pressure on politicians has so far prevented open market reform of tribal land tenure in the state (Reddy 1988; Balagopal 2007). Across tribal India, as far as is known, not a single land transfer act has been repealed, or even weakened, despite repeated attempts, such as those made in Jharkhand (Rao 2003; Kumar et al. 2005; Vijay Murty and Saran 2016) and also in Odisha. The continued formal strength of tribal land rights is quite remarkable, given the marginalised position of tribal people and the ongoing process of economic reform. It might be possible to see the continued existence of land transfer legislation alongside the government’s intent on promoting industrialisation as the result of the wide legal and administrative loopholes that exist in its implementation (Laxman Rao et al. 2006).

Priya, Hari (2010) has discussed 12 kinds of reasons for the erroneous results of the legislation in the agency areas of Andhra Pradesh state:

- (1) ***No access to the Record of Rights:*** Tribals have no access to the Record of Rights, and in cases when they are given the pattas, the land is not in their possession. The unsatisfactory state of land records has contributed a lot to the problem of land alienation. The implementation of the LTR Act seems to be restricted to small nontribal land holdings, while the big (non-tribal) landlords with huge tracts of tribal land remain unaffected.
- (2) ***Incomplete representation:*** There are many villages with almost 50-100% tribal population, but these areas have not been declared as the Scheduled Areas. For instance, tribal population is predominant in 1250 villages in Srikakulam district but only 108 villages are included in the Scheduled Areas.
- (3) ***Incompetence and inexperience of the revenue officers:*** The revenue authorities are generally not familiar with the provisions of the relevant laws and are generally posted in such areas as a “punishment duty”. Lack of knowledge and a feeling of castigation, makes these officers incompetent to handle matters of land-related problems of the tribals.
- (4) ***Money-lending:*** Money-lending is one of the earliest routes through which tribal land has been alienated. Owing to acute poverty the tribals take loans at exorbitant rates ranging between 25-50 percent, sometimes as much as 100 percent. Due to the unscrupulous trade habits of the money-lenders, the tribals could not pay back such loans, and the money lenders in turn would take possession of the mortgaged property which usually happens to be the land in their possession.
- (5) ***Lack of investigation:*** Lack of investigation into the occupation by non-tribals without verification of the basis of such occupation and assuming that these are all on valid pattas before 1970 or 1959 or 1950, normally subsumed under an all-pervasive phrase - “old pattas”.
- (6) ***Marriages:*** In many tribal areas, non-tribal men entered into marital relationships with the tribal women and purchased land in the names of tribal wives. Land alienation through polygamy has been found in several districts.
- (7) ***Through tribal servants:*** In tribal tracts of East Godavari and West Godavari districts, many non-tribal farmers purchased land in the names of their tribal servants or attached labourers.
- (8) ***Fabrication of tribal certificates:*** non-tribals procure false caste certificates as STs and gain legitimacy to occupy tribal lands.

- (9) ***Industrialisation and privatisation:*** In recent years, the territories of the tribal people have been subjected to incursions due to privatization and industrialization in India.
- (10) ***Power projects:*** There is pressure from private industries to set up power projects, especially mini-hydel projects in the scheduled areas by harnessing the hill-streams.
- (11) ***Right to property being a mere legal right:*** The root of the problem is that the tribes cannot exercise a fundamental right to property under Indian law. Fundamental rights have a special status in the Constitution. Instead, the tribals can only invoke a legal right as conferred upon them under Article 300 of the Indian Constitution. Since the tribals' Right to Property is merely a legal right, and not a fundamental right, the state can acquire their property with just compensation by authority of law.
- (12) ***Adoption of non-tribal children:*** Fictitious adoption of the non-tribal children by the tribal families is also another method to snatch the lands of the tribals. The non-tribals would persuade the tribals to adopt their children and to buy lands and register them in the names of children.

Role of Tribal Welfare Department, Government of Andhra Pradesh in Implementation 1 of 70 Act and to Monitor LTR Cases

Andhra Pradesh is covered under the provisions of Vth Schedule of constitution of India. The Scheduled areas spread over 14132.56 Sq. Kms in (5) districts of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari and West Godavari covering 527 Scheduled Gram Panchayats. Under the Vth Schedule, the District Collector of the District acts as the Agent to the Government for ensuring peace and good governance in tribal areas.

The Land Transfer Regulations (LTR) 1 of 59 as amended by 1 of 70 prohibits the transfer of lands not only between tribal and non-tribal but also among the non-tribals in the Scheduled Areas. The legal presumption encapsulated in the LTR is that the lands situated in the Scheduled Area are once belonged to Scheduled Tribes. The burden of proof lies on the non-tribal to prove that the land in his or her occupation not in violation of the LTR.

A separate machinery for the enforcement of LTR has been in place to prevent the alienation of tribal lands and restoration of alienated tribal lands from the possession

of non-tribals. The Special Deputy Collector or Agency Divisional Officer are the designated enquiry authorities to conduct enquiries in to the petitions filed against the non-tribal occupations either by the person interested or government officials or on Suo-moto initiatives.

The Project Officer, ITDA/Addl. Agent to Government and District Collector/Agent to Government have concurrent jurisdiction to hear the appeals against the orders passed by either SDC (TW) or Agency Divisional Officers/RDO/Sub Collector. Revision lies before the Government against the orders of Project Officer/Additional Agent to Government or District Collector/Agent to Government.

The Tribal Welfare Department established a separate State Project Monitoring Unit (SPMU) in 2017 to monitor the implementation of LTR and PESA Act with specific focus (GoAP-TW, 2021).

Implementation of LTR in Scheduled Areas under the monitoring of SPMU

- The data entry of LTR cases in relation to East Godavari District was updated up to the year 2017 and Appeals (CMA) on the file of PO(ITDA) were up to 2015; Similarly, LTR cases at the level of SDC(TW) KR Puram was updated from 1976 to 2015.
- First in its kind, as part of the implementation of the LTR a special drive has been taken up to scrutiny the orders issued in favour of non-tribals and filing appeals in all fit cases to seek the restoration of alienated lands to tribals in East and West Godavari districts where in high incidence of cases being reported.
- So far total No of LTR cases 718 was scrutinized and 167 cases were filed covering an extent of 928.59 Ac before the Appellate courts (Addl. Agents to Government) in East and West Godavari Districts against the yearly target of 600 cases.
- Efforts have been made to seek the enforcement of orders issued in favour of tribals. As part of the objective, lists of cases decided in favour tribals& government which are to be implemented in East and West Godavari Districts were prepared mandal wise and furnished to the concerned MROs for its implementation. Orders in 2600 LTR cases which were issued in favour of tribals got scanned with the support of ITDA, Rampachodavaram and made available at Taluka offices to track the status of the ejectment orders passed.
- “Nyayamela Programs” were organized with the support of revenue and tribal welfare departments to address exclusively tribal land issues in 4 agency mandals of

East and West Godavari Districts. Total 188 Petitions received in relation to tribal land issues and forwarded the same to the concerned officials for necessary action. 59 Officials and 294 tribals participated.

- Status of LTR Cases with all dimensions and a Monitoring Plan & Performance Measurement Frame Work was developed facilitating the SDC (TW) Offices for the effective implementation of LTR.
- Tribal women have no recognised rights in inherited property on par with man in tribal society. The customary law is also not supporting their right. A workshop was held at the State level to bring consensus on the issue and subsequently ITDAs were requested to give its feedback on the subject to bring a policy change. Efforts have to be continued further.
- 15,000/Acres identified on the basis of Polavaram land acquisition proceedings, which is a potential asset to give the land on leases to tribal women groups and tribal individuals till the need of such land arises to the Project. The data communicated to District Collectors of both east and west Godavari districts for necessary action.
- Efforts are on to develop LTR -Tribal lands Web portal.
- Meetings/Trainings (19) were held for which 223 official participants participated.
- Attended the 65 currents (land related grievances and connected matters) and moved the files for appropriate action.

The Status of LTR Cases in Andhra Pradesh State

The Government of Andhra Pradesh has been solved numerous LTR cases and the land has been handed over to the real owner in the agency areas. The statistics of LTR cases in Andhra Pradesh is presented in the below table as follows.

The statistical information on LTR cases and distribution of land to the tribal people, as on 31st March, 2022, the total cases detected are 29725 to an extent of land is 152538.21 acres. Out of total cases, the disposed cases are 28737 (97%) with an extent of 147509.49 (97%), the total cases decided in favour of STs are 12671 (44%) to an extent of 56920.92 (39%), the total cases decided in favour of non-tribals are 11391 (40%) to an extent of 66600.0 (45%), The total no. of cases action dropped to avoid resjudicate is 4674 (16%) to an extent of acres is 23987.87 (16%), the land restored to tribals is 11738 cases with an extent of acres is 51253.59 and balance cases are 988 which is 3 per cent to an extent of acres is 5028.72 (3%).

Status of LTR Cases and Distribution

S l . No	District	Total Cases Detected		Total Cases Disposed		Total cases Decided in favour of STs		Total cases Decided in favour of non-STs		Total No. of cases action dropped to avoid Resjudicata		Land Restored to tribals		Balance cases at the end of the month (Col.3-5 & 4-6)	
		No.	Extent (Acres.)	No.	Extent (Acres.)	No.	Extent (Acres.)	No.	Extent (Acres.)	No.	Extent (Acres.)	No.	Extent (Acres.)	No.	Extent (Acres.)
1	Srikakulam	628	11116.63	508 (81%)	1114.43 (99%)	350 (67%)	628.30 (56%)	31 (7%)	352.32 (32%)	127 (26%)	133.81 (12%)	350	628.3	120 (19%)	2.20 (1%)
2	Vizianagaram	1470	7808.56	1470 (97%)	7808.56 (98%)	1083 (74%)	5898.18 (75%)	28 (2%)	296.04 (4%)	359 (26%)	1614.34 (21%)	1036	5838.57	0 (0%)	0.00 (0%)
3	Visakhapa- tnam	5872	22649.31	5784 (97%)	22388.5 (98%)	4490 (78%)	17999.45 (80%)	1260 (22%)	4312.34 (20%)	33 (0%)	76.36 0%	4342	16919.42	88 (3%)	260.46 (2%)
4	East Goda- vari	9492	54720.71	8955 (94%)	51645.65 (95%)	4079 (46%)	20729.99 (41%)	4548 (51%)	29362.30 (56%)	328 (3%)	1553.36 (3%)	3555	17758.3	537 (6%)	3075.06 (5%)
5	West Goda- vari	12263	66243	12020 (98%)	64552.00 (97%)	2669 (22%)	11665.00 (18%)	5524 (46%)	32277.00 (50%)	3827 (32%)	20610.00 (32%)	2455	10109	243 (2%)	1691.50 (3%)
Total:		29725	152538.21	28737 (97%)	147509.49 (97%)	12671 (44%)	56920.92 (39%)	11391 (40%)	66600.00 (45%)	4674 (16%)	23987.87 (16%)	11738	51253.59	988 (3%)	5028.72 (3%)

Source: TW, GoAP, 2022

The Government of Andhra Pradesh through Tribal Welfare Department, has taken several initiatives to prevent tribal land alienation and restoration of alienated lands in the Scheduled Areas. In this regard, the monitoring unit at the state level is established to monitor the implementation of 1 of 70 Act (LTR), PESA Act & Forest Rights Act, 2006 and their constitutional privileges and rights. The data has been revealed that the most of LTR cases have been solved and the alienated land handed over to the tribes.

Conclusion

The history of land relations in tribal Andhra Pradesh, as well as in much of the rest of tribal central India, is one of recurring struggles against the transfer of farmland in the valleys to non-tribal farmers and moneylenders, and against the government's claim to own forest land on and around the hills (Balagopal, 2007). Successive efforts have been made by state governments to strengthen tribal legal rights to agricultural land in the valleys, especially as part of attempts to restore peace after rebellions, but state governments have retained control of forest land, leaving many tribals living under insecure circumstances for generations. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (otherwise known as the Forest Rights Act) provided some hope for change in favour of forest-dwelling communities, many of which are tribal communities. Yet threats of dispossession by development projects, including dams and mines, have become common in the last 50–60 years. The report of Lok Sabha Secretariat says that between 60 and 65 million people are estimated to have been displaced in India since Independence, the highest number of people uprooted for development projects in the world. In India, "This amounts to around one million displaced every year since Independence," says a report released in 2012 by the UN Working Group on Human Rights in India (WGHR). Of those displaced, over 40 per cent are tribals and another 40 per cent consist of dalits and other rural poor (Lok Sabha Secretariat 2013).

And another threat of dispossession by the non-tribes, the reports of the Tribal Welfare Department corroborate the fact that more than 48 percent of the land in the Scheduled Areas is held by non-tribes in Andhra Pradesh (Trinadha Rao Palla, 2014). Addressing the serious issues of tribal land alienation and displacement, the Xaxa committee (GoI, 2014) has come up with certain recommendations and those recommendations can prevent land alienation and exploitations of tribals by the non-tribes. Similarly, in 2004, a high-level committee headed by Shri Koneru Ranga Rao

(GoAP, 2004) was appointed by the Government of Andhra Pradesh has also given certain recommendations to address the land issues in Andhra Pradesh state.

Although, the Government has been taken several initiatives to restore alienated lands from the non-tribes, there is a comprehensive plan has to be adopted to avoid loopholes in implementation of 1 of 70 Act, PESA & RoFR, and their constitutional privileges and rights. Therefore, the alienated tribal lands can be 100% restored and the tribal people will get benefits by receiving entitlements over their lands and freedom from exploitation and social injustice.

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