

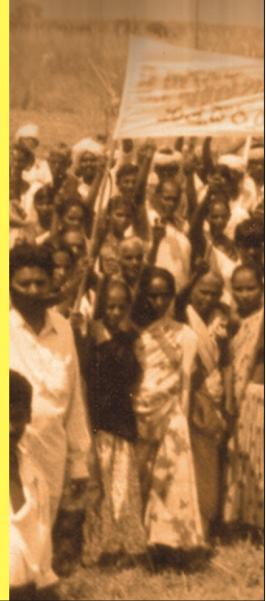
Rekindling Hope ?

Access, Retention and Development of **LAND**
A Dalit Perspective

| Editor
| **Fr. Thomas Pallithanam Sdb**



ANDHRA PRADESH
SOCIAL WATCH
REPORT 2007





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Andhra Pradesh
Social Watch

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Edited by : Fr.Thomas Pallithanam

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Fr. Thomas Pallithanam

PREFACE

It may be recalled that the first report of Andhra Pradesh Social Watch, “Rethinking Priorities”, was released in 2005. That report covered policies and their implementation in the fields of Education, Health, Food Security and Water. It was agreed, while the first report was under preparation, that the second in the A.P. Social Watch series would be devoted to Land.

It is with pleasure that I write these lines for the second report of Andhra Pradesh Social Watch. The present report attempts to focus primarily on dalit and tribal concerns, and takes a critical view of the policies of state, which of course is the purpose of Social Watch. That the report is in a good measure the result of the labour of dalit intellectuals-activists makes it something special. Presented against a historical backdrop, the report brings out the dynamics that tends to militate against realization, by dalits and tribals, of those land rights that are promised by the declared state policies that are often further underpinned by movements also.

The Coordinator of the volume Fr. Thomas Pallithanam, and the authors, must be commended for keeping the Social Watch ticking, and for bringing to the fore the ground level realities around the vital subject of land. It would be a while before A.P. Social Watch gets more fully established so that its findings and reports measure up to the standards it is conscious it has to attain. In the meanwhile the effort, and the series, would go on: each effort should be an occasion for stock-taking on how to gear up to do more.

**Secunderabad,
8-5-2007.**

**M.V. SASTRI
A.P. Social Watch**

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FOREWORD

Ever since human beings stopped being hunters and gatherers, land has come to mean to them the source of two of their most fundamental needs, and hence their most fundamental rights, namely, Food and Shelter. Land, therefore, is etched into the very soul, what to say of the memories of millenniums, of every one who has worked on it and helped others to reap its bounty. However, this relationship, history tells us, was rudely jolted with the onset of the iniquitous caste system in India that relegated vast masses of the people to a status of inferiority only because they worked and produced whereas the so-called “superior” ones lived lives of comfort, contemplation and commerce, when rulers were not amusing themselves in their periodic games of war. Even to fuel the games of war, the fodder and fuel had to be generated by those relegated to production. These seeds of inequity lay and developed over centuries in the producing classes converting many of them into a class of untouchables, not worthy of an equal place in the social order. All these denied them nature’s most legitimate gift of social evolution which is the right to aspire for a mobility upward the symbol of which would have been the acquisition of a piece of the ultimate resource, namely land, which they had worked on perpetually, most often with out even the pittance of a compensation of a wage so others might enjoy all the benefits of their toil. This denial of rights was suffered for centuries by the large masses even as their dignity eroded systematically thanks to the twin denial of their economic and social rights, linked essentially to land. The bitter irony of this is that it made no difference as to who ruled them. However, this bitter irony has turned into tragic irony in independent India because such hopes as the land-dependent toiling-producing masses entertained that the nation’s freedom would bring them also a new freedom where the fruits of their toil would exclusively belong to them in terms of their accessing land as a primary asset, have been dashed.

These hopes remained at all for the poor at the dawn of Independence because of a sense of equity that governed the rule of even our colonial masters who probably remembered their own medieval English ditty:

“When Adam dug and Eve span

Who was then the Gentleman?”

The hopes arose because the policies like assignment of Government lands on lease or otherwise to the landless poor; conditions in the assigned land deed to protect the poor from predator-induced alienation; protection of land rights of the tribes in the Agency areas and similar measures, which the British formulated in compassionate realization of the plight of the landless poor, most particularly the Dalits. These policies were continued when we became free but not in the fulsome manner in which they should have been implemented, as years passed by after Independence. The national Government abolished Zamindari and other similar feudal land tenures in the early days but that did not result in the tillers of and the toilers on the soil accessing land rights. The rights that the “upper” caste tenants obtained with the abolition of those tenures stand in bold relief against the inconsequential benefits that the landless tillers of the soil obtained in the wake of the land ceilings laws that the Andhra Pradesh Government, for example, enacted not once but twice in the decade of the 1960s and the early 1970s. The failure of the latter is directly attributable to the levels of political and administrative honesty that obtained in these years and have continued to obtain, relative to the values of the 1950s. Herein lies the heart of the problems of the landless poor in general and of the Dalits in particular. It needs to be acknowledged also that the predicament of the rural Dalits before and after independence has remained the same, excepting that in the latter period it has been far worse for them emotionally. It has been worse for them because the promise-based as against the performance-based, “democratic” governance that has been practised has resulted in rousing of hopes, fulfilled more in the breach. Hopes generate awareness of rights and *vice versa* but these rouse retaliatory atrocities as well, with the State machinery standing neutral but often siding with the aggressors. Nowhere is this better manifested than in the land context, - a context of reformatory laws sounding almost revolutionary on paper but entirely regressive in implementation. To mention but a few examples of this are the laws like the Andhra Pradesh Land Transfer Regulation 1 of 1959 and later amended as Regulation 1 of 1970; the Andhra Pradesh (Ceiling on Agricultural Holdings) Act, 1961; the Andhra Pradesh Land Reforms ((Ceiling on Agricultural Holdings) Act, 1973; the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 and numerous earlier Board Standing Orders and Government Orders. This breach of social and legal trust on the part of the Governments has resulted in the exploitation of the landless poor, especially the Dalits and the Scheduled Tribes, by the landed classes, real estate developers and miscellaneous types of land mafia.

As if this were not enough, the relentless march of the so-called Liberalization process egged on by the “reforming” exploitative political elites, never mind their party affiliations, is currently gobbling up Government lands that were once looked upon as common property resources, whether located in rural or urban areas. Successive Governments in Andhra Pradesh are handing over these people’s resources to national and multi-national capital ostensibly in return for unverified employment opportunities they are supposed to generate for our youth. That these jobs, such as they are, would in any case have happened given our market size, the climate, scientific resources, other subsidized incentives like tax breaks of all varieties, water, power, roads, flyovers, airports and the cost-saving economics of outsourcing pursued by the Western multinationals is obfuscated by the self-serving rhetoric of the “reformers”. When we view this against, for example, the Government Blind Home in Hyderabad run in a rented structure which no rational person would certify as fit for human occupation we can understand how marginalized the poor are in regard to their land rights in the context of the galloping Globalization. On top of all this comes the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 2007- Act 8 of 2007- which ostensibly aims at restoring lands previously assigned to the landless poor who were no more in possession of them, but in reality plans to use it for “public purpose” which is defined to include purposes totally unrelated to the direct welfare or development of the Dalits or the poor such as the so-called infrastructure development, promotion of industries, tourism, public utility etc., This injures the interests of the poor and the Dalits as a class of people for whom this valuable resource was lawfully and, in Constitutional law, contractually committed. This Act does not even take the trouble at least of defining infrastructure as social infrastructure relevant exclusively to the welfare and development of the weaker sections. The intention of the Act is made clear when it exempts from prosecution those who violated the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 and thus came into unlawful possession of lands assigned to the poor. This is a negation of the rule of law as applied to defence of the rights of the poor; and the official proclamation of this in the form of a law is a sad day in the continuing legal history of the landless poor in Andhra Pradesh. It is a travesty of the concept of rights as we understand them because it confers rights on a group of people who violated the rights of another group of people to whom the State owed a legal duty in terms of a promise it had made through a law it had earlier itself enacted. Against this background of a violation of a social contract if calls are heard for direct action by the poor, then the State has to thank only itself for this situation.

This is where we stand as the AP Social Watch brings out this Report on Land. The various chapters on the several aspects of the problem of land in its overall history, tribal, urban, policy and people's contexts provide crucial insights into the evolution of the land question in India and Andhra Pradesh. This Report, therefore, is a valuable resource in the understanding of the predicament of the poor, in the context of land, their single most important aspiration. I hope this Report will not only enhance the understanding of those of us who have been intimately involved with land in the context of the poor but would, more importantly, create the much-needed awareness and outrage among the middle classes, especially the lower middle classes and leaders of public opinion so that peaceful alternatives are found to bring pressure on errant Governments, regardless of party affiliations, to find a just and equitable solution to the issue of the rights of the poor to land for which they have patiently waited for centuries.

The Report recounts through authentically- documented case studies the serious institutional failures at various levels in regard to the land rights of the Dalits regardless of region in Andhra Pradesh. These failures highlight how rights which are taken as granted by others have to be fought for with their lives and livelihoods by the Dalits. Numerous factors like unbridled inflationary upward march in land prices; apathy on the part of the political parties; indifference, collusion and corruption on the part of the official machinery; and absence of production credit lead to the loss of even the acknowledged land rights of the Dalits. While the State can fight the disenfranchised poor in the Courts with public resources, that is not an option for the impoverished even to defend their Constitutional rights. Yet, the case studies here show the undefeated will of the poor to struggle for their rights against all odds. This is what kindles the hope that the poor will ultimately prevail given the legitimacy of their own rights and the moral strength of their own determination. Such hopes can not, however, be conditional on open-ended sacrifices of the poor. The institutions of State and Society should, therefore, treat the lessons of these case studies as a wake-up call in regard to their own duties so that fulfilled hopes and fulfilled rights march forward peacefully hand in hand. That alone would guarantee the hope that neither the principles of economic growth nor the struggles of the marginalized for their own due share in that growth are zero-sum games.

K. R. Venugopal, I.A.S
(Retd.)

INTRODUCTION

Fr. Thomas Pallithanam

Yes, there is reason to believe that “Rekindling Hope” is a happening thing!

4th May 2007 as I began keying in this note Leslie Martin, my colleague in the Dalit Bahujan Shramik Union “SMSed” me. “Case against Atmakuru Chennaiah, Sudarsi Nageswarao and companions dismissed. Additional District Sessions Court sets aside Principal Assistant Sessions court’s order”. On 30th July 2006 they had been sentenced to 15 months imprisonment in a case related to Vengamukkalapalem Land Struggle (Chapter 5, Case Study 1). Five of the companions of Chennaiah were those who survived their suicide attempt. Chennaiah and Nageswarao had stood with them in their hour of crisis, rushed them to the hospital and saved their lives. They were convicted by the lower court for abetting suicide and the other five for attempting to commit suicide!

Two days prior to that another comrade in arms, Mr. Inavarapu Surinarayana, Secretary Dalita Bahujana Vyvasaya Karmika Sangham, phoned me to give the great news that the High Court responding to his Public Interest Litigation had issued an interim order – on the last working day before the court rose for summer vacation – staying the operation of the provisions of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act 2007. In the morning of that day he had despaired of the case even coming up for hearing as it was 45th on the list!¹

Other cheering headlines followed:

CPM leads people to occupy state land” (Deccan Chronicle 5th May 2007). Joint Action Committee of those engaged in land struggles had declared on 18th April that if the government failed to restore to the poor by 30th April assigned lands that had been alienated they would resort to direct action by organizing the poor and forcefully occupying such lands.

“Land Surrender, State readies for action” (The Hindu 5th May 2007) read another headline.

“Rekindling Hope?” Is there a reason for it? Despite the evidence of increasing alienation of land of the poor, particularly the dalits and the tribals there is a determination to take the fight to the enemies’ camp. I have consciously used the plural form in referring to the enemy. It is not as if a single enemy is launching a multi-pronged attack on the rights of dalits and tribals, small and marginal farmers to the access, retention and development of land. The enemies are a disparate group often at logger-heads with each other, yet arraigned against the poor, particularly the dalits and tribals for their own vested interests.

The feudal and fundamentalist rightist forces, still steeped in anachronistic beliefs think that the dalits should not possess any land. The predator capitalist sees the gold mine that is there in the land market and attempts to gobble up all that it can lay hands on. The development planner high on the “magic portion of globalizing economy” underpins his hopes on secondary and tertiary sectors as the only way India can hold its head high in the globalised economy. What he and the political class he serves gains personally out of this “over-reach” clouds his vision preventing him from reading the writing on the wall – the growing despair in the eyes of the poor. We were righteously indignant when American jingoism wrote off the death of the innocent civilians in Iraq war as collateral damage. And yet our development gurus think nothing of the nameless millions who are sacrificed for their “superior vision of what is good for the country”. That too is collateral damage, collateral damage of “development!” The shift is frightening enough to make a Singur and Nandigram happen even in the bastions of left governance.

And yet Kalinga Nagar, Gangavaram, Singur, Nandigram are not just isolated pockets of resistance. May be they are the most celebrated and better known ones. This mushrooming of resistance across the nation to ever increasing loss of access to land and the capacity to retain and develop the same has not come because of any political or bureaucratic revisiting of development vision. Instead it is the do or die stand taken by the dispossessed of the earth that has forced the political leadership and a few in the bureaucracy that have not yet stilled their conscience to give an “outside support” to the aspirations of the struggling masses.

So Prime Minister Manmohan Singh declares from at the highest seat of decision making “SEZ policy was being reviewed to find out whether there was any pitfall in the existing framework. Recognizing the need for a more humane approach, he assured the Parliament that the Government would come up with an improved rehabilitation and resettlement policy. He was replying to the debate on the motion of thanks to the President’s address.”²

So far, government has cleared 237 (SE) zones, while another 160 odd are awaiting final clearance and companies have submitted proposals to set up another 300-plus SEZs. But all pending proposals are on hold following concerns of displacement of farmers.³

But one wonders why this should have come to such a pass. The UPA government on taking charge had declared the Minimum Programme of the Government of India. It had declared six basic principle of governance. One such was “to enhance the welfare and well-being of farmers, farm labour and workers, particularly those in the unorganized sector and assure a secure future for their families in every respect.”⁴ Further to operationlise this principle among many others the UPA committed itself to “introduce special programme for dry-land farming in the arid and semi-arid regions

of the country. Watershed and wasteland development in all its aspects, both for irrigation and drinking purposes, will receive urgent attention.”⁵ This being so one wonders at the logic of having to take over fertile lands of poor farmers to register points in the GDP graph.

While SEZs are the new combat zones around the question of land, the older debates are not resolved yet. They have even accentuated under the emerging dynamics. This report takes a look at these older debates: Access to land, its retention and development from a dalit Perspective. When this report was planned a year and half ago the question of SEZ had not yet come into focus. Instead there were countless, prolonged yet intense struggles going on the field, the government corridors and the court rooms for access to land by dalits and tribals. And this was taking place in many parts of the state. Most of them were occasioned by the faulty implementation of the land reforms that the state had embarked on to show at least a modicum of commitment to its socialist agenda. Interestingly the policy makers were not ignorant of these details. The CMP had declared “The UPA will launch a national programme for minor irrigation of all lands owned by dalits and adivasis. Landless families will be endowed with land through implementation of land ceiling and land redistribution legislation. No reversal of ceilings legislation will be permitted.”⁶ There was also the threat of corporatisation of agriculture, and diversification of land usage both of which would have left the dalits vulnerable to alienation of even the little land in their possession. This was the context AP Social Watch Report 2007 “Rekindling Hope?” looked at the question of Land: Access, Retention and Development from a Dalit perspective.

AP Social Watch Report 2007

This is second report being brought out by the “Andhra Pradesh Social Watch (which) was formed with the explicit purpose of understanding and analyzing the state government’s policies for their impact on the different social groups.”⁷ The first effort – Andhra Pradesh Social Watch Report 2005, edited by Rekha Pappu, looked at policies around Education (Rekha Pappu), Health (A.P.Rangarao), Food Security (M.Thimma Reddy) and Water (M.V.Ramachandrudu).

When issues concerning Dalits and Tribals come up for inquiry, discussion and debate besides taking a look at the government policies and their implementation any meaningful Social Watch Initiative will also have to be Civil Society Watch as well. This report then engages itself with the response of society at large as well to the question of land entitlements for dalits and tribals.

A 1993-94 survey revealed that around 75.3% of rural dalit households were landless. The trends show that the landlessness in the rural area continues to increase rapidly

among the dalits when compared to other groups where the percentage was a mere 15.76 for non SC/ST households.

To find the reasons for this situation one does not really have to do any time consuming research. Persisting feudal economy of the rural heartlands and the unyielding vice grip of religiously sanctioned and sanctified caste system ensure this status quo in the lives of the dalits.

There have been efforts to entitle dalits with lands and homesteads. In the euphoria of Independence, in the effort to justify an other-wise indefensible Emergency land reforms had been initiated in an apparent effort to push forward the socialist agenda of the constitution. In Andhra Pradesh this effort took shape in the form laws like:

Andhra Pradesh (Andhra Area) Estates Land (Reduction of Rent) Act, 1947;
The Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950.
Andhra *Inams* (Abolition and Conversion into *Ryotwari*) Act, 1956
Andhra Tenancy Act of 1956
Andhra Pradesh Land Transfer Regulation 1 of 1959 and later amended as Regulation 1 of 1970;
The Andhra Pradesh (Ceiling on Agricultural Holdings) Act, 1961;
The Andhra Pradesh Land Reforms ((Ceiling on Agricultural Holdings) Act, 1973;
The Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977
Numerous Board Standing Orders and Government Orders.

They were all attempts albeit half-hearted to emphasize that the socialist agenda was high on Independent India's discourse on justice and development. But these efforts have made hardly any dent in the pattern of land holding due to the nexus between feudal economy, caste hegemony and a bureaucracy steeped in vested interest. This nexus continues to deprive the dalits of ownership of land.

The social status of an individual / family in a village is measured by the land he/she possesses. The study reveals that the land reforms undertaken in the wake of anti-zamindari movements no benefits accrued to the dalits as hardly any one was an acknowledged tenant and they continued to be agricultural labourers. Nor were they major beneficiaries in the 1970s effort.

And yet recent records show that we have – in Andhra Pradesh – 2 crores 75 lakhs, 35 thousand 820 acres of cultivable and irrigated land. In addition to this we have 1 crore 20 lakh 88 thousand 120 acres of wasteland. And yet the vast majority of rural dalit are landless agricultural labourers.

The purpose of the report:

The report primarily is meant to be an effective advocacy document for all those who struggle for access, retention and utilization of land by the poor especially the socially excluded. It is hoped that it will also serve as a useful handbook / reference book that an activist can effectively use in his struggles for land on behalf of the poor.

The report does not look at land in all its ramifications. Aspects that are left out in this report, and there are many, could become the subject matter for another report on land, which we feel should be taken up to respond to the newer dynamics on the land front.

In Chapter 1 “**Land Entitlements – A Historical Development**” the author BDA Satya Babu Bose traces the relationship of man / community to land and the process by which from being “ a property” of the king assigned to individuals to develop and to make productive use and for which the tiller paid a tax to the king, land gets transformed into a personal entitlement.

The historical development deals with emergence of different systems of revenue, different classes of people depending on the relationship they had with land – the owner, the peasant, the bonded labourer; how the nationalist leaders lend support to the anti zamindari sentiments and gained the tenants’ support for the nationalist movement to get freedom from the British. It dwells on the clash of interest among those who govern that made Independent India leaden footed in the attempt at land reforms, especially with regard to the dalits and tribals. It points out that no political party ever gave commitment to dalits on access to secure tenure over land.

In Chapter Two “**Land Reforms: Promising Much, Delivering Little**” M. Kodandam Ram and Laxmaiah analyze the land reform policies at the national and state level, identify them as the attempt to fulfill promises made by nationalist leaders to the peasantry while partnering them in the anti-imperialist struggle. They delineate three stages in this effort: first phase that started immediately after independence abolition of intermediaries and protection of tenants was undertaken, second phase of redistribution of land taken up all over India in the early 1970’s and third phase, the era of liberalization when land policies have been modified to suit the liberalization policies. Their analysis brings out the clash of interest within the polity that led to the failure of the land reforms effort both at the centre and in the state.

Estharla Krishna Rao’s enquiry in Chapter 3 “**Dalits Entitlement to Land: An agenda that never was**” highlights the fact how neither the struggles waged in the field for access to land by left nor policies enunciated to usher in greater equity

in the land distribution patterns have shown any commendable result by way of providing secure tenure to dalits. He underlines this point by a meticulous analysis of secondary data available through both micro and macro studies. He further underlines the fact through case studies taken up in Chapter 5 **‘People’s Initiatives for Access to Land - Case Studies’** that it is when dalit leadership took on access to land as an important agenda of dalit assertion and self respect movement that finally there was a ray of hope for the vast number of landless dalit agricultural labourers.

In Chapter 4 **“Dalit Struggle for Land Rights – Reclaiming Human Personality”** Paul Divakar and M.David Sudhakar investigate the efforts made by DBSU (Dalit Bahujan Shramik Union) one of the several Dalit mass organizations engaged in struggle for access, retention and development of land. They identify the various events that led to dalit assertion which slowly laid claim to the rights over land. The essay underlines the different strategies adopted to gain access to land and suggests a frame work for action.

BDA Satya Babu Bose makes a brief enquiry in Chapter 6 – **“Assigned Lands Development is Possible”** into the policies and plans laid out in the National Five Year Plans for development of land especially those assigned / distributed to the landless agricultural labourers, dalits and tribals. The failure of those policies and plans he asserts lies in the meager resources allotted for same and in the lack of commitment shown by the state government. But the new “Indira Prabha - Comprehensive Land Development Programme” if implemented with people’s participation as intended by the programme he argues can go a long way in halting the alienation of the lands assigned to the dalits and the tribals.

Chapter 7 **Persisting Alienation of Tribal Lands** is a close look at the situation of implementation of land reforms with regard to the tribals. Palla Trinadha Rao with abundant data and incisive analysis of the same draws on his experience in dealing with the cases relating to land rights violations of the tribals in highlighting the loopholes in the legislations. He faults the nexus between non-tribal land usurpers and the government administration officials, the jaundiced vision of sections of the judiciary and the gullible nature of the tribals for the ineffective implementation of the land reforms in the Agency areas. Cases studies that he brings into the narrative gives one hope as we can see a new awareness dawning among the tribals, an awareness that is making them to stand up boldly and stake their claims on land.

In Chapter 8 **Land Literacy - Tool to Protect Tribal Livelihoods** N.Sanyasi Rao presents the experiments tried out by Action in Rural Technology and Service (ARTS) in the districts of Srikakulam and Vizianagaram. Buttressed with successful case studies he argues that the vile and cunning of the non-tribals and the collusion of the administration need to be met with providing empowering knowledge to tribal youth.

In Chapter 9 - **Urban Land and Access to the Poor** - Irfan Basha takes up a micro study of “Nandanavanam Project” the 1997 Government of Andhra Pradesh plan to develop the entire Musi river belt between Bapu Ghat and Himayatsagar into a Millennium park. The park envisages creation of landscapes, check dams, boating facilities, rock trails, cycle tracks and “river walks”. He argues it will destroy the houses and livelihoods of nearly 20,000 people who have lived for 30–40 years in slums in the area affected by the project. He further informs that the displaced will join the list of millions of nameless “Indian” oustees in our statistical data bank as “Mera Bharaat Mahan” gallops towards modernity. He suggests more humane methods to find a solution to the vexing problem of unauthorized settlements in urban areas.

Karuna Vakata Aakella provides the opinion from the “other side”. While not denying what has been said in the chapters leading to Chapter 10 – Land Reforms in Andhra Pradesh: Time for a fresh dialogue and a new approach she argues that Land reforms can YET be reclaimed and be made a tool for providing more secure tenure with a greater sense of equity and social justice.

To Conclude

That brings us back to where we began: Rekindling Hope? The new stirring among the landless agricultural labourers particularly the dalits and tribals who in the past have been short changed in the business of development demands an adequate response from government and civil society to make it a win-win proposition.

This response in the first instance should be manifested in the determination to implement with out fear or favour the already existing land reforms enactments and not be tempted to sacrifice it at the altar of expediency.

Land policies need to be based on distribution of land to the Dalit landless poor rather than aiming at market viability of land. Agrarian reforms need to supersede market needs. Transparency must be ensured regarding the availability of all lands eligible to be distributed to the dalits, tribals and other landless sections of society.

A crash programme to identify and evict all illegal occupiers of lands assigned to dalits and tribals need to be taken up. In the case of tribal population comprehensive programme for better implementation of LTR is an immediate necessity.

For this there is an urgent need to strengthen the administrative mechanism.

Use of adequate technology to identify illegal occupation, boundary disputes between revenue and forest departments that has stalled distribution of land to the poor should be attempted with an urgency commiserative with the task in hand.

Officers now providing impunity should be severely dealt with under prescribed sections of law.

To help retention and development of land it is essential in keeping with the promises made in the CMP that the government make policies that help saturate development of assigned lands, ensuring special irrigation facilities for lands owned by dalits and tribals.

It is imperative to set up a ministry for assigned land development with the responsibilities of land allocation, regularization and development of assigned lands.

The ministry should ensure that the women should be given 50% the assigned lands as mentioned in the 7th five year plan.

Policies must be made to strengthen civil infrastructure in slum areas, address the question of adequate employment for slum dwellers and facilitate participatory development planning with them. The knowledge that a large percentage of slum dwellers are drawn from the dalit and tribal communities underscores the need to address the larger problems of that community.

While all these are being attempted a comprehensive Scheduled Castes and Scheduled Tribes Lands (Protection and Development) Act on the lines of SC/ST (PoA) Act to protect and prevent encroachment and alienation of Dalits and Adivasis lands as well as land based atrocities on Dalits and Adivasis should be enacted.

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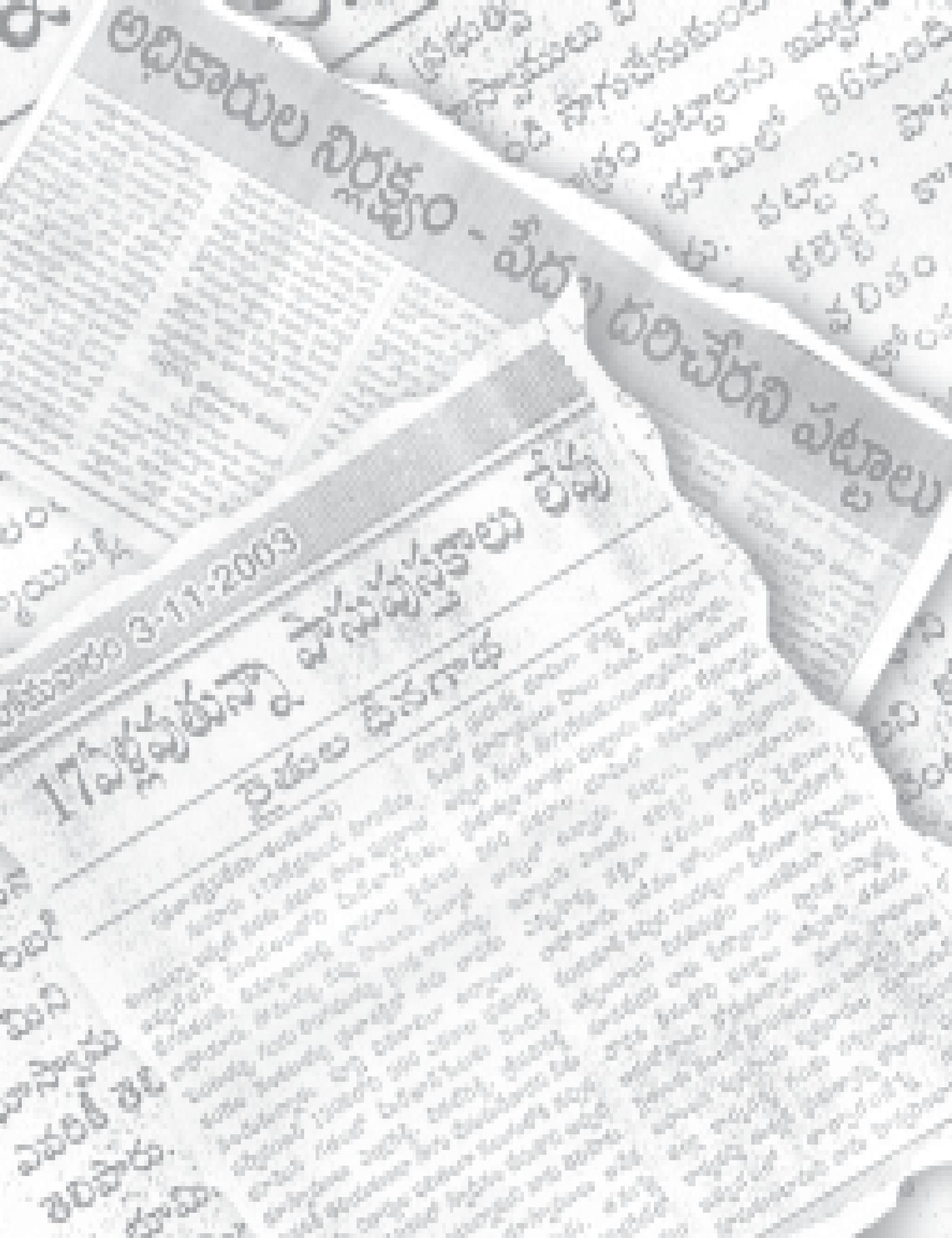
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Chapter I



Land Entitlements - A Historical Development

B. D. A. Satya Babu Bose



అధికారుల నిర్ణయం

అధికారి నిర్ణయం

నిజాతుల వివరాలు

అధికారి నిర్ణయం

LAND ENTITLEMENTS - A HISTORICAL DEVELOPMENT

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Preface

Land is a productive asset. But there is an emotional bonding that communities have with land that goes far beyond its value as a productive asset. For the dalit community battling against its exploitation and exclusion land is symbol of the assertion of its identity, dignity and freedom.

Land ownership is one of the fundamental structural features that serve to perpetuate a system of social and economic inequality against Dalit. For the Dalit community entitlement to Land has remained an eternally vexed issue. Poverty and much of the violence and extremism in the country are even today directly proportional to the lack of access to land.

The political parties and the policy makers have always claimed that their top priority has been to provide the fruit of the 'Land Reforms' to the dalits. Their seeming concern and commitment for the cause have not borne any substantial result. Often, they blame the caste system for this failure. While that is true to a great extent none of the political parties have passed any political resolutions to distribute land to dalits and made it an agenda of their party. Instead the concept and language used in referring to dalits as poor or agricultural labourers, helped the other caste people to obtain whatever

benefits that accrued from implementation of land reforms. Use of terminologies like class division, socialistic society which sound very civilized and neutral has glossed over the fact that predominantly the landless poor of India are the dalits. It is this obfuscation of reality that has made entitlements to land a distant dream for the dalit community.

While all national political parties - Indian National Congress (INC-1885), Communist Party of India (CPI-1920), Congress Socialist Party (CSP-1934) Independent Labour Party (ILP-1936), the Republican Party of India (RPI-1956), the Communist Party of India – Marxist (CPI(M) – 1964), Bharatiya Janata Party (BJP-1980), Bahujan Samaj Party (BSP-1985) continue to talk of the emancipation of dalit community their agenda is totally silent when it comes to the question of giving dalits secure tenure over land, strengthening their capacity to retain and develop their lands.

This article is an attempt to have a glimpse at the history of India and the position of dalits in the context of land issue. Availability of the research material on the conditions of dalits in the pre British period is scarce. The availability of literature on the role of dalits in the freedom movement is even more so.

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1.1 Origins of India (Introduction)

As per the historians the Indus tradition begins around 10,000 B.C. The 'Indus tradition' is said to be a total phenomenon of human adaptations lived through out the Indus Valley and adjacent regions. This tradition is also said to be the beginning of the period of initial domestication and settlements of the village communities. The early food producing era in India can be traced to 7500 B.C.

The subsequent 'Indo Gangetic' tradition covered larger geographic region from Ganga Yamuna River valley to peninsular India. Though there are links for this to the Indus tradition, it has a trajectory reaching out to all regions of India, including Western and Deccan regions and spreading out from Afghanistan to Nepal, Brahmaputra river valley and beyond reaching down to Burma. During this period numerous other communities existed alongside with the already settled farming communities.

Thus the history of agriculture in India can be traced back to more than 10,000 years. Most of the societies that existed during this period were either agro pastoral or agricultural and some were urban with much interdependence on each other. Some were chiefdoms, and some moving towards kingdoms.

The Aryan migration into India is said to be about 1500 BC as per Rigveda. Prior to the Aryan migration, the indigenous local groups were cultivating the land as per their requirements. It is generally agreed that the local inhabitants of the country were the Adivasis and Dalits.

The invention of the caste system in the later stage of the Vedic period created social

stratification leading to descent based occupation according to individual's caste group.

1.2 Early Period

1.2.1 The Dravidians

The Dravidians were one of the earliest cultured races of India. Many historians have strongly affirmed that the Dravidians were the descendents of the primitive inhabitants of India, who in course of time had ascended up the ladder of civilization. In the context of this study, what is of significance in the Dravidian civilization is that they knew agriculture, and were perhaps the earliest people to build dams across rivers for irrigation purposes. It is presumed that the Dravidians were identical with "Daasas" or "Dasyns" of the Rigveda.

1.2.2 The Aryans

The general opinion about the origin of Aryans is that the Indo-Aryans were a branch of the ancient "Indo – Germanic" peoples, and before their eastward migration, they occupied for long a common habitat in Central Asia. The Rigveda does not preserve any memory of the early movements of the Aryans, or how they entered India. But, from certain geographical allusions found in the Rigveda, it is inferred that the Aryans must have come to India via Afghanistan and over a course of time spread themselves from the Sindh to the gangetic plains. One of the important means of living for The Rigvedic Aryans was cattle-breeding. Agriculture was their next occupation. Ploughing appears to have been an old practice of the Aryans because we find that the word Krish is used in the same sense in both Sanskrit and Iranian. What is also clear is that the Rigvedic Aryans were not a homogeneous group and that they were continually involved in inter-tribal wars.

Besides these wars, the Aryans, on entering India, engaged themselves in struggles with “Dasyns” or “Daasas”. These struggles were carried on relentlessly. “Dasyns” fought valiantly, but finally they had to yield to the superior might of the Aryans. Many of the “Dasyns” or “Daasas” became slaves of the conquerors and they were admitted in society as Sudras.

1.2.3 Origin of Varna and Caste

The Aryan confrontation and interaction with Dasyns led, in course of time, to many socio-political changes. The emergence of the four-fold division of society based on occupations was a significant happening of far-reaching effects and by the time of the later Vedic period it was well on its way to becoming rigid and inflexible. Certain significant features of the Chatruvarna system of the vedic period were that the Kshatriyas owned the land and those who cultivated the land were grouped under Vaisya Varna. The Sudras were meant to carry out menial service and they were generally recruited from the conquered Dasyns. In later vedic literature, the Sudras are recognized as a distinct order of society, but they were regarded as impure. They were not allowed to possess property in their own right. Thus, we can see that a section of people was alienated from land which would have given them independent living, self-respect and a place to be reckoned in society.

1.3 Brief overview of the agrarian systems under Buddhist and Hindu rulers in North and South India up to the end of first millennium BC

1.3.1 In Buddhist Literature

Early Buddhist literature of the Pre-Mauryan period shows that agriculture was the mainstay of the economy. Most of the villagers were free peasants who owned the land they tilled, though the king claimed its ultimate ownership. The Jataka stories about the Buddha’s earlier incarnations show us groups of hardy peasants from over-populated villages cutting new settlements from the jungle. They even tell of whole villages migrating *en masse* to the wilds to escape the attention of extortionate tax collectors.

All through the Mauryan, the Gupta and the Harshavardhana periods, agriculture continued to be the chief source of revenue for the State. Irrigation was usually taken care of by the state. The tax collected for providing irrigation proved to be the second major source of income.

The Land belonged to the “King” and the proprietary rights of individuals were not clearly mentioned. Yet, in Kautilya’s Arthasasthra we find evidence to the effect that the cultivator was able to sell and alienate his land. It also states, in the same breath, that the king had the right to replace the cultivator if he failed to pay the rent. So, this lends strength to the view that all agricultural land was ordinarily recognized as being crown land, but the peasants were not unduly disturbed in their holding so long as they regularly paid the rent.

Land revenue was of two kinds. One was a tax on the area of land cultivated and the other on the assessment of the produce. Ashoka's inscription at Lumbini, the birthplace of the Buddha speaks of *bali* and *bhaga* as these two taxes. Interestingly, he exempted the people of Lumbini from the first but continued to impose a tax on produce. One can find similar of agricultural practices. All land was carefully surveyed and classified into tax-bearing and non-taxable lands. Taxable lands were graded according to their natural fertility and the nature of the crops raised. The village was assessed as a whole for the land tax. Tax collection sometimes involved harsh practices. The right of cultivating the land of defaulters of revenue was sold by the village assemblies to realize the arrears payable to the state. People made common cause in resisting arbitrary and unusual taxes.

During this time as per the caprice of the king two caste groups namely the *Brahmans* and the *Velalas* - the latter was much wealthier of the two - enjoyed the benefit of cultivating the lands.

Landowners (cultivators) would have had enough control over the peasants under their jurisdiction to demand forced labour from them. Labour over longer periods would largely have been from the landless or from the lowest castes. Such subservient groups had existed for a long time in many parts of the country. The status of these groups was not much different from that of bonded labourers or even slave labourers - "atimai." Even if not identical to forms of slavery in other societies, the terms of the bondage were such that generally people were unable to regain their

freedom. Bonded persons were liable to be transferred together with the transfer of land through a grant. The system would doubtless have been intensified in the later period of Chola rule when individual ownership of land became more frequent than the control of land by a village.

Other categories that were not necessarily peasants, but provided labour, are referred to in the compound phrase *sasa-karmakara* - slaves and hired labourers. Needless to say they were all lower caste people particularly dalits.

1.4 Land Revenue Systems in the Sultanates and the Mughal Period

The rule of the Sultanate extending over more than three hundred years (1206-1526) did not bring any notable relief to the tillers of soil. The source of revenue for the state was twofold, religious and secular. The former called Zakat was due only from Muslims, and the latter included land tax and Jigya which the non-Muslims had to pay.

During the reign of the Delhi Sultanate, which spanned a period of five centuries and later we find no radical changes in the relationship between king and land, and cultivator and land. The king's interest was in collecting the state's share of revenue generated from agricultural production, but proprietary right over the land was vested in the peasant, the tiller of the land. "The king's right to levy tax was justified by the fact that he gave his subjects protection; there is no suggestion here of the king's right to eject the peasant from his holding" (Quereshi, 1956). But the king could transfer his right to the land revenue and other taxes within definite territorial limits to certain persons among his subjects.

1.4.1 Jagirdars

The areas whose revenues were thus assigned by the emperor were known in the Mughul Empire as Jagirs and the assignees were known as Jagirdars. The assignees were entitled to collect the entire revenue due to the state. Though this consisted principally of land revenue it included various cesses and petty taxes as well. But, the Jagirs were neither permanent nor hereditary, and on the other hand, they were constantly transferred after short periods (3 or 4 years). A Jagirdar had to collect revenue strictly according to the imperial orders.

1.4.2 Todar Mall's Land Reforms

The Mughals did not introduce a new land revenue system, but took over what they found in operation and regulated the methods of assessment and collection. The system of land revenue introduced by Todar Mall was decidedly an improvement on the arbitrary methods of preceding years and in some respects furnished the model for the survey settlement of British India. Three salient features characterized 'Todar Mall's system

1. Measurement of land
2. Classification of lands
3. Fixation of rates.

'The land was classified' into four varieties:

1. Land actually cultivated every year (Polaj)
2. Land left fallow for a time (Paranti),
3. Land that had been fallow for three to four years (Chachar),
4. Land uncultivated for five years or longer (Banjar).

1.4.3 Revenue Collection

Each class of land was subdivided into three grades according to fertility and their mean was assumed to be average of the whole class. The revenue system was ryotwari, the collection being made as far as possible from the individual cultivator, and payment being in cash. Roughly the share of the State was 1/3 of the average yield of the land.

Remissions of tax were, no doubt, granted when the lands were inundated by floods and in times of drought and distress. The collector of revenue was directed to be a friend of the farmers, to advance money to the ryot when he needed it and recover it in easy installments, to give remissions, to stimulate cultivation, and never to charge the ryot for more than the actual area under cultivation. He was also required to submit monthly statements regarding the condition of his people, the state of public security, the range of prices and rents, the needs of the poor and related matters.

1.4.4 Woeful State of the Farmers

But, the successors of Akbar, by and large, abandoned two salient features of Akbar's land revenue system. They were:

1. Payment of official salaries in cash
2. The collection of land revenue as far as possible from individual cultivators.

As a result, the agricultural population was left at the mercy of various types of assignees and middlemen and the land suffered in consequence. The standard of assessment was also raised from 1/3 to 1/2 of the produce in

order to meet the lavish expenditure of the court in Shah Jahan's reign. This strained the economic system beyond recovery. The land was cultivated only under compulsion and irrigation works were badly neglected. This state of affairs resulted in Aurangzeb's order to his assessors to flog the peasantry into cultivating the fields.

Virtual slavery was the fate of landless labourers who had no freedom to choose their masters and who were way down in the social order.

1.5 Land ownership before British period

1.5.1 Absence of ownership concept

"The natural consequence of this state of affairs was that the supply of cultivable land was plentiful and the land had not "yet obtained a value generally." Land values were nominal. Sir Thomas Munro, writing in 1807, says, "Nothing is plainer than that landed property has never existed in India except in the Malabar Coast." In the Punjab, "sale of land was unknown before the British conquest." Sir John Strachey wrote, "While our policy has been to encourage the growth of private property in land... former Governments hardly recognized the existence of such property." Elphinstone points out, "practically, the question is not in whom the property resides, but what proportion of the produce is due to each party." Bennett in the Gonda Survey Report says, "There is yet no trace of private property, whether individual or communal." To quote Sir George Campbell, "We are too apt to forget that property in land as a transferable marketable commodity, absolutely owned and passing from hand to hand like any chattel, is not an ancient institution, but

a modern development." After a lengthy discussion Baden Powell concludes. "Ownership is not in the soils, but in the shares of the produce, and in the business of cultivation or of paying the revenue."

1.5.2 Land not saleable

It was owing to its abundance that land was quite unlike other property. It was hardly marketable and that is why one hears so little of mortgages, sales and transfers of land in these times, in the sale-deeds of the eighteenth century in the Deccan the wording is that the owner begged of the buyer to take his land, etc. Consequently, it has been extremely difficult to determine the question of its ownership. In fact, occupation and use were the only attributes of property which really concerned the people. These gave rise to rights which were hereditary and inherited in accordance with the Hindu laws, but to them conditions were attached. A cultivator and his descendants continued to occupy a plot or plots of land and enjoyed the usufruct, so long as they fulfilled the condition of paying out of the produce the share due to the State. There was no question of ejecting them. But in case they neglected to cultivate the land they could be forced to quit".

1.6 Land revenue systems in the early British period (Rule of East India Company)

1.6.1 Transfer of Right to Land

With the advent of the British in India, the political and economic scenario underwent far-reaching changes. The right to land, in the form of right to collect revenue, began to be transferred to the British. The victories in the battle of Plassey in June 1757 and in the battle of Buxar in 1764 provided the grant of "Farman" by which the

Diwani (civil government) of provinces of Bengal, Bihar and Orissa was conferred upon the East India company to collect taxes. Still later, we see large areas being ceded to the British because of their victory in a war or as a price for their support etc. For instance, in the III Anglo – Mysore war in 1792, Tippu Sultan ceded Bellary, Cuddapah and Anantapur districts to the British . In the areas thus ceded to them the British collected revenue through Zamindari or Ryotwari system.

1.6.2 Permanent Settlement

A new chapter opened in Indian history with the appointment of **Warren Hastings** as governor of Bengal in 1772 which marked the beginning of the company rule. Faced with the huge task of rehabilitating the finances of company and developing its commerce, Warren Hastings tried to find a solution by introducing revenue reforms which proved disastrous for the peasantry. He made a five year settlement of land revenue (permanent settlement) by the crude method of farming out estates to the highest bidder. No preference was given to the Zamindars on the assumption that they were mere tax-gatherers.

1.6.3 Disastrous consequences

The five-year settlement of 1772 was a miserable failure and the peasants suffered greatly. Most of the revenue-farmers were mere speculators, had no permanent interest in the land and therefore tried to extract the maximum sum from the cultivators by way of land revenue. The officers of the East India Company participated in the bidding through their servants or banias. Further, the land had been over – assessed and the State demand fixed very high. Added to it was the harshness in the method of collection. The result was that many revenue contractors fell in heavy arrears, many had to be arrested

for default and the ryots deserted the land.

After the expiry of five-year settlement in 1776, Warren Hastings reverted to the system of annual settlement on the basis of open auction to the highest bidder. Preference was given to the Zamindars in making the settlement. Even this did not prove to be a satisfactory system and Hastings dabbling with revenue reforms left behind him only “a dark trail of misery, insurrection and famines”.

1.6.4 Zamindars come into being

Cornwallis, who was appointed governor general in 1786, was especially directed to devise a satisfactory solution of the land revenue system which would ensure the Company’s interest as well as that of the cultivators. Commenting on the company’s revenue policy, Cornwallis remarked in 1789 that “one - third of the company’s territory in Hindustan is now jungle, inhabited only by wild beasts”. Cornwallis held prolonged discussions on three vital questions:

1. With whom was the settlement to be made—the Zamindars or the actual tillers of the soil?
2. What should be the State’s share in the produce of land?
3. Should the settlement be permanent?

Cornwallis, who was an English landlord himself, accepted the view that the Zamindar was the of land owner and the settlement was declared permanent.

1.6.5 Feudalism at Top-Serfdom at Bottom

Whatever little economic or political purpose the settlement might have served during its first few

years, it soon turned into an engine of exploitation and oppression. It created “feudalism at the top and serfdom at the bottom”. The permanent settlement soon led to absentee landlordism and to a vicious chain of intermediaries. Most of the landlords did not take any interest in the improvement of the land, but were merely interested in extracting the maximum possible rent from the ryot. The cultivator, being under constant fear of ejection, had no incentive to improve the land. The Zamindars did not live on the estates, but away in cities where they wasted their time and money in luxury. The Zamindars became a sort of “distant suction pump” sucking the wealth of the rural areas and squandering it in the cities. Thus, a host of intermediaries grew up between the state and the actual cultivator. The process of sub-infeudation sometimes reached such ridiculous proportions that there were as many as 50 intermediaries. All the intermediaries looked to their own profits and the ryot was reduced to the position of a pauper.

Socially, the permanent settlement stands severely condemned because by recognizing the absolute right of ownership of the Zamindars, it had totally alienated the peasants from land. The peasants were subjected to double injustice, first by being deprived of their right to land and secondly by being left at the mercy of the Zamindars who rack-rented the peasants and unscrupulously ejected them from their traditional holdings when they defaulted.

1.6.6 New agrarian relationships

The impact of colonialism on Indian life was so deep that it created drastic changes in all spheres. The realm of agriculture was no exception, as

such, new agrarian relations and class structures came into existence. We find new classes, absentee landlords and moneylenders usurping higher rungs of the agrarian structure with tenants-at will, share croppers and agricultural labourers at the bottom of the oppressive and exploitative structures. Landlordism had, by the 1920s, become the main feature in both the Zamindari and Ryotwari tenure.

1.6.7 Rise of money-lenders as a class

Another factor that came to dominate the agrarian scene was money lending. The village moneylender acquired a place of economic and political importance in the rural context and exploited both the peasant proprietors, the occupancy tenants and even the Zamindars. In the process, money-lenders became landlords and many landlords and rich and middle peasants became moneylenders. Nevertheless, the money-lender, and especially the non – cultivating money-lender, who emerged as a dominant force in the rural economy, came to be viewed as a common enemy to be fought against by the peasants, the small and even the big landlords.

The growth of tenancy and the hierarchy of intermediaries were on a scale unprecedented in Indian history. As a result, by 1931, one-third of the rural population was landless and of the remaining two-thirds, most were tenants-at-will, sharecroppers and dwarf holders.

1.6.8 Land revenue

There were two main systems of land revenue administration,

1. The one in which a middleman intervened between the cultivator and the Government as a landlord, known as the Zamindari system,
2. The other in which Government dealt directly with the cultivator known as the Ryotwari.

A variation of the Zamindari system was the Mahalwari where the village body as a whole or a group of zamindars was treated in a body as the owners of land. The area under the Zamindari system was 48 per cent, of which 20 per cent was temporarily settled for terms of twenty to thirty years, and 19 per cent was permanently settled. With the exception of the permanently settled area, the rate of land revenue was so high as to leave little surplus for investments for improving the lands.

In the permanently settled districts of Bengal, the rent amounted to a little more than 11 per cent of the gross produce of the land; in the temporarily settled Gujarat, the land revenue was 20 per cent of the produce, or nearly double of the Bengal rates. In Northern India 50 per cent of the rental was paid as land revenue, but the share of the landholder was reduced by cesses (8 per cent of the rental) plus allowances for the services of village watchman and headman. In the Punjab the cesses amounted to 12 ½ per cent of the rental. In the Central Provinces, although 40 to 50 per cent of rent was fixed as the share of the government, in actual practice the demand worked out from 50 to 79 per cent

The area under the Ryotwari system accounted for 52 per cent of the cultivated land and the conditions in territories where Ryotwari prevailed were far worse, e.g., in Bombay and Madras.

The enhancements of revenue made in the revised settlement of 1866 in the Bombay presidency were so large as to amount to 'rack renting in the worst sense of the term.' In fact there was no surplus produce left, after paying the cost of cultivation and the assessment to the Government.

1.6.9 Poverty and Indebtedness

The land system introduced by the British in India was based on the Western concept of property and proprietary rights. The distribution of incomes in the agricultural economy which it effected was unjust, inequitable and oppressive. The result was impoverishment and indebtedness of the masses.

“About the spread of indebtedness at the time of the enquiries of the Famine Commission of 1880 in the different parts of India official reports from all provinces spoke of the existence of high degree of indebtedness among the peasantry. Mr. Nichols observed that in the Central Provinces “the tenants were, practically speaking, entirely dependent on their landlords for advances not only for seed grains but also for food grains.” In Bombay, Mr. Peile calculated that 75 per cent of the ryots were in debt, of whom 50 per cent were hopelessly involved. Enquiries in the Madras Presidency revealed that 57 per cent of the ryots in Krishna district and 80 per cent in Vellore were in debt. In Berar, Major Szczepanski noted that while those with some capital thrived, the others were entirely dependent on Sahukars.

In Bihar, the Collector of Shahabad reported that 50 per cent of the cultivators were in debt for grain lent by their landlord and 40 per cent were in debt for either grain or money to the Mahajan.

The government therefore declared certain remedial measures to counteract the growth of indebtedness and land alienation:

- a) Regulation of the money-lending business,
- b) Restraint of the transfer of agricultural property into the hands of the non-agriculturists thereby putting limitations on the agriculturist's credit,
- c) Amendment of the contract and debt laws in order to make the relation of creditor and debtor more equitable.
- d) As the land revenue system was ultimately responsible for a large proportion of indebtedness of the proprietor as well as of the tenant, its reform was a necessary condition for improvement.

This, however, was not attempted. All that was done was to pass a few legislative measures to protect the debtor against his creditor. The earliest measures to give relief to the ryots from indebtedness and exploitation by money-lenders were:

- The Deccan Agriculturists Relief Act of 1879.
- The Punjab Land Alienation Act of 1901.
- The Bundelkhand Land Alienation Act of 1903
- The North-West Frontier Province Land Alienation Act of 1904
- The Central Provinces Land Alienation Act of 1916.

1.7 The peasants' unrest

Oppressed by the exorbitant land revenue demands of the state and the extractions of the Zamindars, caught in the cruel clutches of the moneylenders and the traders, and driven into the abysmal depths of poverty, the peasants began the struggle to find alleviation for their unbearable suffering and poverty. The peasant mobilizations in the 19th century took the form of protests, revolts and rebellions primarily aimed at loosening the bonds of feudal exploitation. They protested against the enhancement of rent and the usurious practices of moneylenders. Their demands included occupancy rights, commutation of produce rent into money rent etc. In the absence of class consciousness and proper organization, the peasant revolts did not develop a political matrix.

The Santhal rebellion, Bengal Indigo cultivators strike and the Maratha peasants' uprising stand out as the more effective peasant revolts that took place in the later half of the 19th century. The Punjab peasants' discontent with endless indebtedness and the large scale alienation of agricultural land to non-cultivating classes, which was in fact a countrywide phenomenon, alerted the colonial rulers about the need for timely action to prevent an uprising by the Punjab peasants. As a result, the government passed the Punjab land alienation Act, 1900 which imposed restrictions on the sale and mortgage of land belonging to the agricultural classes to the statutory agriculturist class and to the rest of the population including moneylenders. The Punjab peasant was also given partial relief against the oppressive incidence of land revenue demand by the government.

Peasant discontent and struggles, a familiar feature of the 19th century acquired a new feature in the 20th century in the sense that they came under the influence of and, in their turns, left a significant impact on the ongoing struggle for national freedom. This can be clearly witnessed in the three important peasant struggles that emerged in the 1920s and 1930s on the agrarian scene.

1.8 Peasants and farmers' organisations and movements

The life of the majority of the cultivators in Avadh region was made miserable owing to the exorbitant rents, illegal levies and arbitrary ejections from land or bedakhli. During World War-1 and also in its aftermath, the prices of food and other necessities rose high and this made the oppression all the more unbearable for the peasants. The situation, thus, became ripe for a revolt or resistance.

1.8.1 Kisan sabha movement

At about this time the leadership of the Indian national movement realized the need for integrating peasants and their struggles with the national movement in order to widen as well as strengthen the anti imperialist struggle. So, the U.P. Kisan Sabha was set up in February 1918 through the efforts of Gauri Shankar Misra and Indra Narain Dwivedi and with the support of Madan Mohan Malaviya. The U.P. Kisan Sabha proved at once active and in a little more than a year's time it established nearly 450 branches. One of the results of this activity was that a large number of Kisan delegates from U.P. attended the Delhi and Amritsar sessions of Indian National Congress in December 1918 and 1919.

1.8.2 Oudh kisan sabha

A new development came by October 1920 in the Kisan Sabha Movement. Differing from the path of non-cooperation chosen by Congress at Calcutta, Madan Mohan Malaviya who wanted to stick to constitutional agitation set up an alternative Oudh Kisan Sabha which found support in Jawaharlal Nehru, Baba Ramachandra and other leaders. Soon, the new organization brought under its wing more than 330 kisan sabhas. The Oudh Kisan Sabha asked the peasants to refuse to till the bedakhli land, not to do unpaid labour called hari and begar, to boycott those who did not accept these conditions and to solve their disputes through panchayats.

1.8.3 Outbreak of violence and aftermath

However, the nature of the peasant activity underwent a marked change in January 1921 and took the form of looting of bazaars, houses, granaries, and clashes with the police. The government swung into action and harshly suppressed the outbreak of violence, arrested the leaders and launched cases on them. As a result, by March 1921, the Kisan Sabha movement came to an end. The government also passed the Oudh Rent (Amendment) Act which brought a little relief to the tenants, but doused their hopes and thus contributed to the decline of the movement.

But, towards the end of 1921, the peasant discontent surfaced again in Avadh and it took the form of Eka or unity movement with the initial support of Congress and Khilafat leaders. At the Eka meetings, the peasants vowed that they would pay only the recorded rent but pay it on time, would not leave when ejected and would

refuse to do forced labour. But soon the Eka movement became disinclined to follow the path of non – violence that the congress and Khilafat leaders urged. As a result, the movement’s contact with nationalists diminished and it went its own way.

1.8.4 *Kisan sabhas in other regions*

In 1920s the ‘Workers and Peasants Party (WPP)’ which was the legal body of CPI developed a framework to take up the peasant’s issues. Infact after 1926 it propagated a very radical programme of agrarian reforms including ‘land to the peasant’. However this remained a slogan as the party’s understanding was to work for Russian model of Revolution.

The Bihar Provincial Kisan Sabha (BPKS) which started working from 1928 was the strongest regional peasant organization at that time. Swamy Sahajananda Saraswathi was the architect of this organization. They worked very closely with AIKS (All India Kisan Congress) later.

The Andhra Provincial Ryots’ Association was formed by N.G.Ranga in 1928. From 1934 to 1937 he collaborated with CPI and CSP to give a voice to the demands of tenants and land holders. He later became the President of AIKS and then broke away from it to form All India Kisan Congress. He represented mainly the rich farmers.

The Congress Socialist Party had better understanding and clarity than the WPP. The CSP passed agrarian resolutions relating to abolition of Zamindari, recognition of occupancy rights of tenants in all the landlord tenant areas, debt freeze, and raise of agricultural wages.

The culmination of the efforts of diverse political party’s finally led to the formation of All India Kisan Sabha (AIKS) in April 1936 but it ultimately went under the leadership of the Communist Party by 1942.

The period also witnessed three very significant peasant movements in different parts of India, namely, the Tabhaga movement in Bihar, Telangana Armed struggle in Hyderabad State of Andhra and Varlis Revort in Western India.

1. In late 1946, the share-croppers of Bengal began to assert that they would pay only 1/3rd of their crop to the Jotedars. Differences of opinion also rose around where the crops should be stored: share croppers insisting that they would keep the crops in their own khamars (godowns) and the Jotedars wanting it stored with them. This movement known as Tehaga got a fillip due to the Bagardars Bill. As major clashes ensued between the peasants and the Jotedars, the Jotedars appealed to the government and the police came in to suppress the peasants. Ruthless repression followed and by the end of February 1947 the movement died out.
2. The insurrection that raised its head in Telangana during 1946–51, territory of the Nizam’s state of Hyderabad, was against the intense exploitation and oppression of the peasants by landlords, moneylenders, traders and Nizam’s officials. Nizam’s crown lands and those of his aristocracy accounted for nearly 1/3rd of his vast dominions on which more than 20 Lakh poverty–stricken peasants worked for their living. The Quit

India Movement got a considerable response from Hyderabad, especially the youth. But, the communists were opposed to the Quit India Movement as it was against their understanding that Britain must be supported in its anti-Fascist War. So, the young nationalists in Telengana rallied round Jamalapuram Kesavarao. But a large section went with Ravi Narayana Reddy to the communists. This standoff between nationalists and communists culminated in the split of Andhra Mahasabha in 1944. Andhra Mahasabha came totally under the leadership of communists who taking advantage of this opportunity launched a programme of mobilization and organization of the peasantry for the struggle against Nizam's oppression.

A powerful peasant struggle emerged in the later half of 1946 in various pockets of Nalgonda district, and to some extent in Warangal and Khammam. The struggle centred around the issues of forced grain levy, the practice of Veth begar, illegal ejections and seizures of land. At first, clashes took place between the landlord's goondas and the peasants and later between the armed police of the state and peasants without arms. The resistance was strong but the repression was equally strong and by the end of 1946 the movement had to calm itself down. Thousands were arrested and beaten, many died, and the leaders were imprisoned. Yet, the movement had succeeded in instilling into the oppressed and downtrodden peasants of Telengana a new confidence in their ability to resist.

3. The revolt of the Varlis, tribal people in Western India, was a struggle against exploitation by forest contractors, moneylenders, and landlords who enjoyed the tacit support of the British bureaucracy. The Kisan Sabha took up their cause and launched a struggle in May 1945. Police oppression failed to terrorize the Varlis – who increasingly came under the influence of the communist party.

In a nutshell, we can say that the various peasant struggles before Indian Independence were mainly anti-Zamindari with demands for:

1. Security of tenure,
2. Reduction of rents,
3. Renewal fees,
4. Regulation of landlord-tenant relations etc.

1.8.5 Land rights for Dalits-An agenda beyond the pale national consciousness

Though the landless dalits and other agricultural labourers struggled, along with peasants for wages, abolition of veth begar (forced labour) and land, their struggles were always held subordinate to peasant struggles. Dalits' right to land was not on the agenda of Congress led peasant struggles though we find an instance like the Ashram group leaders in Gujarat, the mobilizing force behind Bardili Satyagraha, working with landless, untouchable dalits for their social and economic upliftment in the teeth of hostile opposition from upper caste peasants.

On account of peasant centric land struggles and reforms, dalits and other agricultural labourers were faced with disillusionment, with their hopes

largely belied, because of ‘inchoate policy, imperfect legislation and inefficient implementation’ of land reforms. So, further struggles for land by dalits and other landless rural poor became a dialectical necessity in the later half of the 20th century.

What stands out in sharp contrast is the conspicuous absence of ‘land to the dalit’ motif in the peasant struggles led or supported by Congress and all India Kisan Sabha during the Indian national movement. So, while we acknowledge the historic importance and wide impact of the anti-Zamindari struggles and the fight against intermediary landlords, we should, at the same time, recognize their serious limitations in the sense that they were not basically struggles for “land to the tiller” but for “land to the tenant”. The tenants were often substantial members from the Jat, Yadava, Ahir, Kurmi, Marstha, Reddi, Kamma, Kapu castes. Despite being involved in the struggles the spoils of the battle never reached the dalits. In the famous “Nijai Bol” – the claim to land movement led by Congress, the Ahir and Kurmi peasants (Sudras) finally drew benefit while the chamars and Bhangis (dalits), who had taken equal part in the movement, failed in their claim to land.

1.8.6 *The limitations of the Leftists*

Y.V.Kirshna Rao who was the General Secretary of AIKS mentions that ‘the All India Kisan Sabha (AIKS) was formed (1936) on the class basis with an objective of:

1. Fighting against the foreign rule
2. Abolishing all intermediary tenure in Land
3. Establishing Democratic State of Indian people

This according to their understanding ultimately would lead to the realization of ‘Kisan Majdoor Raj’

But the limitations of the peasant movement were never really recognized by the leaders of the All-India Kisan Sabha. They assumed that anti-Zamindari was equivalent to “land to the tiller”, but, in fact, it was not. There were “tillers”, the dalit labourers on land, who had no historically recognized claim to land. There was no way they could benefit from the abolition of higher level landlords. They were a class of people who were, by social definition, permanently different. The 1947 resolution of communist-led AIKS clearly reflects the confused state of thinking of the Sabha regarding the demand for land. The resolution at once recognized the Mazdurs as “tillers” and denied recognition as “actual cultivators of the soil. In fact, outside of the Telengana revolt, there was no significant struggle to give land to all the tillers in a particular area.

1.8.7 *Peasant struggles - Indian National Congress*

The Indian national congress started speaking on the agrarian reforms from 1931. The policy on agrarian reforms can be seen in Karachi Resolutions of 1932.

Commenting on the stand of Congress Party towards peasants struggles Dr. Bipin Chandra says “For years the National Congress failed to evolve a broad-based agrarian programme. All the three major movements launched by Gandhi, namely, those of 1920, 1930 and 1942, started without any such programme. Gandhi and the national leadership offered to the peasant at the most a few “mildly ameliorative, ‘self-help’ measures” in the name of the constructive programme. They placed almost their entire emphasis on Swaraj and the vague talk of agrarian change. The landlords were to be kept in the national movement by guaranteeing

protection of their basic class interests. The peasants were to be mobilized through the ideology of nationalism.”

“The reasons are very clear that the priority of the congress party was to obtain freedom for the country from the British rule. To achieve this, the party needed the support of Zamindars and Landlords. Since they had also entered into the provincial governments as rulers the dependency on their votes on these groups inevitably led them to protect their interests.”

At the Lucknow Session (April 1936) the Congress half-heartedly agreed to direct the provincial committees to conduct enquiries into the agrarian situation in their respective provinces and to formulate provincial agrarian programmes. A resolution to this effect was passed at Lucknow only after Ranga and Sahajanand Saraswati (the President and the General Secretary of AIKS which held its first conference at Lucknow coinciding with the Congress Session) gave a stiff fight and pressurized the Congress Leaders to commit the Congress to a definite agrarian programme. Subsequently at its 50th session at Faizpur (December 1936) the Congress adopted an agrarian programme, but not as per the demands of AIKS. It did not include the item of “zamindari abolition”

Resolution passed at the Haripura Session of the Congress in 1938 asserted: “The Congress has already fully recognized the right of Kisans to organize themselves in peasant unions. Nevertheless it must be remembered that the *Congress itself is in the main a kisan organization* “28 (Emphasis added). The resolution went on to add: “while fully recognizing the right of the Kisan’s to organize

Kisan Sabhas, the Congress cannot associate itself with any activities which are incompatible with the basic principles of Congress and will not countenance any of the activities of those Congressmen who as members of the Kisan Sabhas help in creating an atmosphere hostile to Congress”.

The above gives a clear picture of the stand of Indian National Congress on the issues of peasants during the Freedom struggle.

1.9 Assignment of land to Dalits (Panchamas) in Madras Presidency

1.9.1 Right over land restored

For the first time in India the right over land was restored to dalits during the British period but for different reasons. As explained earlier the British rule did not bring any improvements in the agrarian society, further the conditions deteriorated because of the land revenue systems that they evolved.

The conditions of the dalits had worsened. The Government of Madras presidency appointed in 1891 Tremenheere, the collector of Chingalpet district, to conduct an enquiry into the conditions of pariahs (SCs or dalits). In his report, Tremenheere vividly describes the plight of *pariahs* or *panchamas* as it prevailed during the later half of the 19th century. He describes them as people who were “always badly nourished; clad if at all, in the vilest of rags; eaten up with leprosy or other horrible diseases; hunted like pigs; untaught, uncared for and un-pitied”. In fact, it was the European missionaries working in Madras Presidency who first studied the pathetic living conditions of pariahs and submitted a memorandum to the government pleading for government intervention on behalf

of the pariah community. A vigorous discussion on the conditions of pariahs also took place in the newspapers in Madras and also in London.

Finally, the question of Pariahs came up for discussion in House of commons and this forced the government to act. The government of Madras Presidency passed two GO's -one on

30-9-1892 (GO. Nos.1010, 1010 A Revenue) and the other on 1-2-1893 (GONo.68 Education) relating to the condition of pariahs.

1.9.2 The salient features of the Revenue GO were

1. That in the event of alienation of land granted to pariahs, the government had the power to resume the grant and order re-entry under the conditions laid down in the GO.
2. All lands that have already been or may in future be purchased by government at sales for arrears of Revenue should be reserved for assignments to pariahs and other low castes for cultivation and other building purposes.

Thus from 1892 onwards with the issue of GO Nos.1010, 1010A Revenue and GO No.68 Education, the revenue officials in the Chingalpet district started receiving lands for assignment for the panchamas

1.9.3 Lands acquired for assignment

Wastelands were measured and a good portion was reserved for *panchamas*/pariahs. Where wastelands were not sufficient, large blocks of land in the form of unreserved forests, un-

assessed wastelands, poramboke lands were transferred for assignment for cultivation.

The policy of assignment of land to pariahs started from 1918 in every *Ryotwari* village. In 1919, a special officer was appointed to protect depressed classes and the officers started co-operative societies for the benefit of SCs.

Lands were assigned to *panchamas* (pariahs) not only for cultivation but also building houses, establishing schools and also for forming small pariah settlements. The process of land acquisition by the government for pariahs began in Thanjavur during the First World War and it slowly spread to other districts. Wastelands and lands acquired were distributed particularly in North Arcot and Tiruchiraplli districts from 1924.

The labour department was created in 1920 to assign lands exclusively for the Depressed Classes (DC).

From 1930, lands were distributed to the dalits by the government in all the districts of Madras presidency. In one instance, 1400 acres of land was granted for forming agricultural settlements for the dalits. And in another instance 1000 acres of land was granted for the formation of agricultural settlements for Veppur pariahs in South Arcot district. By 1931 the total number of house sites provided by acquisition of land since the inception of the department was 36,530. Land assigned for cultivation rose from 19,251 acres in 1920-21 to 3,42,611 acres in 1931 (Boag, 1993:131-32).

The above historical initiatives laid foundations for the future Land Reforms in India.

Modern nomenclature of Dalits

In the modern society the so called untouchables are referred to with two leading terms i.e, Harijans and Dalits. As early as 1917 the prefix 'Adi' or 'Original' was used by untouchable leaders seeking to assert a status as a people subordinated by later Aryan immigrants to India (Omvedt 1994). So the terms "Adi-Dravida", 'Adi-Karnataka' and 'Adi-Andhra' are still used as self-description by large numbers of dalits in the different States of south India. In any case it embodies a questionable thesis - (the claim to 'originality')(The untouchables-2000)

The term of 'Harijan' was adopted by Mahatma Gandhi in 1933 for a suitable name to replace the terms untouchables. Gandhi's object was to invent a name which identified the relevant people without fixing them an inferior status - 'Harijan' means 'People of God'. This term was widely adopted in the general public and also by Untouchables themselves, but in recent years the name has lost support. The government also in recent times banned the use of this term.

The word 'Dalit' is now generally used for other generic names for persons descended from the old Untouchable castes. This is a word derived from the Marathi language, and is apparently derived from Sanskrit. In an 1831 dictionary the word is defined as 'ground' or 'broken or reduced to pieces generally'

(Molesworth's Marathi-English Dictionary 1831). It was seemingly first used in the context of caste oppression by the great nineteenth-century reformer Mahatma Jyothiba Phule, but its modern history dates from the early 1970s among activists (dalit panthers) from the Untouchable Mahar caste (Zelliot 1992: 267, 271). But now the term has spread to Karnataka and increasingly throughout India. Like 'Harijan' the term is intensely political, but the politics this time is more assertive and self-directed, sometimes separatist. While use of the term might seem to express an appropriate solidarity with the contemporary face of Untouchable politics, there remain major problems in adopting it as the generic term. Although the word is now quite widespread, it still has deep roots in a tradition of political radicalism.

The second category is a cluster of terms devised mainly in British bureaucratic context—above all the Census—from late in the nineteenth century to the 1930s. These terms included 'Outcastes', 'Depressed Castes' and 'Exterior Castes'. The endpoint of this line of verbal/conceptual development is the term 'Schedule Castes', now the official identifier of what one calls the Untouchables. The so-called Schedule is a list of castes entitled to parliamentary or assembly seats and other representative positions, public employment and special educational

benefits. This Schedule was originally promulgated by the British Government of India in 1936 but the term ‘Scheduled Castes’ only became widely used after Independence. While the term has useful moral neutrality, it is essentially legal in nature: the people in question have been transformed into a special legal class of citizens for certain purposes of the state. We will need to use the term frequently when dealing with provisions of government.

The term ‘ex-untouchable’, often used in the early years after Independence is still to be found today. The term is legally sound—Untouchability was abolished by the Constitution of India -but not a respectable word to refer. (The Untouchables – 2000).

1.10 The land issue and the Dalit movements

During freedom struggle in the north India, Jagjivan Ram and Rajendra Prasad began to organize landless dalits in opposition to the socialist-dominated All India Kisan Sabha. The first regionally organized expressions of the dalits for land is to be found in the upsurge of radicalism and mass movements of the late 1930. The Bihar Khet Majdur Sabha was established in 1937. It should be noted that a Bhumiheen Khetihar Majdur conference was held in February 1938 at the time of Haripura conference. This Majdur conference, of course, had political motives in being part of a Congress right offensive against the left. It was also connected with a Gandhian – Congress offensive against the independent

dalit movement that was being led by Ambedkar.

1.10.1 Independent Labour Party

In Bombay Province, Dr. Ambedkar’s Independent Labour party attempted to mobilize both untouchable labourers (dalits) and Sudra peasants and workers. The party undertook a series of struggles and one of the biggest of these was a huge peasant march from Konkan and several Deccan districts to the Legislative Assembly on January 10, 1938. It was organized by Ambedkar in co-operation with Indulal Yagnik and other Sudra and Kisan leaders. Demands of the march included:

1. Abolition of the Khoti system,
2. Making veth begar a crime and
3. Giving waste lands to dalits.

1.10.2 Basic thrust of Dalit movements

But most of the dalit movements during colonial and post colonial periods were confined to the problem of untouchability. Besides the problem of untouchability they took up the issue of maintaining or increasing the reservations in political offices, government jobs and welfare programmes. According to Dr. Ghansham Shah, these movements can be classified into

1. Reformative,
2. Alternative movements.

The Reformative movement was directed against the caste system and the Alternative movement was an effort to create a new socio cultural structure. Both movements used political means to attain their objectives. In other words these movements were both caste and class based movements.

Dr. B.R. Ambedkar emerged as the National Dalit leader of the country. But neither the

Independent Labour Party which he formed in 1936 nor the All India Scheduled Castes Federation which was converted into Republican Party of India in 1956 prioritized distribution of land to Dalits as their main agenda in the land reforms suggested by them.

Ms. Gail Omvedt who has done extensive study on Dr.BR.Ambedkar says “On the economic front, he mostly began to follow a Nehruvian-left line. While he had written two major books in the early 1920s on fiscal and monetary policy which by and large reflected a neoclassical perspective of thought with a severe critique of British rule; in the 1930s and 1940s he switched to a socialistic framework that took for granted the necessity of state-guided industrial development but did not confront the problem of high-caste domination over the state machinery. This was expressed in his book States and Minorities, written as a submission to the constitutional convention on behalf of the Scheduled Caste Federation. Economics, though, was not by this time his major concern. He was putting most of his intellectual energy into the question of the historical roots of the caste system and India’s cultural identity.”

Though the ILP initially launched struggles for distribution of lands to dalits, at a later stage Dr. Ambedkar felt that only State Socialism will ensure access to land for dalits. This is evident from his memorandum presented to the Constitution Assembly on behalf of All India Schedule Castes Federation on the safeguards for the Scheduled Castes for the protection against Economic Exploitation. He suggests:

Some extracts - Article – II, Section- II, Clause 4 under (Land related only).

- 1) That agriculture shall be State Industry;
- 2) That State shall acquire the subsisting right hats in such industries, insurance and agricultural land held by private individuals, whether as owners, tenants or mortgagees and pay them compensation in the form of debenture equal to the value of his or her right in the land.
- 3) The State shall determine how and when the debenture holder shall be entitled to claim cash payment;
- 4) The debenture shall be transferable and inheritable property but neither the debenture holder nor the transferee from the original holder nor his heir shall be entitled to claim the return of the land.
- 5) The debenture-holder shall be entitled to interest on his debenture.
- 6) Agricultural industry shall be organized on the following basis:
 - i) The State shall divide the land acquired into farms of standard size and let out the farms for cultivation to residents of the village as tenants (made up of group of families) to cultivate on the following conditions:
 - a) The farm shall be cultivated as a collective farm ;
 - b) The farm shall be cultivated in accordance with rules and directions issued by Government;
 - c) The tenants shall share among themselves in the manner prescribed the produce of the farm left after the payment of charges properly leviable on the farm;

- ii) The land shall be let out to villagers without distinction of caste or creed and in such manner that there will be no landlord, no tenant and no landless labourer;
 - iii) It shall be the obligation of the State to finance the cultivation of the collective farms by the supply of water, draft animals, implements, manure, seeds, etc.;
- 7) The scheme shall be brought into operation as early as possible but in no case shall the period extend beyond the tenth year from the date of the Constitution coming into operation.

But in the late 60s at a number of places in Andhra, Tamil Nadu, Karnataka, Kerala, Bihar, Maharashtra and Uttar Pradesh dalit agricultural labourers participated in the land grab movements.

1.11. Scenario of agricultural labour population

When India got its independence in 1947, the country had inherited various issues that were unresolved during the British period. The important issues were the growth of labour population, the growth of poverty, and the issues of Land Reforms which are interrelated.

As per Dr. Tarachand, in the decade 1921-31, the proportion of agricultural labourers rose from 291 to 407 per thousand of ordinary cultivators. He further adds that “Economists have attempted to calculate the proportion of the agricultural labourers to the total agricultural population at various census enumerations in order to estimate the trends of social progress or otherwise. Their calculations indicate that during the last three decades of the nineteenth

century the number of agricultural labourers was small. Their proportion to the total agricultural population was 13 % in 1891. Due to severe famines which ravaged the country this went up to 25% as per 1901 census. As conditions improved it declined to 22 % in 1911. But then again the proportion started rising. In 1921 it was 26.2% and in 1931 it was 38%.

High percentages of labourers were in the Deccan and the South, the Central Provinces, Madras and Bombay Presidencies. They were followed by the provinces of Eastern regions-Bihar and Orissa, Bengal and Assam. In the Western provinces the percentage is less. Apparently the regions of *ryotwari* tenure and permanent Zamindari settlement were the worst sufferers.”

“Of the total population of India in 1951, 70% or 249.1 million were agriculturists. The number of landless labourers was rising continually, from 7.5 million in 1882 to 21.5 million in 1921, 33 million in 1931 to 44.8 million or 20% of the population of India(minus Pakistan) in 1951. It is needless to say that most of the landless labourers belonged to dalit community.

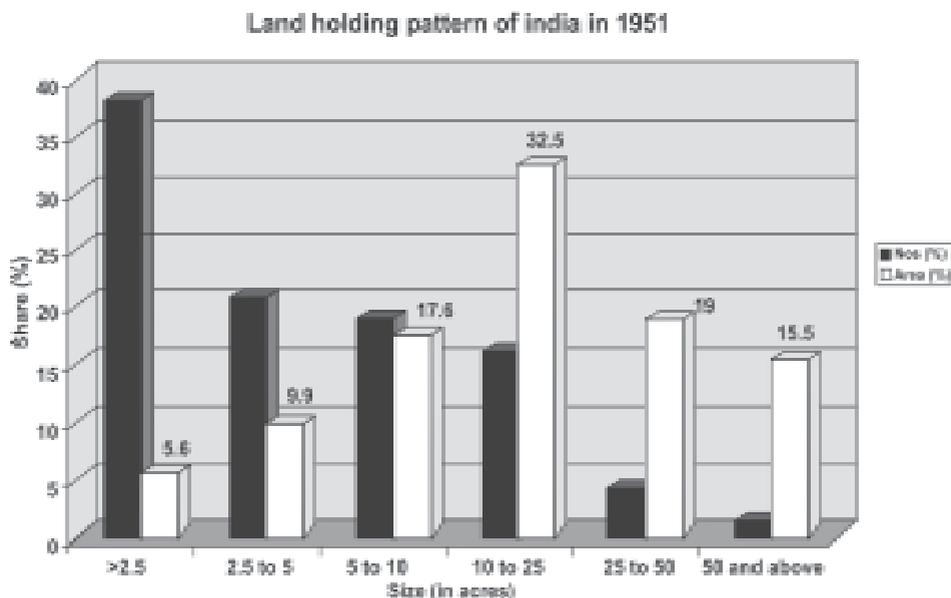
While this was the scenario in the labour front an analysis of the National Sample Survey (VII round) indicates the glaring inequalities which had been established by the middle of the twentieth century. 22% of the rural families were landless. 53% owned less than 5 acres each or 16 % of the total land, while 24% held between 5 and 50 acres each or 68% of land. Only 1% had more than 50 acres, but 16% of the total area. In other words, 34% of cultivators owned less than one acre each. 64% between 1 and 5 acres and only 1% more than 50 acres.”

Dr. Bipin Chandra in his analysis refers that “According to the Agricultural labour Enquiry

of 1951, 19% of the rural families had no land. Of the land holding families, 38.1% had less than 2.5 acres of land controlling in all 5.6% of the land (16.8% below 1 acre and 21.3% between 1 and 2.5 acres). These may be seen as semi-proletarians or as dwarf holders. 21% of the rural families held 2.5 to 5 acres of land constituting 9.9% of the area. These may be seen as the small peasants. 19.1% of the families held 5 to 10 acres of land constituting 17.6% of the area. These may be regarded as the small and middle peasants. 16.2% of the families held 10 to 25 acres of land constituting 32.5% of the area. These may be seen as middle and rich peasants. 4.2% of the families held 24 to 50 acres of land constituting 19% of the area. These were clearly the rich peasants. 1.4% of the families held 50 or more acres of land and controlled 15.4% of the area. These were the big landowners who merged with the *Zamindars*.”

1.12 Conclusion

Even at the dawn of 19th century land had not belonged to any one particular community. But from time to time, the right on land was given to certain groups, either to collect tax or for agriculture produce. After many attempts at reforms by a number of dynasties, rulers and colonizers to increase productivity of land, reduce inequitable distribution of produce, curtail absentee landlordism, eliminate capricious taxation, augment state revenue, by the dawn of Independent India majority holdings of land became the exclusive property of dominant castes. At the same time there emerged an increasingly growing population of landless agricultural labourers majority of whom were dalits. If in the distant past land was a forbidden commodity for the dalits by “virtue” of their being untouchables in the balance of power after various land struggles and the Independent movement right to possess land continued to remain a mirage for majority of the dalits.



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Chapter II



Land Reforms - Promising Much, Delivering Little

**M. Kondanda Rao
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Land Reforms - Promising much, delivering little

M. Kodanda Ram
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Land reform policies have been adopted all over the world in the post-second world war period to eliminate inequalities in the society. In caste ridden society like India land reforms are seen as a means to achieve democracy where each person is valued. As Ambedkar argued redistribution of land would “eliminate the possibility of more powerful having the power to impose arbitrary restraints on the less powerful by withdrawing from the control he has over the economic life of the people.” Political democracy cannot survive without achieving economic equality through land reforms.

In India a number of programmes were initiated to change the land relations. The land reform laws evolved through three broad phases since independence. The character of these policies has always been influenced by prevailing political conditions. In the first phase that started immediately after independence abolition of intermediaries and protection of tenants were undertaken. Redistribution of land was taken up all over India much later, in the early 1970's. During this phase state legislatures passed laws imposing a ceiling on land holding. The third phase coincides with the era of liberalization. In this period land policies have been modified to suit the liberalization policies.

The agrarian programs implemented in the first two phases were products of the national movement. “The commitment to land reform dates back to a period when the leadership of

the Indian National Congress was struggling to wrest power from British hands. Consequently, it was led by the logic of this struggle to make promises for change in the agrarian system so as to win peasant support for the anti-imperialist struggle.”¹

The peasants during the colonial period were dominated and ruthlessly exploited by the large landholders. These large landholders were not involved in production. They simply collected rents from the peasants and paid revenue to the government. The British protected these landlords by according privileges such as special representation in the assemblies to mobilise support. So the survival of the landlords depended on the continuation of the colonial rule. The Congress Party mobilised the peasants into the national movement by promising the abolition of intermediary class and land to the tillers. The land reform program is an outcome of the nationalist movement.

Because of the historical reasons listed above, land reform programs in India have not adequately reflected the land-to-the-tiller program. As observed by P. C. Joshi “there is a clear inconsistency between the ideology of the power elites, which proclaims the objective of ‘land to the tiller’, and the programs which provides for land rights for only the upper section of the peasantry.”² The ideology is far more radical than the actual program. The ideology played a useful role according to Joshi in mobilizing the peasantry

against the big landlords and the colonial rulers. The actual programs have been diluted to suit the immediate requirements. The land reform programs in the first phase were formulated to satisfy the non-Brahmin peasant castes that supported the Congress Party during the national movement.

The abolition of intermediaries, it was argued by the Congress Party, would bring economic growth with justice. This was expressed very poignantly in the Agrarian Reforms Committee appointed by the Congress Party in 1947. The committee, popularly known as the Kumarappan Committee, submitted its report in 1949. The committee laid down the following principles as guidelines to formulate agrarian policy. They are:

1. The agrarian economy should provide an opportunity for the development of the farmer's personality;
2. There should be no scope for exploitation of one class by another;
3. There should be maximum efficiency of production;
4. The scheme of reforms should be within the realm of practicability.

Else where in the report the committee was more explicit. It felt "that there can not be any lasting improvement in agricultural production and efficiency with out comprehensive reforms in the country's land system.

The Congress in its election manifesto and the Report of the Economic Program Committee declared itself in favor of the abolition of all intermediaries between the state and the tiller."⁷⁴ As far as the tenancy was concerned the

committee recommended that subletting has to be prohibited. It suggested that tenants cultivating the land continuously for six years should be regularised. As far as the others are concerned the owners enjoy the right to resume the land for self-cultivation. Through the agrarian reform program the power elite emphasizes "the incompatibility of the traditional landed class with the demands of economic development as well as those of social justice and political stability."⁷⁵ The committee has also suggested that there should be a ceiling on individual land holding.

In the light of this understanding the government ultimately evolved a policy to abolish the intermediaries and to offer protection to the tenants. As per the Indian constitution land reforms is a state subject. The center can only lay down guidelines. Ultimately the policies have to be formulated by the state governments. Since the socio-political conditions that shape the policy making process differ from state to state we see large regional variations in the policy and its implementation. While some states made progressive laws the others were reluctant even to make a law. The law resulted in far-reaching changes in some states where as in others it had no effect at all. The content of the programme as well as its implementation depended on the balance of the social forces. Progressive laws were introduced only in states where the landed gentry was politically weak and had no linkages with the Congress Party. In states like Rajasthan, Uttar Pradesh and Bihar the Zamindars were politically strong. Therefore they could delay the law making process and finally when the law was made it contained too many escape provisions. These laws hardly offered any protection to the tenants and the other weaker sections in the

village. Even in the diluted form the law could not be implemented by the state governments because the landlords wielded lot of influence in the administration. As far as Andhra Pradesh is concerned we see significant differences between Telangana and Andhra regions with respect to the reform policies introduced during first phase because they were separate states till 1956.

2.1 Tenancy Laws

The land reform measures were introduced in Hyderabad in the wake of the Telangana armed struggle. The movement led by the communist party mobilized the peasants, artisans against the big land lords known as jagirdars, deshmuks, desais. These land lords controlled vast stretches of land and extracted free labour with the help caste based hierarchy. The national government intervened in the state through police action at a time when the movement was strong. The national government initiated agrarian reforms to abate the movement. Since the local gentry had no linkages with the Congress Party it could not influence the decision-making. Therefore the government could formulate radical policies compared to the other states in the country.

Immediately after the police action the military governor promulgated Hyderabad (Abolition of Jagirs) Regulation. However, jagir abolition regulation had a major limitation. Through the regulation the government could only remove the jagirdars as the overlord. It did not touch the problem of security of tenants. Besides without resolving agrarian question the agrarian unrest could not be tackled. Therefore, the state appointed in 1949 a three-member agrarian reforms committee headed by N. Madhava

Rao, former dewan of Mysore to suggest reforms to abate agrarian unrest. Ghulam Hyder and RV Rao were the other members of the committee. Based on the recommendations of the committee, the government promulgated Hyderabad Tenancy and Agricultural Lands Act in 1950. The Act now known as The AP (Telangana Area) Tenancy and Agricultural Land Act came into force on the June 10th, 1950.

It has eleven chapters and 104 sections. The basic purpose of the Act was to arm the government to undertake agrarian reforms. It was a comprehensive piece of legislation covering the following aspects.

- “1. To regulate alienation of land,
2. To prevent excessive sub-division of agricultural holdings,
3. To empower government to assume in certain circumstances management of agricultural lands,
4. To provide for the legislation of co-operative farming.”⁶

The act created a category of tenants known as protected tenants. All those tenants who held land continuously for a period of six years in a prescribed period were treated as protected tenants. Unlike the traditional tenancy laws, which merely regulated the terms of tenancy, the new law conferred on the tenants the right on their holdings, unless they failed to pay the rent. They were also given the right to purchase the land on easy terms at a price fixed by the tribunal from the landlords. The owner under certain conditions however, could take possession of the Land. Similarly, the act denied the tenants the right to purchase if it left the owner with less than two family holdings.

The act also imposed a ceiling on holdings. No person was allowed to acquire land exceeding three times the area of a family holding. A family holding was defined as an area which, a family of five could cultivate personally and secure an income of 850 rupees after deducting the cost. At the same time in terms of area a holding was not allowed to fall below one-third the size of a family holding. The act empowered the government to use its authority for consolidation of holdings falling below the minimum holding.

Thus, the land reform measures initiated in Hyderabad cannot be termed only as tenancy reforms. These reform laws combined provisions of tenancy protection with provisions for ceiling on land holdings. "The fundamental aim of the legislation was to bring to an end the insecurity of tenure as well as evils of extreme absenteeism and create a body of small and middle peasant proprietors who will have a sense of possession and hence, perhaps, cultivate their lands efficiently."⁷

The studies have shown that "out of the originally created protected tenants in 1951 only 45% still remain to enjoy (in 1954) their protected status while 12% have purchased their lands and became owner-cultivators, thus fulfilling the intention of the law. Two-and-a-half percent have been legally evicted, 22% have been illegally thrown out while 17% voluntarily surrendered. A large number of evictions seems to have taken place in the very first year of the working of tenancy legislation."⁸ It was also clearly established that "the tendency is for smaller tenants to be evicted more than the larger ones and purchases of land have been undertaken more by the larger tenants than the smaller ones."⁹

Thus land seems to have been transferred through sales. "About 1 ½% of the total ownership holding (exclusive of inam lands) has changed hands owing to purchase and such transactions partly achieve the objective of the law, i.e., land redistribution."¹⁰

The law may not have resulted in the redistribution of the land. In fact, that was not the purpose of the law as we have shown above. But the intention of creating an owner cultivator seems to have been realized to a large extent. Total cultivated area increased in Jagir areas between 1951 and 1954 by 10%. And the land cultivated by the owners increased by 14.14% while the area cultivated by tenants declined by 9.05%. A similar trend was also noticed in the dewani areas. Because of an increase in the cultivable land production has risen by 4.2% in the Jagir areas. Monetary investments for agricultural development too have increased.¹¹

But "apart from certain economic changes like decreased land revenue rates, increased security, increased investments etc., jagir abolition has brought with it a significant improvement in the coverage as well as efficiency of nation building departments which ought to result ultimately in better life..."¹²

New social forces emerged in Telangana after police action. Till then Jagirdars, Deshmukhs dominated the socio-political realms. The reforms led to the demise of these dominant groups. Consequently new social forces emerged that dominated the rural areas till the 1970's. However, the caste based division of labour, the very basis of the landlord's authority continued even after the tenancy reforms. The traditional gentry class is being replaced by a new class of small landlords belonging to the

reddy, kamma, velama and karanam castes.

2.2 Andhra Area

In the Andhra area such comprehensive agrarian reform law could not be introduced. The Andhra Tenancy Act 1956 was framed only to determine the rent. It provided for fixation of rent. Under the law rent is fixed based on the crops grown and the source of irrigation. The rent varies between 28.3 per cent and 50 per cent of the produce depending on the crops and source of irrigation. The law has also laid down the procedure for the fixation of rent. It clearly says that the owner cannot evict the tenant at will. The minimum lease period stipulated by the law is six years. Non-payment of rent, willful denial of landlords' title, or subletting are some of the conditions when the tenancy can be terminated. Thus the act has only prescribed the minimum rent payable. It has not offered security to tenants. The provisions of the law gave lot of scope for the eviction of the tenant by the landlord with out any difficulty. It may be noted that the tenancy abolition laws led to the rise of non-brahmin upper castes in Andhra Pradesh. They gained political and social authority at the village level. Though the SCs were also mobilised in the struggle against the zamindars during the freedom movement their interests were totally ignored while formulating the land reform programs. The land reforms could have been initiated to ensure social and economic justice to the dalits. In fact these reforms have not even eliminated the caste based division of labour. Therefore the dominant castes could exploit the SCs as a source of cheap supply of labour. As the tenancy laws could not bring about equitable distribution of land the government was compelled to consider ceilings on land holdings.

2.3 Ceiling on agricultural holding

Till early seventies the proposals to introduce ceilings on land holdings were not implemented in many states on the ground that it would result in the fall of production and thereby upset the well being and stability of the rural structure. Every successive five-year plan thereafter underscored the need to impose a ceiling on land holdings. However no concrete policy measures were formulated to realise the objective. Sporadic efforts were made to impose a ceiling on landholdings. But these efforts did not result in any major changes in the agrarian relations. Take the case of Andhra Pradesh. AP Ceiling on Agricultural Holdings Act was enacted in 1961 to prevent concentration of land in the hands of few individuals. However the act has not served the purpose because it granted too many concessions and exemptions. In the first instance the ceiling limit was very high. It ranges from 27 acres to 324 acres. Besides, there were too many exemptions. Land leased out and streedhana are not counted while computing the holding. There is another interesting exemption provided in the law. If in the opinion of RDO the division of blocks on which heavy investment is made leads to fall in the production it can be exempted from purview of the law. Besides, the law does not cover orchards, cooperatives. The provisions are so vague that the ceiling itself has become a mockery. Because of the loopholes the law had no impact at all. "It was expected that 30 lakh acres, i.e., a little less than 10 per cent of the total land will be available for redistribution. But as per the state Administrative Reports for the year 1964-65 issued by the government only 54709 acres."¹³

2.4 Land Reforms Act 1973

Perhaps the government would not have considered the land reforms again but for the political conditions prevailing in the late sixties. The land ceiling act emerged out of a series of related political events. They are as follows:

1. The Naxalbari Movement led by the Maoists was spreading like a wild fire in many states. The home ministry in response appointed a committee to study the situation and to suggest a strategy to deal with the movement. The Study Team in its reports recommended political initiative to handle the agrarian unrest. It is in this context the then Prime Minister Gandhi said “that political parties may organize or even exploit rural discontent but certainly they cannot create it, if it were not there and as such unless ‘something’ is done, the situation was likely to go out of hands.”
2. The Congress Party lost in many states in the general election held in 1967. The split in 1969 further weakened the party. It is at this juncture the government decided to adopt radical policies to eradicate poverty.
3. After the split in the party the government lost majority in the parliament and was forced to depend on the support of the parliamentary left parties for its survival. Using this opportunity left parties exerted pressure on the government to introduce land reforms. In this back ground the Prime Minister held a two-day meeting of the Chief Ministers and explained the need to introduce agrarian reforms. Thereafter a central land reforms committee was constituted to work

out the details. The important recommendations of the committee are as follows.

- The ceiling is to be on the total land held by a family of five members.
- The limit is to be in between 10 and 54 acres depending upon soil conditions and irrigations facilities.
- All major children are to be treated as separate family units.
- Exemptions given under the previous laws were to be done away with.
- Compensation would be a multiple of land revenue.

These recommendations were to be implemented by 1972. However in AP the bill was enacted in 1973 and came into force in 1975. To prevent land transfers that would weaken the purpose of the land reforms all record rooms of revenue department were closed and sealed through a separate ordinance issued on 2nd May, 1972. The ordinance also banned transfer of land by any family having more than 4 hectares of wetland or 10 hectares of dry land. To prevent transfer of land the ordinance also imposed restrictions on divorces and adoptions.

The ceiling act has the following features.

1. The ceiling was on the total lands held by the family consisting of husband, wife and their minor children. All major children are treated as separate units by the law.
2. The ceiling limit of the family consisting of five members is one standard holding that ranges from 10 acres to 54 acres depending on the fertility of the soil and the irrigation

facilities. In case of bigger family an additional extent of 1/5 of standard holding for members is provided subject to a maximum of two standard holdings. All lands are divided in three categories to arrive at the size of the standard holding. i. Double wet-lands; ii. Single wet-land; iii. Dry land. Again the wet-lands are sub-divided into six sub-categories and the dry lands into five sub-categories. Standard holding is determined based on the class to which it belongs.

3. The law disregards all transactions after 24th January 1971.
4. Lands held by government, corporations, bhoodan board, religious and charitable institutions and cooperatives of weaker sections are not governed by the law. Tea, coffee, rubber, cocoa and cardamom plantations too are excluded from the purview of the law.
5. Compensations to be paid are determined on the basis revenue of the surplus land.
6. A special machinery known as Land Ceiling Tribunal was established for speedy and efficient implementation of land reforms. The tribunal was vested with the powers of civil court for speedy disposal of the declarations filed by the farmers.
7. It is mandatory under the law to file the declaration by all those having more than 10 acres of wet land or 25 acres of dry land. The tribunal would make the declarations available in the office for public scrutiny. The declaration in turn would be verified by the special deputy tahsildar appointed for the purpose. On receipt of the report the tribunal would conduct an inquiry and give award. Those who provide wrong or incomplete information are liable to be punished under

the law. The collector is empowered to distribute the surplus land.

Under the law 4,45,737 declarations were filed. And of these 64,911 were in excess of the ceiling and the remaining were not. Though 16,63,881 acres was determined as surplus it got reduced due to court verdicts and revisions. Finally 795947 acres were declared as surplus. Many devious methods were used to circumvent the law. “declarants...went in appeal to various Appellate Courts, namely the Land Reforms Appellate Tribunal (LRAT), High Court and Supreme Court. They obtained deletions from holdings of the declarant on various counts, such as treating a minor as a major, adverse possession, unregistered private sale deeds, deletions of *pot kharab*, deletions of areas covered by 38E, 50B Certificates under the Tenancy Act, and Occupancy Right Certificates issued under the Inam Abolition Act. In some cases, after filing declarations, they appealed to the courts to treat double crop wet land as single crop wet land, and single crop wet land as dry land, and obtained orders effecting deletions.”

The above account shows that objective of reforms could not be realised due to loopholes in the law. The law however had an unintended effect. It led to consolidation of land holdings. Besides the law discouraged concentration of lands above the ceiling level. In the absence of ceiling law numerous small and marginal farmers would have been dispossessed of their land in the land markets.

The land reforms also acted as a catalyst in overthrowing the caste-based division of labour.

Though land given was meager and insufficient to meet the family requirements it gave them the strength to reject vetti. Of course the change was not automatic. The SCs and the other rural poor had to fight against the landed gentry to secure emancipation from caste-based domination. However the land reforms have not enabled the rural poor to become farmers. The purpose of the land reforms was to release the unused land from the clutches of the landlords for intensive cultivation. Equitable redistribution was never the intention of the policy makers. The government thinking becomes clearer only when we examine the land reforms in conjunction with rural development programmes.

Ironically the rural development programmes had a different logic. Contrary to the agrarian reform programme where equity was the stated purpose the rural development programmes targeted only those with sufficient capital to produce a surplus. Though this bias towards the well-endowed farmers was integral even to the community development programme introduced in 1952 it became more explicit with the introduction of Green revolution strategy in the mid-sixties. This approach argues that production cannot be increased without using the yield-raising inputs. The aim of the programmes as envisioned by the policy makers was productivity; social imperatives were not part of it. These rural development programmes went against the objectives of land reforms but they created conditions in which the implementation of the land reforms programme was no longer possible.

The green revolution evolved when an acute food shortage arose in the 60's. It was feared that the shortages would not only lead to inflation but also heavy imports of food grains. Imports of food grains it was felt would deprive the country much needed foreign exchange. The institutional model enunciated by Jawaharlal Nehru was subjected to severe criticism in these circumstances. As an alternative technology oriented agriculture was propounded. The chief architect of this strategy was C. Subrahmaniam, agriculture minister in the Shastri's government.

The new model was initially, resisted not only by the left group in the congress but also by a number of officials in the planning commission. Severe food shortages were not the only reason for the rise of the technology-oriented approach. The green revolution strategy, also known as the second agricultural strategy emerged "out of a series of independently caused but conjecturally related events; the death in May 1964 of Prime Minister Jawaharlal Nehru, the primary advocate of industrial strategy, and his replacement by Lal Bahadur Shastri, more a country than a city man; the 1965 Indo-Pakistan and Vietnam wars that led United States President Lyndon Johnson to put Indian food supplies on short and arbitrary tether and, as a result, led Indian officials and policy intellectuals to give top priority to food self-sufficiency; World Bank and US bargaining with the government of India that linked increased investment in agricultural programs to the availability of increased foreign aid, disappointment with the capacity of the industrial strategy to address the problem of rural poverty

by generating large increases in employment and the timing of scientific and technological breakthrough, particularly the adaptation to Indian conditions of new high yielding varieties of seed....”¹⁵

The new strategy that led to the green revolution had two policy components. They were the price policy and the technological policy. The strategy proposes that without providing incentives to the farmer the production cannot be increased. Underlying the policy is the belief that it is the profit motive of the farmers, which propels the agricultural development. So the government evolved policies to prescribe the minimum support prices and to procure the surplus produce with a view to ensure remuneration to the farmer.

The most important aspect of the new strategy was that it introduced intensive cultivation using high yielding varieties of seeds backed by plant nutrients, effective plant protection and adequate water supply. To increase the availability of fertiliser, pesticides, and machine tools the government had not only used price control policies, but also allowed liberal imports to encourage the use of fertiliser, pesticides. The import rules were liberal to allow manufacture of these inputs indigenously in collaboration with multinational corporations.

Besides to develop high yielding varieties suitable to the country and to propagate them, research and extension services were strengthened. In this regard “research institutions were reorganised, a new agricultural research service was established, collaboration with international research institutes was strengthened, and salaries

of agricultural scientists were increased. Finally, to make sure the results of new research reached farmers, the extension service was restructured.”¹⁶ In the place of the village level worker technically trained people were employed to render extension service.

From the above account it is evident that the government rural development policies have evolved through two different stages. During Nehru’s period the focus was on the social and economic restructuring of the agrarian society. Agricultural productivity in this model was seen as a function of agrarian reforms. The latter model is essentially technocratic in nature. It holds that sooner or later the benefits of agrarian development will percolate down to all sections of the rural areas. As a logical consequence agriculture became a capital-intensive activity. This model further strengthened the economic power of the dominant castes. They could reap profits with the government support and used the surplus to acquire urban properties. It is this wealth that enabled the non-brahmin upper castes to become a political force. In Andhra Pradesh Telugu Desam Party represents the interests of this class.

In the era of liberalization a paradigm shift has taken place as far as the agricultural policies are concerned. The government through its policies seeks to promote commercial agriculture ignoring the interests of the actual producers. In Andhra Pradesh Chandrababu Naidu government that came to power in 1995 introduced the liberalization policies. The government took a view that the government alone cannot handle the task of bringing about development and meeting all the needs. Private

participation is necessary for economic development. Therefore, a suitable climate has to be created for private participation in various fields. To achieve this, the government should deregulate the economy and give freedom to private investors.

In the light of this perspective the government reassessed agricultural development programmes in a strategy paper on agriculture and noted that “in the last 30 years, the primary objectives of public policy in this sector (Agriculture) have been the achievement of self sufficiency in basic food, low and stable food prices and improved opportunities for the poorer classes to participate in the growth process.” (*Working Paper*, Department of Agriculture, Govt. of AP, 1999) To realize these objectives, according to the paper, successive governments have spent huge amounts on irrigation, research and implemented land distribution. This model has not increased the incomes of the framers. To raise the incomes the government has decided to strengthen an export-oriented agriculture.

The small farmer cannot play a key role in the new scenario. According to the report though the “small farmer may be ideal for knowledge intensive technologies but the small farmer suffers from several handicaps like security of ownership, production inputs, credit and remunerative marketing opportunities”. (*Working Paper*, 1999) Hence government decided to replace the “fragmented and marginal production” through the consolidation and the expansion of the holdings. In the process an organized agricultural production could be

brought into existence that could generate funds internally and negotiate with the private sector. To achieve the change government decided to “create an environment in the state for integration of the three sub systems of agricultural production, marketing and processing to attract private investment in agriculture and agro-related industries to facilitate farmers getting a remunerative price.” (*Working Paper*, 1999). In the new system agriculture would be controlled and directed by the agri-business companies. The government creates conditions for the entry of the agri-business companies. In the light of this new perspective the government has reduced public investment in the agricultural sector and withdrew subsidies.

Unable to meet the growing expenditure many poor and marginal farmers have fallen into a debt trap. To clear the debt many farmers are selling away their meager holdings. As the land has become a commodity in the context of the commercialized agriculture they are able to fetch a price. Contractors, real estate dealers and companies are now buying land in a big way. Land reform laws have lost their meaning in this process. The recent developments in Andhra Pradesh bear testimony to this. The land reform laws are violated with impunity to acquire vast stretches of land. These lands are converted into farm houses. The facts clearly prove the argument. The cultivators among the SC's over the last fifty years have come down though the government claims that nearly 5 lakh beneficiaries were given the land during the period. In 1961, among the SCs 7,05,931 or 14.19 per cent of the main workers were cultivators. The number of cultivators has come

down by 2001. According to the census figures in 2001 of the main workers among the SCs only 4.92 per cent are cultivators. The total number of cultivators is 6, 06,761. It is important to note that the government has distributed the surplus land and the government land to the SCs during this period. In spite of the land distribution the number of cultivators among the SCs has come down. It shows that there is land alienation among the SCs. The land reforms programme is not able to prevent this. See the tables given at the end of the text.

The above account clearly shows that the basic objective of the land reform programmes introduced so far has been to strengthen capitalism not socialism. Of course in the process the land reform laws tried to protect the interests of the marginalized groups such as the dalits. Small patches were given to them. Rules were framed to prevent the alienation of land. But as capital becomes a mediating agency between the land owner and the land, poor farmers find it difficult to sustain control over the land. As land becomes a commodity it passes into the hands of those who own money. The land laws are not able to protect the interests of the SC's, ST's and the other marginalized communities.

In the era of liberalization where capital is seen as the source of production land reform policies are seen as a hurdle for development. Therefore an attempt is being made to subvert these laws. Some times attempts are also made to abolish them altogether. As land becomes a commodity it is important to ensure that property rights are clearly defined and established beyond doubt so that land transactions take place smoothly.

Therefore in the era of liberalization the focus has shifted. Land reforms are no longer the concern of the government. The government is trying to strengthen the revenue administration, computerize the records and digitize the land maps. Land question is defined in the interest of those who own capital.

Land reforms have to be re-conceptualized in the light of these developments. In fact alternative models were propounded way back in the 1950's itself. Daniel Thorner argued in 1955 that land reforms should try to protect the interests of those who cultivate the land. "The proprietary rights.... of non-cultivators will have to be so abridged that the existing gap between "right-holding" and cultivation-in-the-fields can be closed."¹⁷ This objective cannot be achieved with out altering the power relations in the village. That is why Ambedkar argued in his "states and minorities" that the land should be nationalized. He proposed "state ownership in agriculture with a collectivized method of cultivation."¹⁸ In this system state supplies the capital necessary for agriculture. Further Ambedkar stated that, "consolidation of Holdings and Tenancy Legislation are worse than useless. They cannot bring about prosperity in agriculture. Neither Consolidation nor Tenancy Legislation can be of any help to the 60 millions of Untouchables who are just landless labourers...only collective farms....can help them."¹⁹ The economic reform policies strengthen private enterprise. In such a system private employer rules the society. Ambedkar opposed government policies that favour private enterprise as it leads to a rule of the few rich people. According Ambedkar democracy is a form of society where each individual is valued. Land reforms in

Ambedkar's perspective will lead to the formation of democracy. In other words land reforms should be designed to transform India into a democracy.

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Table 2.1

Number of tenants conferred ownership rights (or Rights Protected) and area accrued to them (as of 31 Dec. 2002).

Sl. No	State	No. Tenants (in Thousands)	Area Accrued (Thousand of Acres)
1.	Andhra Pradesh	107	595
2.	Arunachal Pradesh	System not prevalent	
3.	Assam	2,908	3,175
4.	Bihar	NR	NR
5.	Gujarat	1,276	2,592
6.	Goa	NR	NR
7.	Haryana	Tenancy not prevalent	
8.	Himachal Pradesh	401	NR
9.	Jammu and Kashmir	610	NR
10.	Karnataka	605	2,632
11.	Kerala	2,842	1,450
12.	Madhya Pradesh	Tenancy not prevalent	
13.	Maharashtra	1,492	4,290
14.	Manipur	NR	NR
15.	Meghalaya	Nil	NIL
16.	Mizoram	Nil	NIL
17.	Nagaland	NR	NR
18.	Orissa	165	98
19.	Punjab	NR	NR
20.	Rajasthan	18	NR
21.	Sikkim	NR	NR
22.	Tamil Nadu	498	695
23.	Tripura	14	39
24.	Uttar Pradesh	NR	NR
25.	West Bengal	1,460	1,100

Union Territories

26.	A.N.Islands	Nil	NIL
27.	Chandigarh	NR	NR
28.	D&N Haveli	26	64
29.	Delhi	NR	NR
30.	Daman and Diu	NR	NR
31.	Lakshadweep	Neg	NEG
32.	Pondicherry	Neg	NEG
	All India:	12,422	15,630

NR Not reported

1. Including Jharkhand.
2. Including Chhattisgarh
3. Including Uttaranchal

Source: Government of India, Ministry of Rural Development Annual Report 2002-2003

TABLE 2.2
State-Wise Distribution of Ceiling Surplus Land
(As of 31st March, 2002)

(Area in thousand of acres)

Sl.No	State / Uts	Area Declared surplus	Area Taken Possession benef	Area Distributed to indiv.	Total No. of benef.(,000s)
1	2	3	4	5	6
1	Andhra Pradesh	799.66	641.66	582.32	540.34
2	Assam	613.40	575.38	545.87	445.85
3	Bihar	415.45	390.75	306.96	379.53
4	Gujarat	227.40	160.80	139.85	32.31
5	Haryana	107.49	103.02	102.12	29.23
6	Himachal Pradesh	316.56	304.90	6.17	6.26
7	Jammu & Kashmir	455.58	450.00	450.00	450.00
8	Karnataka	268.48	161.83	123.20	33.61
9	Kerala	141.43	96.85	68.75	166.81
10	Madhya Pradesh	298.76	260.32	186.94	74.71
11	Maharashtra	740.00	670.45	642.84	140.85
12	Manipur	1.83	1.69	1.68	1.26
13	Orissa	179.18	167.25	156.95	139.60
14	Punjab	223.12	105.83	104.23	28.57
15	Rajasthan	611.10	569.21	461.85	81.81
16	Tamil Nadu	200.92	191.63	181.30	143.68
17	Tripura	2.00	1.94	1.60	1.42
18	Uttar Pradesh	374.13	341.46	258.70	294.06
19	West Bengal	1,383.85	1,294.74	1,064.04	2,651.62
20	D&N Haveli	9.41	9.31	6.85	3.35
21	Delhi	1.13	0.39	0.39	0.65
22	Pondicherry	2.33	1.21	1.07	1.46
	TOTAL	7,376.18	6,504.62	5,398.68	5,652.99

Source: Government of India, Ministry of Rural Development.

Table 2.3
Schedule Caste_Economic Tables of Andhra Pradesh
for the Year-1961 and 2001

	1961	2001
Population	4973616	12,339,496
Cultivators	705931 (14.19 Per cent)	606761 (4.92 Per cent)
Main Workers	3062058	4,937,314
Non-workers	1911558	6,105,978
Livestock Forestry Fishing Hunting Plantation Orchids allied activity	78014	-
Agriculture Labours	1756908	4,258,259
Household Industry	197714	-
Construction workers	26102	-
Manufacturing other than household Industry	39285	-
Trade Commerce	30710	-
Transport Storage Communication	27182	-
Scavenging	10845	-
Other Services	200249	-
Tanning and currving of Hides and skins	25484	-

Table 2.4
Social conditions of scheduled castes in Andhra Pradesh
between 1961 - 2001

	1961	2001
Population	4973616	12,339,496
Literates	278979	5,678,873
Illeterates	4552519	6,660623
Cultivators	705931 (14.19%)	606761 (4.92%)
Main Workers	3062058	4,937,314
Non Workers	1911558	6,105,978
Agriculture Labours	1756908	4,258,259

Chapter-III



Dalits' entitlement to land - An agenda that never was!

ESTHARLA KRISHNA RAO

Dalits' Entitlement to Land: An Agenda That Never Was!

- Estharla Krishna Rao

Land and water are precious gifts of nature and the very basis of existence of mankind. Land is the prime source of wealth in the world and in the life of rural communities it plays a very critical role. Being the main source of subsistence, land metamorphoses into a Socio-Economic reality. In the third world countries, land as a productive asset plays an important role not only in the functioning of rural economies, but also in changing fortunes of families and socio-economic groups. Other things being equal, larger the control over land by a family, or a group of relatively homogenous set of families, the greater is its socio-economic and political power.

Most of the countries in the third world have, between 50% and 75%, of their working population engaged in agriculture and a very small proportion in industries, transport and commerce. The developed countries have less than one-tenth of their labour force in agriculture, in some cases even less than one-twentieth. India is at the 19th place with 60% working population engaged in agriculture. The world average is at 31st place with 41% in agricultural labour.

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World Ranking	Countries	% of those involved in agriculture
4	Niger	90.00
6	Zambia	85.00
9	Afghanistan	80.00
11	Nepal	76.00
14	Burma	70.00
18	Bangladesh	63.00
19	India	60.00
27	China	45.00
30	Pakistan	42.00
31	World	41.00
33	Sri Lanka	38.00
34	Korea, North	36.00
34	Philippines	36.00
51	Brazil	20.00
51	Cuba	20.00
60	Malaysia	14.50
66	Russia	10.80
71	Korea, South	6.40
75	Spain	5.30
77	Jordan	5.00
79	Japan	4.60
79	Switzerland	4.60
80	European Union	4.40
81	France	4.10
83	Australia	3.60
89	United Kingdom	1.50
96	United States	NA

Source: CIA World Fact Book-2007.
www.cia.gov

Since land is the prime source of income in rural India, around 85% of the rural population of India, directly or indirectly, depends on land and its produce. By and large the size of income in rural areas continues to be closely related to the amount of land owned or controlled. The land distribution pattern in Indian agriculture sector continues to be skewed. This skewed distribution of land in India is intrinsically related to the caste system. A small number of big landlords own a large extent of land while the millions of marginal and small peasants own small extents of land. While the large landowners belong to the so-called upper castes, the cultivators belong to the middle castes and the agricultural workers mostly belong to the weaker sections such as Scheduled Castes and Scheduled Tribes.

Among agrarian societies, differential distribution of land and prevalent norms, which lend legitimacy and accord sanction to such a distributive system, determine a specific mode of relationship among the various segments of people¹. This relationship tends to accentuate the super-ordination of these segments of the agrarian social structure that have greater access to the control of land use over those who have little or no access. The trend of social inequalities in the countryside demonstrates the overlap between the system of land distribution and the distribution of power among the people.² Thus for example after 1956 castes such as Reddies, Kammas, Velamas and Kshatriya emerged as economically, socially and politically powerful elite of Andhra because of their control over land. Where as nearly 89% of Dalits remained as landless agricultural labourers³ since they have been denied access to land even today.

3.1 Objectives of the study

This study is an inquiry into:

- i) Dalits' access to land in Andhra Pradesh during pre and post independence period.
- ii) The impact of land struggles during the colonial period and of land reforms on Dalit economic conditions with reference to Andhra Pradesh.

3.2 Methodology and data sources

The Data used in this chapter has been collected from Population Census of Andhra Pradesh 1991, 2001, and Statistical Abstract of Andhra Pradesh 2004. Data on landholdings for the years 1976-77, 1980-81, 1986-87, 1990-91, 1995-96, and 2000-01 were collected from "A Report on Census of Land Holdings" (published by Directorate of Economics and Statistics, Govt. of Andhra Pradesh) and for the SC/ST land holdings data collected from "A Report on Land Holdings of SC/STs" published by Directorate of Economics and Statistics, Govt. of Andhra Pradesh.

3.3 Land and castes in colonial Andhra

As mentioned earlier, land is the prime factor that determines economic position and social status in rural India as well as in Andhra Pradesh. Since long people from the dominant castes have been enjoying this privilege and those from lower castes are excluded from this social and economic benefit. Those who have a meager percentage of land struggle to retain tenure over land.

During the colonial period through the permanent settlement act the *zamindari*, *Rayoitwari* and *Inamdari* systems emerged. *Zamindari* system was set up to facilitate the collection of taxes for British rulers. *Zamindars* in Andhra were basically “rent- receiving landlords” who exercised ownership rights on the land and other services without undertaking any care of land, supervision or cultivation of land. In terms of caste, the *Zamindars* in Andhra were a mixed lot.

The landlord class in Coastal Andhra Pradesh primarily consisted of the Non-Brahmin upper castes i.e. the Kshatriya, the Velma, the Reddy, the Kamma. There were few Kshatriya Zamindars mainly found in Vishakapatnam District (the Maharaja of Viziyanagaram and others). The important Velama Zamindars who controlled extensive areas included the kings of Panagala, Bobili, Venkatagiri, Pittapuram, Mirzapuram and Nuzividu. The estate holder of Challapalli, Vuyyawrmuctyla etc, were *Kammas*, while the Mungala Zamindar belonged to the *Reddy* Caste⁴.

The landlords of the *Ryotwari* region were also overwhelmingly from the non-Brahmin upper caste *Reddis* in Rayalaseema; *Kammas*, *Rajus* and *Reddies* in Costal Andhra; and primarily *Velamas* in Telangana region⁵.

Brahmins primarily possessed the *Inam* lands also known as *Agraharams* granted by the rulers. By and large, in many *Inams* there had been a separation between ownership and cultivation. Because of the considerations of

pollution (untouchability), the Brahmin landowners did not till the land themselves, but leased out to non-Brahmin tenant cultivators. Shifting from rural to urban areas the Brahmins easily entered into service sector. Due to urbanisation of the Brahmins and their entering into the service sector they sold the *inam* lands to the tenant peasants.

Some of the micro level studies observe that due to the shift of Brahmins from rural areas to urban and their entry into service sector compelled them to sell off their land to upper caste communities in Andhra. A study of an *Agraharam* Village in Krishna District observed the following factors, which were responsible for the decline of Brahmin dominance over land,

- i) Land legislation and tenancy problem
- ii) Increase in urban employment opportunities
- iii) Conspicuous consumption and large number of dependents.

It also observed that there was a significant shift in land ownership pattern during 1930 to 1982. The Brahmins, who held 77% of the total land in 1930, were left with only 3% by 1982⁶. Another village study in the Rayalaseema area shows that the ownership of land by Brahmins declined from 36% in 1891 to 3% in 1982⁷. Village surveys in some other districts of coastal Andhra i.e. Vishakapatnam, Guntur and West Godavari also confirm that *Inamdari* land has been rapidly passing from Brahmins to other Upper Castes. By the first decade of the twentieth century all three forms of settlement –

Zamindari, Inamdari and Rytwari systems – led to the concentration of lands in the hands of a few non-Brahmin dominant upper caste people.

3.4 The Dalits

In the traditional Hindu hierarchical society dalits were called *Panchmas* or *Harijans* and were socially, economically and politically a suppressed people. Placed at the bottom of the caste hierarchy they survived by performing functions like scavenging, leatherwork, etc. During colonial period they constituted the bulk of the agricultural labour force and worked as farm servants and casual labourers.

Very few (less than 10%) Dalit families possessed agricultural land. They had no right to own land nor were they considered to be peasants or tillers of the soil. The existing social customs did not grant them the status of occupancy tenant, though they might have cultivated lands as tenants and sharecroppers. In the case of untouchables, therefore, there was a clear correspondence/correlation between social and economic status.

And yet in the 1920s and 1930s militant Dalits throughout India were more concerned about the identity questions. They rejected both the *Panchamas* and *Harijans* identity. In Andhra we see them organising themselves as *Adi-Andhras*. The term *Adi-Andhra* came into vogue in the post 1917 period when Dalits all over influenced by the anti-Aryan, anti Brahmin Dravidian movement, were identifying themselves as *Adi-Dravidians*, *Adi-Andhras* and *Adi-Karnatakas*, as the original sons of soil⁸.

The Dalit movement in Andhra can be broadly divided into two phases; 1917 to 1932 and the second phase from 1932 to 1950. The first phase essentially represented the self-mobilisation of Dalits outside the organizational and ideological framework of the Congress and the Communists, although in the initial stages positive response and sympathy was forthcoming from certain liberal caste-Hindu individuals⁹.

In the second phase from 1932 to 1950 we have dalit movement developing cleavages unfortunately due to personality clashes. Leadership issues raised its head along sub-caste lines and Arundatis rejecting the leadership of Arigi Bagyareddi Varma (Bagaiah) set up their movement under the banner of Arundatiya Maha Sabha. After the death of Arigi Bagyareddi Varma there was a vacuum in the leadership of the dalits of both groups and they were co-opted into either the Congress or the Communist groups.

Thus in the agrarian front we have a process wherein land gets concentrated through settlement pattas in the hands of a few from the upper caste communities and in the social front we have the dalits organizing themselves mostly around untouchability and all its resultant inhumanity.

Table 3.1 Caste and Agrarian Occupation, 1921

State Actual	Workers	Recorded Principle Occupation (%)			Female Workers			
		Income from rent of Land	Cultivators	Field labourers	Percentage of female to male workers	Income from rent	Cultivators	Field Labourers
Madras state (1911)								
Brahman, telugu	27,029	34.53	32.37	0.29	26.69	54.60	34.74	0.11
Brahman, Canarese	10,647	13.96	71.89	0.08	28.10	14.74	69.25	0.40
Holeya	29,696	--	3.29	75.46	37.73	--	2.45	84.43
Mala	196,259	0.18	14.78	71.89	85.53	0.16	8.48	87.55
Madiga	79,924	1.17	10.71	54.71	70.69	3.98	2.89	82.31
Hyderabad state (1921)								
Brahim	79,345	7.37	17.52	0.32	18.12	15.68	33.97	--
Maratha	500,638	6.99	60.90	16.33	63.03	3.06	54.60	31.71
Lingayat	170,508	3.50	9.01	1.30	52.49	6.44	16.73	1.92
Kapu	291,130	1.60	51.56	26.15	50.95	1.21	70.07	19.75
Telaga	146,230	1.01	61.22	15.68	75.22	1.08	57.26	20.87
Mala	130,008	3.79	8.40	8.25(65.3)	98.83	2.66	13.90	39.50
Madiga	203,492	0.65	10.28	10.16	84.63	1.00	7.86	38.94
Chambhar	37,991	1.07	4.21	7.69	59.70	0.76	10.37	2.98

Source: Omvedt, Gail(1994): Dalits and the Democratic Revolution- Dr. Ambedkar and the Dalit Movement in Colonial India, Sage Publications, New Delhi, Pp 77-79.

Table 3.2 Caste and Occupations, 1931

S.No	Name of Caste	Traditional Occupation	Percentage of Persons Dependent on Traditional Occupation	Percentage of persons dependent on traditional cultivation	Percentage of persons dependent on field labour
1.	Baliya	Traders	11.7	53.0	16.8
2.	Bramhan	Priest	10.7	71.4	0.2
3.	Besta/Mutrachi	Fishing/hunting	57.8	15.1	18.6
4.	Chakali/Mangali	Washermen/barbers	69.6	9.0	13.8
5.	Devanga/Sale	Weavers	68.5	5.8	9.5
6.	Golla/Goundia	Shephers/toddy tappers	71.9	5.5	18.3
7.	Indian Christian	Agriculture/labours	--	25.1	17.4
8.	Kamsali	Metal and wood workers	69.9	13.4	3.8
9.	Kapu/Telega	Cultivation	71.4	--	29.4
10.	Madiga	Leather works	17.3	8.6	66.1
11.	Mala	Agriculture/labour	79.0	12.0	0.05
12.	Reddy/Velema	Cultivation	71.4	--	28.7
13.	Sale	Weavers	63.6	7.8	13.6
14.	Tribes	Hunters/food gathers	67.7	6.9	17.6

Source: Satyanarayana .A, *Nation, Caste and the Past: Articulation of Dalitabahujana Identity, Conscience and Ideology, Presidential Address in Indian History Congress Bareilly, UP, 2004, Pp 12.*

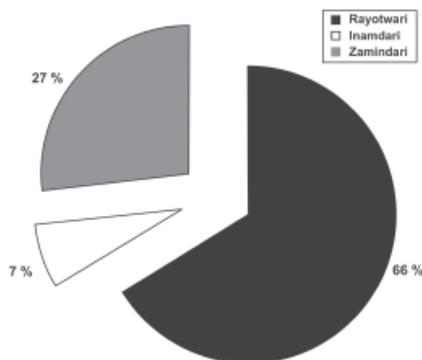
3.5 Land struggles in pre and initial period of independence in Andhra

As referred to earlier on 40% of land was under *Zamindars, Mokhasadars* and *Inamdars* in Andhra during the pre-independence period (Details can be seen in Table (3.3 &3.4). In Telangana region 30% of land was under *Jageers, Paigalu, PanMukthas, Eenams* and 10% of land under the control of Nizam (Nizams own land called as *Sur-fe-case*)¹⁰. Taxation was exorbitant and the farmers subjected to untold hardships. Forests, ponds and *Banjara* lands were also under the control of *Zamindars*. Under these circumstances the communist party built a strong anti-*Zamindari* movement. Since most of the tenants were from the upper caste non-Brahmin communities such as *Kamma,*

Kapu, Reddy and *Velamas,* leadership of the movement was vested with them. Although their first engagement was with “**self-respect**” movement and fought against the caste system

Graph 3.1

Land Under Different Types of Systems in Different Districts in Andhra, 1940-41



a section of dalits could not but participate in anti-*Zamindari* movement as they were in effect under the control of upper caste tenants of land.

With Acharya N.G.Ranga taking the lead and playing a key role '*Andhra Rastra Raitu Sangam*' was established in Andhra in 1928. Mr. Bikkineni Venkataratnam was elected as president and Maganti Bapineedu was elected as general secretary. Prior to this *Krishna District Raitusangam* (1923), *West Godavari and Guntur District Raitusangam* (1923) was established in Andhra respectively. The main objectives of the Raitusangam were:

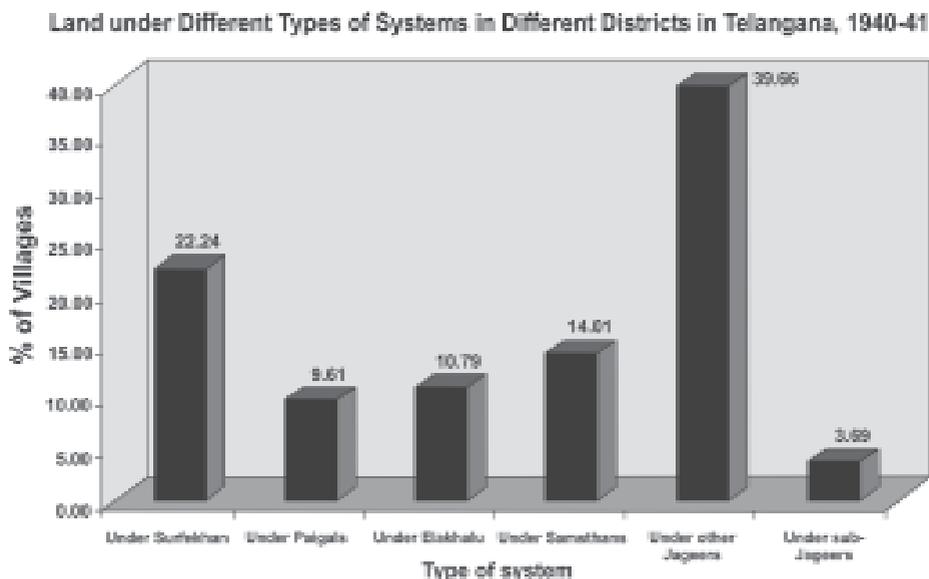
- i) Abolition of *Zamindar* system without any compensation
- ii) Reforms in land tenancy system
- iii) Implementation of land ceiling

- iv) To allow the chattels into grazing lands without any taxes
- v) Abolition of *vetti* which existed in the villages and
- vi) Distribution of surplus land to the landless poor¹¹.

The *Andhra Rastra Raitusangam* fought against the estates such as Munagala, Venkatagiri, Bobbili, Kalepatnam, Gopalapuram, Chellapalli, Venkatagiri, Madasala etc.

The struggle also succeeded in occupying surplus lands and distributing these lands to the poor.

Graph 3.2



3.6 The impact of the communist led land struggle on Dalits access to land

3.6.1 Significant struggles in coastal Andhra

Let us examine whether the Communist struggles and *Andhra Rastra Raitusangam* movement, which took place in colonial and post independent Andhra helped the landless Dalits to acquire land. Communists were involved in land struggles since 1926. Among such struggles one need to look into those that involved Dalit land rights in colonial Andhra as well as post independence period. Pentapati Pullarao who belonged to the upper caste occupied 400 acres of tribal land in Kondrukotu village in West Godavari district during 1935. Under the leadership of Kommireddy Satyananarayana Murthy president of West Godavari *Raitusangam*, Subramanyam General Secretary and Pulam Chelamaiah Dora the villages like Madapunam, Kodurukota, Tallavaram, Vadapalli farmers fought against the oppression of the tribals. In the same district the *Raitusangam* mobilised the poor agricultural labourers from *Bondara, Kalvapudi, Velivenu, Moortha, Lingaboinacherla* and through the petitions and representations made to relevant authorities were able to gain possession of 3040 acres of land in favour of poor agricultural labourers. In 1953-58 the *Raitusangam* fought for 40 acres of fertile land, which was distributed to Dalits. During the same period poor agricultural labourers with the help of *Raitusangam* acquired land¹² 50 acres of *Banjara land* in Yanagunatpalli and 200 acres of *Banjara* in Pragadavaram. The most noteworthy movement during 1938-1984 was the Chellapalli *Zamindari* movement. The

communist party led this historical movement. The *Raitusangam* and communist party opposed the high revenue taxes and fought for the distribution of Chellapalli *Zamindari* surplus land to landless poor. This movement occurred in various ways such as *Lanka Bhooporatam, Mangalapuram Mudiraj kooelaporatam, Batlapenumarru Poratam, Atcampadu Poratam, Yarlagadda Poratam, Lakshmipuram Poratam, Ayyanki Poratam, Peddakalle Poratam* etc. Due to *Lanka Bhooporatam* (1969-73) in four villages the *Andhra Raitusangam* distributed 400 acres of land to the poor.

As a result of this struggle led by the *Andhra Raitusangam* and the communist party, during the period of the Chellapalli agitation in 13 villages, 11 thousand acres of land were distributed to the landless poor and each person got 25 cents of land. Among the total 11 thousand beneficiaries 50% were *Harijans*¹³. It is important to note that this struggle bore fruit during the period that the communists had aligned with the Telugu Desam Party with Mr.N.T. Ramarao as the Chief Minister. The TDP needed the support of the Communists to retain the power that it had wrested from the Congress

3.6.2 Significant struggles in Telengana region

The *Telangana Raitu* movement was different from the costal Andhra and *Rayalaseem Raitu* movement. Even though up to 1948, the Telanga region was under the Nizam's rule, the communist party was able to mobilise the farmers and

agriculture labourers to fight against the existing land tax system. '*Telangana Raitu Saida Poratam*' emerged in 1946 under the leadership of **Andhra Mahasabha** and the communist party against the Nizam government. During this period they distributed 12 lakh acres of land to tenants and peasant poor¹⁴. Moreover in 1969, August - September - October the A.P. Communist party, *Vyavasayaka Karmika Sangam*, *Raitusangam* and other *Praja sangalu* (People parties) occupied nearly 1,07,325 acres of land throughout Andhra Pradesh and distributed to the landless poor¹⁵. The communists also initiated some Anti-untouchability measures but did not succeed enough. Their anti-caste measures did not go beyond preaching. They always suggested

protests and revolts against the big landlords but not against caste. The communists could not create a leader from among the Dalits and they remained only at the level of cadres or at the most village level representatives, despite their educational qualifications to participate in state level and national level politics. Due to their inability to accommodate Dalits at the ideological level, Dalit support weakened gradually. However, veteran Dalit communists accept the fact that the communist intervention did effect a change in their lives, especially at the level of wages¹⁶.

While we see that in some individual struggles dalits did gain access to land the overall situation presents a different picture. When compared to the gains made by the upper levels of caste the

Table 3.3 Land under different types of systems in different districts in Andhra, 1940-41 (area in thousand acres)

Name of the District	Rayotwari	Inamdari	Zamindari	Total Area
Vishakapatnam*	792.5	504.0	3901.1	5198.1
East Godavari	1315.4	4.0	1032.9	2352.3
West Godavari	1026.5	181.5	373.9	1561.9
Krishna	1039.6	230.2	952.4	1222.2
Guntur	3452.3	225.8	11.8	3689.9
Kurnool	4732.2	123.3	---	4855.5
Ananthapur	4153.6	158.6	---	4307.0
Kadapa	3596.0	194.7	---	3790.7
Chittoor	1853.5	538.7	1386.7	3778.9
Nellore	2530.1	426.7	2130.4	5087.9
Total	24491.6 (66.44)	2582.4 (7.00)	9789.7 (26.56)	36863.7 (100.00)

Note : * including Srikakulam District, Source : Krishna Rao, *Y. V. Gata Adrdha Shatabdam to Andhra Pradesh Vyavasaya Ardhika Vidhanam lo Vachhina Marpulu (Telugu)*, Pp 71-72

gains made by dalits as community are insignificant and inadequate.

The various village surveys conducted in post independence years all over Andhra indicate that a significant section of landlords from the *Kamma*, *Reddies* and *Kapu* castes emerged as the dominant peasantry in Andhra. A village study conducted in Adilabad District observed land transfers during 1960-61 to 1990-91¹⁷. It revealed that, *Kapus* were the land owning community with high average land holdings, compared to other caste peasants. During the study period the *Kapus* made huge land gains: their average landholdings increased from 12.22 acres to 22.22 acres. It was also found that the relative share of Scheduled Castes in the total land was very meager and it further declined. They lost their control over their land completely, and joined the pool of landless agricultural labour. Another village study made in Guntur district concluded that during 1960-61 to 1996-97, 65% of total land has been transferred from dominant non-cultivating communities (*Brrhmian* and *Vaysya*) to dominant cultivating communities (*Kamma*). On the other hand the Dalits could not make any significant gains. It also observed that in 1997, 32.2% of Dalit population were operating 27% of total land and 65.5% of non-Dalits were operating 71.3% of total land. And 75.4% of Dalits were recorded as Agricultural labourers and landless¹⁸. Another village study made in Prakasam District, during 1989-90 to 1998-99 concluded that during the study period the land has been transferred from Non Cultivating Communities (*Komati* caste) to Cultivating Communities (*Kamma*, *Yadava* and *Chakali* castes). It also observed in 1998-

99 that 17% of BC households are controlling 14.29% of total land and the remaining 85.70% of land by 56.57% OC households. Whereas 26.31% of SC households were not controlling even a single cent of land: all these were landless labourers¹⁹. An *Agraharam* village study conducted in Krishna district found that the scheduled castes, which constitute about 30% of total population held around 12% of the Land. The percentage of landless among them was 76%²⁰. Village survey in Chittoor district has observed that the *Harijans* who constitute around 23% of the population, did not own any land²¹.

The above analysis reveals that while the communist party fought against the *Zamindari* system and for confirmation of tenant rights it was not able confer land rights to dalits as a

Table 3.4 Land under different types of systems in different districts in Telangana, 1940-41 (area in thousand acres)

System	No. of Villages
Under Surfekhan	789
Under Pagals	341
Under Elakhalu	383
Under Samsthans	497
Under other Jageers	1407
Under sub-Jageers	131
Total	3598

Source: Krishna Rao, Y. V. *Gata Adrdha Shatabdam to Andhra Pradesh Vyavasaya Ardhika Vidhanam lo Vachhina Marpulu (Telugu)*, Pp 72

community. Most dalits continued to remain as agricultural labourers.

3.7 Post independence land reforms

The Congress party implemented several land reforms to reduce the inequalities in the land distribution pattern. 1962 saw the first notable intervention by the government for land reforms and their implementation in Andhra Pradesh. The then Chief Minister of AP, Sri. Damodara Sanjivaiah, who hails from the Dalit community, showed keen interest in the distribution of surplus land to the landless poor and in implementing land reform policy which came in the wake of post-independence search for a more equitable society. As a result in 1964 September 3rd the AP state government passed a GO that landless poor can appeal to the government for the *Pooramboku* land and the same would be assigned to them. Due to pressure from upper caste, landlords and politicians and connivance of revenue officials, the GO could not be implemented to the extent that it substantially changed the ownership pattern of land of the poor.

In this context, one needs to review the implementation of the land reforms. The following paragraphs will examine whether or not the really needy acquired land through this land reforms; what were the hurdles in the implementation of land reforms; and on the whole what was the outcome of land reform policies.

3.8 Land legislations in post independence Andhra Pradesh - An overview

The Indian government felt that it was necessary to protect the interest of the tillers to land and bring equity in agriculture, and abolish

intermediary land tenure. Even the five year plans gave top priority to land reforms which included abolition of intermediaries, tenancy reforms, imposition of ceilings on landholdings, distribution of surplus land, allotment of government land, consolidation of holdings and protection of lands of Scheduled castes and Tribes²².

In this context Dr.B.R.Ambedkar, the chief architect of the Indian constitution who had social justice concerns always upper most in his mind recommended another way to achieve justice in the land distribution pattern, i.e. through collective farming. Ambedkar advocated collective farming from the viewpoint of social justice and economic equity. Ambedkar, in his "States and Minorities" published in 1947, felt that state socialism was essential for rapid industrialization. He proposed that the state should have an obligation to plan the economic life of people on the lines which would lead to the highest point of productivity without closing every avenue to private enterprise and to provide for equitable distribution of wealth. He proposed that the state ownership of agriculture with a collectivized method of cultivation and modified form of state socialism in the field of industry. It should be the obligation of the state to supply the necessary capital for agriculture as well as for industry. He also opined that consolidation of holdings and tenancy legislation are worse than useless. He was convinced that those legislations would not bring about prosperity in agriculture. Neither consolidation nor tenancy legislation can be of any help to the landless agricultural labourers he felt. Only collective farming could help according to him. The idea of collective farming of Ambedkar was very revolutionary. If it were accepted, it would have required the nationalization of agriculture. But the Government of India, in order to reduce inequalities in the

Important Legislations Regarding Abolition of Intermediaries.

- i. Andhra Pradesh (Andhra Area) Estates Land (Reduction of Rent) Act, 1947: The major objective of this Act was to provide for reduction of rents payable to *ryots* in Estates approximate to the level of assessment levied on lands in *Ryotwari* area in the neighborhood.
- ii. The Madras Estate (Abolition and Conversion into *Ryotwari*) Act, 1948: It provided for the repeal of the permanent settlement, the acquisition of the rights of land – holders in permanently settled and certain other estates in the province of Andhra and the introduction of the *Ryotwari* settlement in such estates. “Estate” means a *Zamindari* or under-tenure or an *Inam* Estate. This act extends to the whole state of Andhra.
- iii. The Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950. The major objectives of this Act are (i) to regulate the relations of landlords and tenants of agricultural lands (2) to regulate alienations of land (3) to prevent excessive sub-division of agricultural holdings (4) to provide for the legislation of co-operative farm and (5) to empower Government to assume in certain circumstances management of agricultural lands.
- iv. Andhra *Inams* (Abolition and Conversion into *Ryotwari*) Act, 1956 to abolish and convert certain *Inam* lands into *Ryotwari* lands. It extends to the whole of the state of Andhra but applies only to *Inam* lands.
- v. Andhra Tenancy Act of 1956 provides for the payment of fair rent by cultivating tenants and for fixing the minimum period of agricultural leases in the State
- vi. The Andhra Pradesh ceiling on Agricultural Holdings Act, 1961 provides for the imposition of ceiling on agricultural holdings ranging from 27 acres to 324 acres depending upon the class of land.
- vii. The Andhra Pradesh Land Reform (ceiling on Agricultural Holdings) Act, 1972, which provides for a ceiling area of one standard holding ranging from 4.05 hectares (10 acres) to 10.93 hectares (about 27 acres) in the case of wetland and from 14-16 hectares (35 acres) to 21-85 hectares (54 acres) in case of dry land.

land distribution pattern, opted for a softer measure of land reforms instead of collective farming

In Addition to these land reforms and legislations, with the aim of providing minimum source of income and promoting social and economic well being of the poor landless people, the government distributed the surplus land made available from land ceiling. As on September 30, 1996, about 52.13 lakh acres was distributed at the All India level. Of these, about 18.08 lakh acres of land was distributed to SCs, 7.31 lakh acres to STs and 26.74 lakh acres for non-SC/ST persons. A total 51.21 lakh beneficiaries have been covered so far of which 18.49 lakh were SCs, 7.19 lakh ST and 25.53 lakh non-SC/ST. The land distribution per beneficiary in the SC category household comes to 0.977 acres, which was less than corresponding 1.047 acres for non-SC/ST households²³. As on September 30, 2004 an area of about 5.29 lakh acres at Andhra Pradesh State level (including agricultural land and house sites)²⁴ was distributed. Of this about 2.26 lakh acres of land was distributed to SCs, 1.19 lakh acres to STs and 2.36 lakh acres to non-SC/STs. A total of 4.67 lakh beneficiaries have been covered so far of whom 2.24 lakh are SCs, 0.84 lakh are STs and 2.16 lakh are non-SC/STs. The land distributed per beneficiary in the SC category households works out to 1.0 acres which is less than what non SC house holds obtained (1.1 acres) . Even today about 1.47 lakh acres of surplus land is pending in the court litigation (Table 3.7) This shows that even in the redistribution there is a continuing bias against the SC/ST sections of society.

Table 3.5 The details of surplus land as per APLR (August 2004)

1	Total No. of declarations filed	4,46,826
2	Total No. of declarations disposed of	4,45,194
3	Balance to be disposed of	1,632
4	Extent declared Surplus	Ac. 7,89,910.14 Cts.
5	Extent taken possession from the declarants	- 6,46,521.30 -
6	Extent distributed to individuals beneficiaries	- 5,82,235.09 -

Source: Chief Commissioner of Land Administration, Govt. of Andhra Pradesh

Table 3.6 The details of land assignments for agriculture and house sites at state level

Assigned for Agriculture purpose		Assigned for House site purpose		
Caste	No. of benef.	Extent Assigned	No. of benef.	Extent assigned
S.C.'s	1,99,587	2,25,331.38	24,626	1,369.42
S.T.'s	73,518	1,18,708.93	11,135	759.74
BC & OC's	1,94,307	2,34,686.20	22,512	1,379.42
	4,67,412	5,78,726.51	58,273	3,508.58

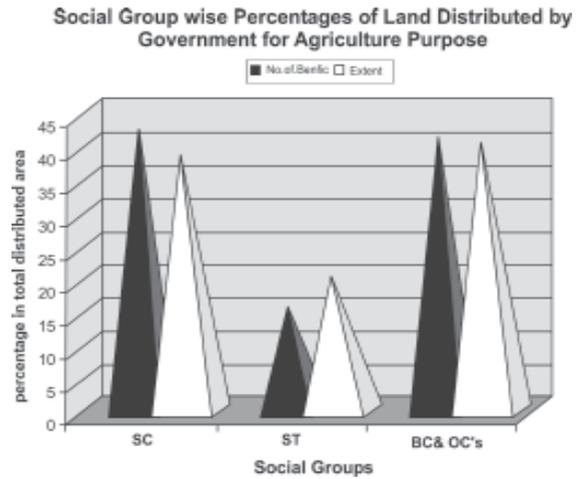
Source: Chief Commissioner of Land Administration, Govt. of Andhra Pradesh

Table 3.7 Surplus land covered by court litigation

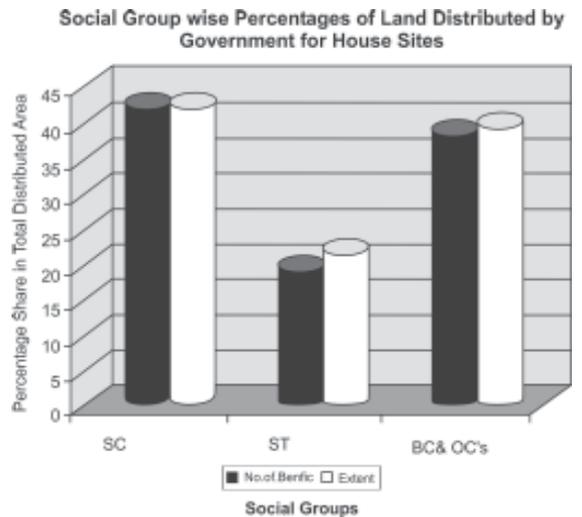
Name of the court	No.of cases pending	Extent involved
L.R.T (RDO's)	654	Ac.55,318.0 Cts.
L.R.A.T	552	Ac.34,389.2 Cts.
High Court	1163	Ac.43,629.5 Cts.
Supreme Court of India	389	Ac.14,113.5 Cts.
Total	2758	Ac.1,47,450.3 Cts.

Land reforms in India helped to abolish all forms of intermediaries in terms of landholdings viz, *Zamindari*, *Inamdari* and *landlord* system. Those tilling the land at the time of the abolition of intermediaries were conferred ownership rights and tenants were given protection. The protection and enlargement of control and command over land are crucial issues for the poor. It is estimated that all efforts taken together including *Bhoodan* and distribution of government wasteland accounted for less than 10 percent of the cultivated land²⁵. It may not be possible for all rural poor to be accommodated but there is scope for utilizing the wasteland for providing access to the poor and also eliminating the bias against the poor in land relations. The desire to possess land is strong among the poor as ownership of land denotes one's social status. The small extent of the declared surplus was due mainly to the poor legislation with large number of loopholes. Thus, the opportunity for a more equitable distribution of land was lost. However the abolition of intermediaries and imposition of land ceiling on land-holdings had, over time, contributed to the growth of capitalist farming and arrested concentration of land ownership²⁶. Although intermediate land tenure system could be effectively removed through *Zamindari* abolition, equity in the agrarian structure could not be brought about. Concentration of land shifted from a few individuals to a few communities.

Graph 3.3



Graph 3.4



3.9 Benefits from struggle / benefits from land reforms

Thus neither in the initial stage of post-independence period through communist led land struggles did lands accrue to the Dalit community in sufficient measure as to impact positively their economic situation nor did the community stand to gain much through the later land reforms initiated by the state. Added to this

due to several economic and social hurdles it was unfortunate that most of the Dalits were unable to retain even the little land, which was distributed by the government.

3.10 Analysis of data available on land holding patterns - with special reference to Dalits

As per 2000-01 Agricultural Census of Andhra Pradesh, holdings 10 acres and above constitute 17.25 per cent of total number of holdings but control 53.38 per cent of total operated area while the bottom marginal and small holdings of less than five acres constitute 82.75 percent of total holdings but control only 46.32 percent of total operated area²⁷. It is also interesting to note the association of caste with land distribution.

Table 3.8 Operational holdings and operated area by different size groups in Andhra Pradesh State Level, 1976-77 to 1995-96 (Nos in Lakhs, Area in lakh Hect)

Size group	1976-77		1980-81		1986-87		1990-91		1995-96		2000-01	
	Nos	Area	Nos	Area								
Marginal	26.69 (46.6)	13.36 (9.3)	38.04 (51.6)	18.86 (13.1)	44.6 (54.1)	20.54 (14.5)	52.11 (56.1)	23.69 (16.4)	63.0 (59.4)	29.04 (20.2)	70.2 (60.9)	31.0 (21.6)
Small	12.52 (20.3)	18.36 (12.8)	15.91 (21.6)	24.12 (16.8)	17.14 (20.8)	24.54 (17.3)	19.72 (21.2)	28.26 (19.5)	22.62 (21.3)	32.29 (22.5)	25.2 (21.8)	35.6 (24.7)
Semi-medium	10.72 (17.4)	29.93 (20.8)	11.74 (16.0)	32.61 (22.7)	12.54 (15.2)	33.91 (23.9)	13.45 (14.5)	36.4 (25.2)	13.95 (13.1)	37.36 (26.01)	14.2 (12.3)	37.9 (26.4)
Medium	7.53 (12.2)	46.47 (32.3)	6.46 (8.8)	39.79 (27.8)	6.57 (7.98)	38.65 (27.2)	6.44 (6.93)	37.77 (26.1)	5.63 (5.3)	32.31 (22.5)	5.0 (4.4)	28.5 (19.9)
Large	2.09 (3.4)	35.68 (24.8)	1.55 (2.10)	27.95 (19.5)	1.46 (1.77)	23.94 (16.9)	1.18 (1.27)	18.48 (12.8)	0.83 (0.8)	12.73 (8.85)	0.7 (0.6)	10.8 (7.5)
All	61.55 (100)	143.8 (100)	73.7 (100)	143.33 (100)	82.3 (100)	141.5 (100)	92.9 (100)	144.6 (100)	106.3 (100)	143.7 (100)	115.3 (100)	143.9 (100)

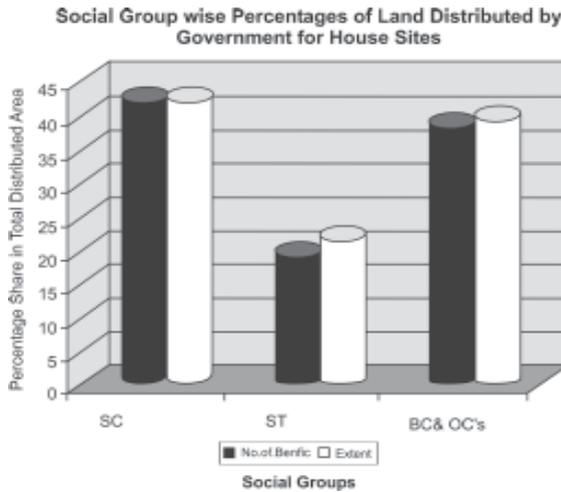
Source: Report on Agricultural Census of Andhra Pradesh, 2001, Directorate of Economics and Statistics, Govt. of Andhra Pradesh. Note: figures in parenthesis indicates the percentage

Table 3.9 Percentage Distribution of Operational Holdings and Operated area of Different Social Groups in Andhra Pradesh

Category	1976-77		1980-81		1986-87		1990-91		1995-96		2000-01	
	Nos	Area	Nos	Area	Nos	Area	Nos	Area	Nos	Area	Nos	Area
S.C.	13.4	6.9	12.6	6.9	12.2	6.8	12.73	7.48	12.12	7.42	11.85	7.86
S.T.	6.3	6.2	6.4	6.3	6.4	6.7	6.88	7.23	7.11	7.56	7.47	8.23
Others	80.3	86.9	81.0	86.8	81.4	86.5	80.39	85.29	80.77	85.02	80.66	83.91
Total	100	100	100	100	100	100	100	100	100	100	100	100

Source: Report on SC/ST Land Holdings 1980-81 to 2000-2001. Directorate of Economics and Statistics, Govt. of Andhra Pradesh.

Graph 3.5



Graph 3.6

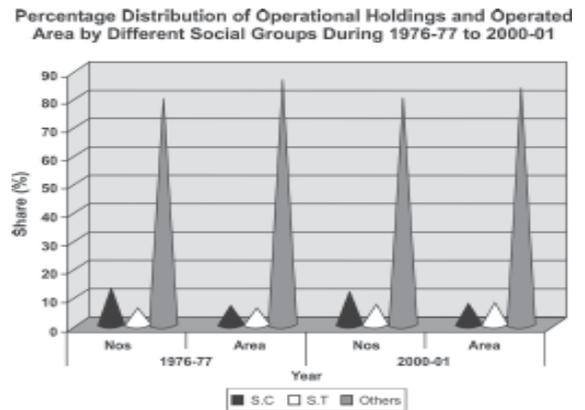


Table 3.9 explains the operational holdings and area operated by different groups since 1976-77 to 2000-01 in Andhra Pradesh. In 1976-77 SC households constituted about 13.4% of total holdings but control only 6.9% of the area, while others constitute about 80.3% of total holdings but control 87% of total operated area. By 2000-01 the percentage of SC holdings declined to about 11.85% and their controlling area share slightly increased to 7.86%. While the percentage of others' holdings retains the same i.e. 80.7% and their operated area share slightly declined to 84% of total operated area. In 1976-77, ST operational holdings constitute 6.3% of total holdings and control 6.2% of total operated area. By 2000-01 their holdings increased to more than 7% while their share in area also increased to 8.23%. Scheduled Tribes average holdings also increased more than the Scheduled Castes average land holdings (Table: 3.12). The position of ST households in terms of operational holdings is better than SC households at Andhra Pradesh state level as well as all India level.

From table 3.10 it is noted that, most of the SC are small or marginal farmers. In 1976-77 marginal and small holdings of SCs constituted 83% (control nearly 46% of total operated area of SCs) of total holdings and their percentage tremendously increased to about 91.5% (control nearly 66% of total operated area of SCs) in 2000-01, on the other hand medium and large holdings declined from 4.7% (control nearly 29% of total operated area of SC) to 1.4% (control nearly 12% of total operated area of SC) during the same period and their average size of holdings also significantly decreased from 1.19 hectares to 0.83 hectares during the same period (Table. 3.11). Due to lack of irrigation facilities, high cost of cultivation, high cost of mechanization, these vulnerable sections were losing control on their lands. Most of the SCs and STs have been forced to sell their lands to others, mostly those from upper caste communities due to debt burden and are reduced to the status of agricultural labourers in search of their livelihood²⁸.

Table 3.10 Percentage distribution of operational holdings and area operated by scheduled castes in Andhra Pradesh

Size group	1976-77		1980-81		1986-87		1990-91		1995-96		2000-01	
	Nos	Area	Nos	Area	Nos	Area	Nos	Area	Nos	Area	Nos	Area
Marginal	64.8	22.3	67.7	27.6	70.1	30.4	70.67	31.98	73.46	37.15	75.88	36.45
Small	19.0	23.1	18.9	26.2	18.0	26.4	18.43	28.28	17.75	29.74	17.63	29.56
Semi-medium	11.5	26.0	10.2	25.2	9.1	24.5	8.70	24.40	7.39	22.51	6.95	21.27
Medium	4.1	21.5	2.9	15.2	2.5	14.6	2.03	12.38	1.32	8.82	1.39	9.36
Large	0.6	7.1	0.3	5.5	0.3	4.1	0.17	2.96	0.08	1.78	0.15	3.36
All	100	100	100	100	100	100	100	100	100	100	100	100

Source: Report on SC/ST Land Holdings, Directorate of Economics and Statistics, Govt. of A.P.

Table 3.11 Average size of the holdings operated by scheduled castes (in hectares)

Size Group	1976-77	1980-81	1986-87	1990-91	1995-96	2000-01
Marginal	0.41	0.43	0.41	0.41	0.42	0.41
Small	1.45	1.46	1.40	1.40	1.39	1.39
Semi medium	2.69	2.62	2.56	2.56	2.53	2.54
Medium	6.21	5.66	5.59	5.58	5.53	5.58
Large	14.65	16.48	14.41	16.00	19.00	19.00
All groups	1.19	1.06	0.95	0.91	0.83	0.83

Source: Report on SC/ST Land Holdings, Directorate of Economics and Statistics, Govt. of A.P.

Table 3.12 Average size of the holdings operated by scheduled tribes (in hectares)

Size Group	1976-77	1980-81	1986-87	1990-91	1995-96	2000-01
Marginal	0.52	0.51	0.49	0.49	0.50	0.48
Small	1.47	1.42	1.44	1.43	1.41	1.41
Semi medium	2.62	2.65	2.62	2.66	2.63	2.64
Medium	5.82	5.77	5.70	5.65	5.53	5.57
Large	15.62	14.49	14.47	13.72	15.67	11.0
All groups	2.33	1.91	1.80	1.64	1.44	1.37

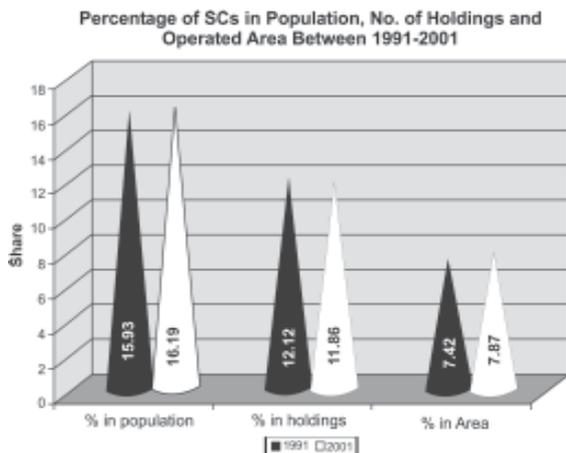
Source: Report on SC/ST Land Holdings, Directorate of Economics and Statistics, Govt. of A.P.

Even as Andhra Pradesh, along with West Bengal and Jammu and Kashmir, is one of the few states to have substantially redistributed the government held land and despite giving the stipulated percentages for SC/ST the above information reveals that most of the land continues to be in the hands of upper caste. Neither the constitutional provisions nor the resultant land reform measures ensured any appreciable percentage of Dalits getting land.

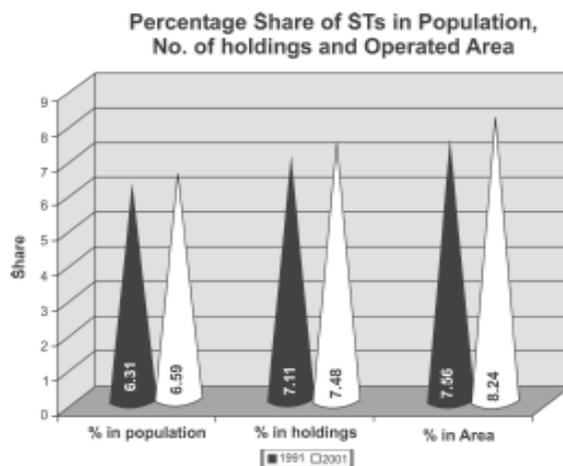
An analysis of tables 3.15 and 3.16 proves this fact. On the one hand the population share of Dalits in total population has been increasing whereas their share in land ownership has been deteriorating over the years. It can be seen from the tables 3.15 and 3.16 that SCs percentage in total population increased from 15.93 percent in 1991 to 16.7 percent in 2001, but their share in total holdings declined from 12.2 percent to 11.86 per cent and their share in total area also retain same during the same period. In case of STs their share in total holdings and area has significantly increased. But most of the ST land is rocky and unfertile. In case of non-SC/STs

population share in total population slightly declined from 77.76 per cent in 1991 to 77.22 percent in 2001, but still they are holding 80.66 percent of share in total holdings and 83.89 percent share in total area. It indicates that the Dalits share in total holdings and area has not increased proportionately to their population despite AP government's distribution of both government and surplus land.

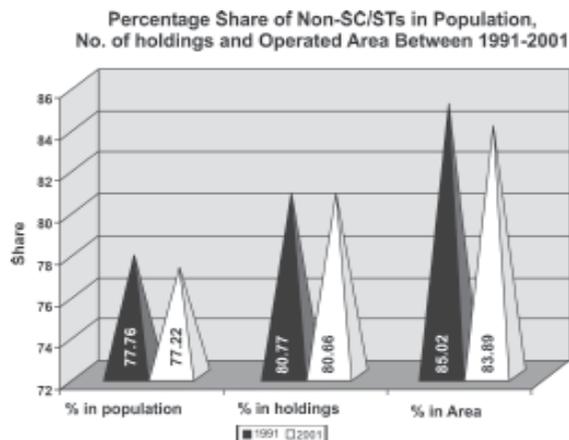
Graph 3.7



Graph 3.8



Graph 3.9



From Tables 3.18 and 3.19 the following can be observed: From 1.11.69 to 19.11.2000 AP government distributed 10,88,473.96 acres (all types of land) to about 9,71,999 landless dalits. Despite government's distribution of land to the dalits, the average size of land holdings of dalits, number of landholders and the area under SC ownership has not increased as per Directorate of Economics and Statistics Report. The reasons for this anomaly are not difficult to ascertain. Quite often assignments were only given on paper and physical possession for many

has been a distant dream. Even when physical possession was obtained the lands distributed were mostly degraded lands. As the government did not have any comprehensive plan for the development of the lands distributed to the poor, supporting them with subsidies and incentives the beneficiaries often they had to alienate the land to pay up the debts incurred in attempting to develop the lands assigned to them.

Other instruments of Land reforms policies too failed to entitle dalits with any significant share

As per the land committee report¹ of AP the status of Land holding of the dalits is as follows:

- The scheduled castes, 16 per cent of the state's population, control only 7.5 per cent of the operated area in Andhra Pradesh.
- Out of the 4.321376.37 acres of Govt. land distributed so far, 979315.91 acres were distributed to the SCs i.e. only 22% of the total land distributed.

Status of LandHoldings of Scheduled Castes

	1961 Census	1991 Census
SC Population	49,73,000	1,05,00,000
People able to work	30,62,000	51,71,920
Land owners/cultivators	7,59,000 (workers)	(23% of the able 6,60,585 (12% of the able workers)
Agricultural laborers	17,56,908 (57%)	37,26,590 (72%)

In the years between 1961 to 1991

- About One Lakh people belonging to the Scheduled Castes lost landownership.
- Of the people who are able to work, only 12% are holding lands. It has decreased from 23% in 1961.

The % of agricultural laborers has increased from 57% in 1961 to 72% in 1991

¹ Soon after the present Congress government came to power in the state it entered into a dialogue with the Maoists. Though the talks failed Land committee was set up soon after the Maoists withdrew from the talks.

of land. The enactment of Hyderabad Tenancy and Agricultural lands Act brought in its wake protection to nearly 6 Lakh tenants who held over 75 lakh acres of land, constituting 33 per cent of the total cultivated area. This, no doubt, was a progressive act of legislation by the State. The AP Tenancy Act of 1956 produced a mixed result in the sense that while it protected the tenants against illegal eviction, it drove most of the tenancy underground. Besides it did not prove in any way advantageous to dalits, as very few dalits were tenants. Instead the exploitation of the dalit agricultural labourers can be said to have increased a hundred fold as the new tenants proved to be as exploitative as the earlier jagirdars and zamindars.

The Andhra Pradesh Land Reforms (ceiling on Agricultural Holdings) Act was passed in 1973, but the provisions of the Act have been observed more in breach, subverting the same by way of filing wrongful and fraudulent declarations, suppressing the land holdings, and by way of benami transactions etc. Earlier in the chapter we analyzed the implementation of the Act. While official records show that 46.25% of the assignees were dalits ground realities are otherwise. Even a casual perusal of the relevant records reveals that a very high % of assignments are benami assignments.

3.11 Much can still be done

Lack of political will, apathetic attitude of the bureaucracy and absence of up-to-date land records are some of the major factors mentioned by the planning commission Task Force for the poor implementation of land reforms. The following categories of land are still available for assignment; 1. Government lands, 2. Bhoodan

lands, 3. Ceiling surplus land, 4. Endowment land, 5. Wakf land, 6. Inam land, 7. Canal embankments, 8. Joint Farming Society lands, 9. Sada Bainama lands etc.

There is unanimity of opinion regarding how dismal has been the implementation of each and every provision of the Land Reform Policy. Even the flawed implementation has gone in favor of the dominant classes. Thus when it comes to the dalit community the failure of the land reform policy is even more glaring.

3.12 Conclusion

In the distant past the dalits were forbidden to possess land on account of religiously sanctioned and socially enforced caste prescriptions. In the feudal times dalits did not and could not have a place in the scheme of things set up by the rulers for a smoother and more profitable collection of taxes. In the struggles waged by the Communists against exploiting zamindars too dalits could not gain access to land to the extent equity called for. The land reforms policies too failed to fulfill the promise the state had made to the dalit landless agricultural labourers. The nexus between feudal economy, caste hegemony and a bureaucracy steeped in vested interest continues to deny dalit their rightful share of land. 89 percent of dalits still remain landless or own smallholdings of less than an acre.

Table 3.13 Number and area operated by different social groups district wise in Andhra Pradesh

District	1995-96						2000-01									
	Numbers (in lakhs)			Area (in lakh acres)			Number (in lakhs)			Area (in lakh acres)						
	SC	ST	Others	Total	SC	ST	Others	Total	SC	ST	Others	Total				
Srikakulam	0.26	0.27	4.00	4.52	0.11	0.20	3.28	3.60	6.28	0.28	4.29	4.84	0.1	0.2	3.2	3.5
Vizayanagaram	0.22	0.34	3.36	3.92	0.11	0.35	2.99	3.45	0.22	0.35	1.53	4.10	0.1	0.4	3.0	3.4
Visakhapatnam	0.09	0.81	3.09	3.99	0.06	1.51	2.44	4.01	0.12	0.90	3.49	4.51	0.1	1.6	2.4	4.1
East Godavari	0.61	0.31	5.24	6.16	10.24	0.61	4.26	5.11	0.65	0.37	5.61	6.64	0.2	0.7	4.2	5.2
West Godavari	0.47	0.16	4.70	5.33	0.30	0.22	4.76	5.28	0.50	0.19	4.76	5.45	0.3	0.3	4.5	5.1
Krishna	0.56	0.07	4.61	5.24	0.30	0.06	5.41	5.77	0.59	0.16	4.80	5.55	0.3	0.1	5.2	5.7
Guntur	0.51	0.15	5.97	6.62	0.28	0.14	6.50	6.92	0.53	0.19	0.19	6.90	0.3	0.2	6.4	6.9
Prakasam	0.68	0.10	4.51	5.28	0.59	0.08	7.21	7.88	0.68	0.12	5.01	5.81	0.6	0.1	7.3	8.0
Nellore	0.75	0.19	2.83	3.76	0.47	0.10	3.81	4.37	0.79	0.19	2.93	3.91	0.5	0.1	3.8	4.4
Chittoor	0.79	0.14	4.79	5.72	0.52	0.11	5.53	6.16	0.83	0.18	5.07	6.08	0.5	0.1	5.5	6.2
Kadapa	0.35	0.06	3.14	3.55	0.30	0.08	4.75	5.12	0.38	0.09	3.55	4.03	0.3	0.1	5.1	5.5
Ananthapur	0.54	0.17	4.03	4.74	0.75	0.31	10.83	11.89	0.66	0.25	5.08	5.99	0.8	0.4	10.7	12.0
Kurnool	0.58	0.06	3.79	4.42	0.77	0.10	9.72	10.59	0.65	0.10	4.17	5.12	0.8	0.2	9.6	10.6
Mahabubnagar	1.06	0.52	4.96	6.54	1.20	0.81	10.10	12.10	1.09	0.63	5.71	7.43	1.2	0.9	10.3	12.4
Rangareddy	0.50	0.19	2.06	2.75	0.55	0.28	4.01	4.84	0.54	0.25	2.35	3.14	0.6	0.3	3.9	4.8
Hyderabad	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Medak	0.96	0.24	4.13	5.33	0.78	0.30	5.58	6.67	0.97	0.28	4.35	5.60	0.8	0.3	5.6	6.7
Nizambad	0.59	0.25	3.02	3.87	0.44	0.24	3.42	4.10	0.61	0.30	3.13	4.05	0.4	0.3	3.4	4.1
Adilabad	0.65	0.82	2.40	3.87	0.90	1.67	4.33	6.89	0.70	0.91	2.79	4.40	0.9	1.7	4.4	7.0
Karimnagar	0.90	0.13	4.36	5.39	0.58	0.13	5.48	6.19	0.93	0.17	4.67	5.77	0.6	0.2	5.3	6.1
Warangal	0.65	0.79	3.74	5.18	0.45	0.97	5.41	6.83	0.67	0.79	3.87	5.33	0.6	0.9	5.2	6.7
Khammam	0.35	1.18	2.12	3.64	0.29	1.78	3.60	5.66	0.40	1.24	2.23	3.87	0.3	1.8	3.5	5.6
Nalgonda	0.80	0.61	4.80	6.21	0.70	0.80	8.78	10.29	0.88	0.70	5.24	6.82	0.8	0.8	8.5	10.1
AP	12.85	7.54	85.64	106.0	10.7	1087	122.2	143.7	13.67	8.63	93.0	115.3	11.3	11.9	120.8	144

Source: Report on Agricultural Census of Andhra Pradesh, and SC/ST landholding Report, 1995-96 and 2000-01

Table 3.14 Percentages share of different social groups' in landholdings and area district wise

District	1995-96						2000-01					
	% Share in Numbers			% Share in area			% Share in Numbers			% Share in area		
	SC	ST	Others	SC	ST	Others	SC	ST	Others	SC	ST	Others
Srikakulam	5.69	5.87	88.44	3.02	5.70	91.29	5.77	5.70	88.52	3.88	6.08	90.04
Vizayanagaram	5.66	8.69	85.65	3.17	10.15	86.68	5.44	8.43	86.12	3.55	10.32	86.12
Visakhapatnam	2.32	20.40	77.28	1.38	37.74	60.88	2.72	19.98	77.32	1.99	39.59	58.42
East Godavari	9.85	5.06	85.09	4.77	11.92	83.31	9.85	5.63	84.52	4.77	14.34	80.89
West Godavari	8.91	2.97	88.12	5.64	4.15	90.21	9.20	3.57	87.23	6.11	2.27	91.62
Krishna	10.68	1.33	87.99	5.24	1.02	93.75	10.69	2.86	86.46	6.11	2.27	91.62
Guntur	7.66	2.20	90.14	4.10	2.01	93.89	7.63	2.71	89.66	4.68	2.65	92.67
Prakasam	12.84	1.82	85.34	7.51	1.03	91.46	11.65	2.03	86.32	7.52	1.51	90.98
Nellore	19.86	4.94	75.19	10.71	2.27	87.02	20.14	4.96	74.89	11.39	2.51	86.10
Chittoor	13.90	2.39	83.71	8.46	1.83	89.71	13.68	2.88	83.44	8.58	2.30	89.12
Kadapa	9.82	1.65	88.53	5.77	1.55	92.68	9.45	2.30	88.25	6.02	1.69	92.29
Ananthapur	11.30	3.65	85.05	6.28	2.62	91.10	10.97	4.23	94.80	7.05	3.38	89.57
Kurnool	13.12	1.27	85.60	7.27	0.93	91.80	12.72	1.86	85.42	8.00	1.50	90.50
Mahabubnagar	16.19	7.97	75.85	9.88	6.69	83.42	14.64	8.53	76.83	9.67	7.34	62.99
Rangareddy	18.18	6.84	74.98	11.31	5.88	82.80	17.27	7.90	74.83	11.70	6.97	81.33
Hyderabad	5.59	0.28	94.13	4.24	0.0	95.76	-	-	-	-	-	-
Medak	17.96	4.44	77.60	11.66	4.57	83.77	17.30	4.94	77.76	11.33	4.98	83.69
Nizambad	15.31	6.54	78.16	10.61	5.89	83.50	15.13	7.53	77.34	10.75	6.99	82.25
Adilabad	16.69	21.25	62.06	13.00	24.26	62.74	15.85	20.60	63.55	12.58	24.66	62.76
Karimnagar	16.64	2.47	80.90	9.30	2.16	88.54	16.15	2.88	80.97	9.94	2.58	87.48
Warangal	12.58	15.20	72.22	6.65	14.17	79.19	12.54	14.77	72.69	8.30	13.74	77.96
Khammam	9.54	32.27	58.18	5.06	31.35	63.59	10.38	32.04	57.58	6.11	31.93	61.97
Nalgonda	12.89	9.85	77.26	6.83	7.80	85.37	12.93	10.28	76.80	7.64	8.34	84.02
AP	12.12	7.11	80.77	7.42	7.56	85.02	11.86	7.48	80.66	7.87	8.24	83.89

Source: Computed from Table: 1.15

Table 3.15 District wise percentage share of different social groups in population, landholdings and area in 1991

District	1991											
	SC				ST				Others			
	% in population	% in land holdings	% in area	% in population	% in land holdings	% in area	% in population	% in land holdings	% in area	% in population	% in land holdings	% in area
Srikakulam	9.34	5.69	3.02	5.78	5.87	5.70	84.88	88.48	91.29			
Vizayanagaram	10.44	5.66	3.17	9.01	8.69	10.15	80.55	85.65	86.68			
Visakhapatnam	7.82	2.32	1.38	14.27	20.40	37.74	77.91	77.28	60.88			
East Godavari	18.19	9.85	4.77	3.88	5.06	11.92	77.93	85.09	83.31			
West Godavari	17.89	8.91	5.64	2.41	2.97	4.15	79.7	88.12	90.21			
Krishna	16.58	10.68	5.24	2.48	1.33	1.02	80.94	87.99	93.75			
Guntur	13.96	7.66	4.10	4.42	2.20	2.01	81.62	90.14	93.89			
Prakasam	20.03	12.84	7.51	3.58	1.82	1.03	76.39	85.34	91.46			
Nellore	21.85	19.86	10.71	8.95	4.94	2.27	69.20	75.19	87.02			
Chittoor	18.38	13.90	8.46	3.22	2.39	1.83	78.40	83.71	89.71			
Kadapa	14.90	9.82	5.77	2.09	1.65	1.55	83.01	88.53	92.68			
Ananthapur	14.19	11.30	6.28	3.49	3.65	2.62	82.32	85.05	91.10			
Kurnool	17.43	13.12	7.27	1.90	1.27	0.93	80.67	85.60	91.80			
Mahabubnagar	17.63	16.19	9.88	7.39	7.97	6.69	74.98	75.85	83.42			
Rangareddy	17.22	18.18	11.31	4.29	6.84	5.88	78.49	78.16	83.50			
Hyderabad	8.86	5.59	4.24	0.92	0.28	0.00	90.22	94.13	95.76			
Medak	17.87	17.96	11.66	4.19	4.44	4.57	77.94	77.60	83.77			
Nizambad	15.12	15.31	10.61	5.92	6.54	5.89	78.96	78.16	83.50			
Adilabad	18.53	16.69	13.00	17.04	21.25	24.26	64.43	62.06	62.74			
Karimnagar	18.57	16.64	9.30	2.73	2.47	2.16	78.70	80.90	88.54			
Warangal	17.19	12.58	6.65	13.67	15.20	14.17	69.14	72.22	79.19			
Khammam	16.25	9.54	5.06	25.23	32.27	31.35	58.52	58.18	63.59			
Nalgonda	17.68	12.89	6.83	9.66	9.85	7.80	72.66	77.26	85.37			
AP	15.93	12.12	7.42	6.31	7.11	7.56	77.76	80.77	85.02			

Source: Computed from I.15 & I.16, Population Census, 2001

Table 3.16 District wise percentage share of different social groups in population, landholdings and area In 2001

District	2001											
	SC				ST				Others			
	% in population	% in land holdings	% in area	% in population	% in land holdings	% in area	% in population	% in land holdings	% in area	% in population	% in land holdings	% in area
Srikakulam	9.05	5.77	3.88	5.96	5.70	6.08	84.99	88.52	90.04			
Vizayanagaram	10.58	5.44	3.55	9.55	8.43	10.32	79.87	86.12	86.12			
Visakhapatnam	7.60	2.72	1.99	14.55	19.96	39.59	77.85	77.32	58.42			
East Godavari	17.99	9.85	4.77	3.91	5.63	14.34	78.10	84.52	80.89			
West Godavari	19.17	9.20	6.11	2.54	3.57	5.34	78.29	87.23	88.55			
Krishna	17.83	10.69	6.11	2.57	2.86	2.27	79.60	86.46	91.62			
Guntur	18.32	7.63	4.68	4.66	2.71	2.65	77.02	89.66	92.67			
Prakasam	21.29	11.65	7.52	3.86	2.03	1.51	74.84	86.32	90.98			
Nellore	22.00	20.14	11.39	9.08	4.96	2.51	68.92	74.89	86.10			
Chittoor	18.75	13.68	8.58	3.42	2.88	2.30	77.83	83.44	89.12			
Kadapa	15.74	9.45	6.02	2.36	2.30	1.69	81.90	88.25	92.29			
Ananthapur	14.14	10.97	7.05	3.49	4.23	3.38	82.36	84.80	89.57			
Kurnool	17.81	12.72	8.00	1.97	1.86	1.50	80.22	85.42	90.50			
Mahabubnagar	17.10	14.64	9.67	7.93	8.53	7.34	74.97	76.83	82.99			
Rangareddy	14.83	17.27	11.70	4.09	7.90	6.97	81.09	74.83	81.33			
Hyderabad	8.02	--	--	0.90	--	--	91.07	--	--			
Medak	17.58	17.30	11.33	5.04	4.94	4.98	77.38	77.76	83.69			
Nizamabad	14.84	15.13	10.75	7.07	7.53	6.99	78.09	77.34	82.25			
Adilabad	18.54	15.85	12.58	16.74	20.60	24.66	64.72	63.55	62.76			
Karimnagar	18.62	16.15	9.94	2.60	2.88	2.58	78.78	80.97	87.48			
Warangal	16.99	12.54	8.30	14.10	14.77	13.74	68.91	72.69	77.96			
Khammam	16.55	10.38	6.11	26.47	32.04	31.93	56.99	57.58	61.97			
Nalgonda	17.73	12.93	7.64	10.55	10.28	8.34	71.72	76.80	84.02			
AP	16.19	11.86	7.87	6.59	7.48	8.24	77.22	80.66	83.89			

Source: various issues of Report on Agricultural Census of Andhra Pradesh, and various issues of SC/ST landholdings, author calculated the percentages

Table 3.17 Details of number of holdings and area exceeded land ceiling and surplus II Land

Name of the district	Nos*	Area**(in acres)	Government declared as Surplus land (in acres) up to 1991
Srikakulam	21950	385790	8639.25
Vijayanagaram,			
Vishakapatnam	27142	444002.5	21099.75
East godavari	29811	589365	15319.75
West godavari	30411	641862.5	14381.75
Krishna	31320	612680	21802
Guntur	31763	531605	9155.25
Prakasam	54801	1081848	17940
Nellore	26584	566607.5	58333.75
Costal Andhra	253837	4854418	166671.5
Kurnool	77334	1862833	66532.75
Ananthapur	156405	2062950	59762.25
Kadapa	34526	709070	13315.5
Chittor	33415	640320	17914.75
Rayalaseema	225154	5275170	157525.3
Hyderabad&rangareddy	34828	967395	37416
Nizamabad	24916	511607.5	13073.75
Medak	47958	945327.5	60339
Mahaboobnagar	98680	2282120	42278.5
Nalgonda	72743	1677885	39368.75
Warangal	52680	996870	29284.75
Khammam	36083	778120	26496.25
Karimnagar	48044	982660	61487.25
Adilabad	69543	1343043	68470.25
Telangana	479277	10409588	378214.5
AP	958268	20539028	702411.3

Source: Sreenivasulu and others, *Land Reforms in Andhra Pradesh (Telugu)*, Telugu academy, Hyderabad, 2001, Pp: 81-83, Note: * this indicates how many holdings exceeded 4 hectares of land and **indicates total area of the numbers which exceeded 4 hectares of ceiling

Table 3.18. Land distributed by government of Andhra Pradesh to landless poor 01-11-1969 to 25-01-2005

Name of the District	SCs		STs		BCs		Others		Total	
	Nos	Extent	Nos	Extent	Nos	Extent	Nos.	Extent	Nos.	Extent
Srikakulam	19325	15689.47	25124	21159.34	19158	15279.06	25297	20791.95	89104	72919.82
Vizayanagaram	19412	22978.45	24757	30515.67	19083	22076.29	24601	30127.68	87853	105698.1
Visakhapatnam	24323	34653.76	34838	55183.01	24319	33958.21	33253	47561.08	116733	171356.1
East Godavari	15450	12431.01	20686	20301.43	13805	11235.02	20379	16608.17	70320	60575.63
West Godavari	15662	19886.79	18764	24857.27	13357	17241.58	19944	26738.82	67727	88724.46
Krishna	19489	19912.87	23720	24439.97	18206	19189.13	25728	27276.8	87143	90818.77
Guntur	21228	21236.68	26405	20400.2	19011	14877.45	28572	22292.9	95216	78807.23
Kurnool	17460	25857.59	21247	31498	16461	24966.44	22856	33859.97	78024	116182
Nellore	64745	100337.7	74291	117921.8	57595	89756.18	78907	126735.1	275538	434750.7
Cuddapah	29322	53215.5	34355	63017.83	26778	49131.8	39298	72575.26	129753	237940.4
Prakasham	46055	71292.81	55930	87136.31	41321	64778.45	60967	40730.52	204273	263938.1
Chittoor	63244	86642.64	79014	109261.1	57128	78670.91	84796	117026.7	284182	391601.3
Aanthapur	53870	137311.6	67187	171846.9	50826	129325.1	72703	185741.5	244586	624225.1
Adilabad	19763	48877.4	27147	69515.06	18201	45223.78	25671	65115.43	90782	228731.7
Karimnagar	35036	25681.07	40989	30264.85	30919	22973.79	43651	32280.19	150595	111199.9
Nizamabad	33195	37488.65	41671	49006.16	30854	35196.95	44000	49575.14	149720	171266.9
Khammam	28791	59223.28	41794	79377.57	25379	53585.7	38124	79949.72	134088	272136.3
Warangal	39155	39212.27	49275	49368.25	35998	35935.51	52173	52296.69	176601	176812.7
Mahabubnagar	29529	48206.07	35889	59630.66	27611	45120.01	38124	63361.07	131153	216317.8
Rangareddy	16530	15747.46	20701	19758.12	15205	14727.78	22122	21052.7	74558	71486.06
Nalgonda	38962	37896.33	44291	44484.18	34497	34010.37	45539	45397.14	163289	161788
Medak	36472	54494.53	44697	67895.47	34023	50460.81	48584	73564.51	163776	2464153
Hyderabad										
Total	687018 (22.41)	988474 (22.50)	852972 (27.83)	1246839 (28.38)	629735 (20.55)	907720.3 (20.66)	895289 (29.71)	1250659 (28.46)	3065014 (100.0)	4393692 (100.0)

Source: Sreenivasulu and others, Land Reforms in Andhra Pradesh (Telugu), Telugu academy, Hyderabad, 2001, Pp: 99

Table 3.19 District wise and category wise assignment of government land during 26-01-2005 and 21-08-2005 (area in acres)

District	Total allotted Land	Total beneficiaries	Social group wise			
			SC	ST	BC	Others
Srikakulam	19338	19258	2530	8122	5866	2740
Vizianagaram	9798	9444	2630	2933	3656	225
Visakhapatnam	36771	18860	1479	118 20	4177	13584
EastGodavary	7860	4117	681	2772	412	252
West Gidavary	10962	10629	3887	609	3843	2290
Krishna	8125	7762	3382	429	2647	1172
Guntur	6098	5166	1857	1034	1416	797
Prakasam	20400	13548	6132	799	3749	2688
Nellore	28728	23235	8975	3511	7619	2665
Chittor	9408	7940	3338	697	2361	1323
Cuddapah	14978	8868	3464	643	2228	2338
Ananthapur	15727	6727	1826	700	2930	1202
Kurnool	12420	6861	2382	502	3254	502
Khammam	9224	6580	1515	3348	1149	439
Warangal	6630	6531	2011	1869	2465	167
Karimnagar	8997	11469	5702	865	4464	403
Adilabad	25850	10497	2220	5104	2784	320
Medak	32287	29825	10397	2404	14256	1554
Mahabubnagar	10835	8010	2929	959	3634	452
Nizamabad	949431	7535	2090	1625	3288	359
Nalgonda	16334	15019	4826	3558	5699	829
Rangareddy	5338	3254	1029	629	1322	236
Total	325639	241135	75282 (31.22)	54932 (22.78)	82919 (34.39)	24337 (11.61)

Source: Chief Commissioner of Land Administration, Govt. of Andhra Pradesh, Note Figures in the parenthesis indicates the percentages

Table 3.20 District wise and category wise assignment of government land in third phase of land distribution dated on 19-11-2006 (area in acres)

District	Total allotted Land	Total beneficiaries	Social group wise			
			SC	ST	BC	Others
Srikakulam	6618.29	5095	691	2649	1649	106
Vizianagaram	6000	5095	260	680	1649	158
Visakhapatnam	5877.98	4400	0	1941	3302	0
EastGodavari	2247.41	1941	207	704	0	99
West Godavari	5001.62	1143	1756	156	133	278
Krishna	1947.39	5603	585	85	3413	649
Gunture	3975.1	2008	1744	486	689	596
Prakasam	6730.8	3456	1449	230	630	1029
Nellore	6007.79	3515	1734	609	807	723
Chittor	8050.37	4349	2261	516	1283	2623
Cuddapah	6912.47	5736	931	383	1767	983
Ananthapur	11705.36	3485	728	483	1188	1309
Kurnool	4769.82	4256	777	201	1736	368
Khammam	3593.01	2174	298	1692	828	70
Warangal	4785.5	2194	2266	1661	134	70
Karimnagar	42201.81	5128	1188	608	1131	233
Adilabad	4724.94	2935	384	916	491	82
Medak	5501.55	4583	1625	456	2201	301
Mahabubnagar	4545.35	2884	982	229	1424	249
Nizamabad	3249.8	2613	635	434	1324	220
Nalgonda	4349.55	3802	1289	864	1443	206
Rangareddy	594.95	377	127	144	75	31
Total	111380.9	73550 (100.0)	21917 (29.80)	16127 (36.10)	26554 (21.13)	8952 (12.17)

Source: Chief Commissioner of Land Administration, Govt. of Andhra Pradesh, Note Figures in the parenthesis indicates the percentages

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Chapter IV



Dalit struggle for land rights - Reclaiming human personality

**N. Paul Divakar
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వి. భానుమతి

గృహమంత్రి
అధికారి

పెద్దల భామలపై ప్రహేళిక

అనేక కారణాల వల్ల పెద్దల భామలపై ప్రహేళికలు వ్రాయడం ప్రారంభించాను. వీటిలో కొన్నింటిని ఇక్కడ ప్రకటిస్తున్నాను.

పెద్దల భామలపై ప్రహేళికలు వ్రాయడం ప్రారంభించాను. వీటిలో కొన్నింటిని ఇక్కడ ప్రకటిస్తున్నాను.

పెద్దల భామలపై ...

పెద్దల భామలపై ప్రహేళికలు వ్రాయడం ప్రారంభించాను. వీటిలో కొన్నింటిని ఇక్కడ ప్రకటిస్తున్నాను. పెద్దల భామలపై ప్రహేళికలు వ్రాయడం ప్రారంభించాను. వీటిలో కొన్నింటిని ఇక్కడ ప్రకటిస్తున్నాను.

పెద్దల భామలపై ప్రహేళికలు వ్రాయడం ప్రారంభించాను. వీటిలో కొన్నింటిని ఇక్కడ ప్రకటిస్తున్నాను. పెద్దల భామలపై ప్రహేళికలు వ్రాయడం ప్రారంభించాను. వీటిలో కొన్నింటిని ఇక్కడ ప్రకటిస్తున్నాను.

వి. భానుమతి

గృహమంత్రి
అధికారి

Dalit struggle for land rights - Reclaiming human personality

- N Paul Divakar ¹,
M. David Sudhakar ²

“We have no land because others have usurped it .. .” -Dr. Ambedkar

This essay investigates the efforts made by BSU (Dalit Bahujan Shramik Union one of the several Dalit mass organizations engaged in struggle for access, retention and development of land).

4.1 Introduction

Since 1980s the growing awareness of the government’s unwillingness to implement sincerely the provisions of land related laws favorable to the Dalits, and its failure to deliver its promises to the Dalit community in the context of inclusive growth, denial of civil, political, socio-economic and cultural rights, protection from unabated violence from dominant castes – has given rise to the emergence of a strong Dalit protest and emergence of community leaders. This happened particularly after, Padirikuppam, Karamchedu, Neerukonda and Tsundur massacres. Before these incidents most of the Dalits had placed their confidence in either the Communist party or the Congress party. But after 1985 the Dalits started thinking independently and took seriously the clarion call of Ambedkar: Educate, Organise and Agitate. This became the guiding force of the dalit assertion. Along with struggles against social exclusion and unmitigated violations of human

rights, liberation from economic exploitation too became an important aspect of Dalit identity struggles. A number of Dalit organizations, parties and NGOs came into the main stream and began collective efforts to address endemic discrimination experienced by the community. Access to land became an important and critical agenda in Dalit community’s search for Identity, Security and Livelihood.

Dalit organizations have taken land as a major issue and started struggles against the government for equitable access to land, its retention and development since 1990s. It had become amply clear that no provisions of law beneficial to the poor, particularly Dalits and tribals would be implemented with any degree of sincerity. Struggle alone would be the path to their effective implementation.

4.2. The struggle for land - A journey in the reclamation of human personality

*‘Shrama made...Panta made...
Bhoomi mida Hakku made...’.*

‘Shram hamara...Fasal hamaraJameen par haq hamara’.

‘Right over land is also ours’

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Table 4.1 Important events, which awakened Dalits, developed and consolidated Dalit Leadership in AP

S.No.	Year	Incident
1.	1962	Sanjivaiah becomes the first Dalit Chief Minister of Andhra Pradesh
2.	1969	Kanchikacherla Kotesu burnt alive
3.	1983	Burning of 4 Dalits in Padiri Kuppam in Chittoor district
4.	1985	The Karmchedu massacre took place on July 17 th in Prakasam district
5.	1990	Tsundurdu carnage took place on August 6 th in Guntur District
6.	1991	Centenary of Ambedkar's Birth Anniversary – State wide Cycle Yatra highlighting Dalit concerns
7.	1992	A Dalit writers, artists and intellectuals collective formed in Hyderabad
8.	1995-96	Promotion of Dalit NGO Platforms
		Struggle against usurpation of lands assigned to Dalits
	1997-98	Struggles for protection and promotion of Dalit human rights
9.	1999-01	State-wide survey on untouchability practices
	2001	Setting up of Independent Dalit mass organizations
	2001	Emergence of National level dalit networks – NCDHR, NDF
	2001	Participation in World Conference Against Racism
	2003	Participation in WSF
	2003-04	Bhoosadana Programme across 14 districts
	2005-06	Networking with Dalit and non-Dalit organizations for Dalit human rights, particularly against untouchability and access to, retention and development of land.

This became the popular clarion call of 'Bhoosadhana' organised by DBSU in which thousands of Dalits during August – October 2003 entered the land in several places in 14 districts of Andhra Pradesh. It means *'labour is ours The crop is oursThe right over the land is ours'*.

For Dalits, land is for shelter and habitation - land is for water - land is for livelihood – land is for self-respect and dignity and therefore *land is life*. Their identity, dignity, security and future, their very lives dependent on it.

4.3 Triangulation Strategy

The struggle to reclaim lost identity, dignity and land goes beyond the emotional strategies to well thought out strategies. There is need to look at land rights reclamation in a different light, with a diverse range of interventions, which includes, besides, ideological orientation, an innovative range of interventions like - clear investigation to the land issue; mobilisation of the community including the various faction in the Dalit community and building solidarity with as many

as possible; using executive litigation and reverting to civil litigation only to defend or to seek HC directions through writs; and finally physical possession or cultivation of the land after exhausting the above means. These constitute the *triangulation strategy* that the people's initiatives have used with some telling results.

4.3.1 *Ideological orientation*

For Dalits, shelter, water and livelihoods depend on land. But, access to land for cultivation, tenancy, homestead, burial ground, water-wells/tanks, pathway, access to main-lands have been used in one form or the other as a key factor to control Dalits and to enslave them.

A clear understanding of history in which caste hierarchy provided the necessary socio-cultural-political excuses to legitimise denial of land to Dalits and their dominance over the Dalit women and men is important in this ideological orientation. Every Dalit habitation in India has gone through experience of denial, domination by upper castes, and forced alienation from land. Land has become a perpetual mirage even in independent India. This was evident in the three major attempts that were made to reverse the historic land alienation.

In 1892, the British assigned land to Dalits designated 'Depressed Class' lands. During 1914-30 these were alienated but were illegally de-alienated away from Dalits. During 1950-65, land under the control of Princely states, their agents, Zamindars etc. were purchased paying huge royalty and was distributed to the 'tillers'.

This land again hardly reached the Dalits but was usurped by dominant castes.

During 1970-80, three major Land Reforms were introduced. 1. Ceiling on Agricultural lands. 50% of the surplus declared was to be distributed to Dalits and 10% to STs and the rest to others. 2. Large scale assignment of government wasteland was to be distributed to Dalits, Adivasis and other poor. 3. Legislation to protect the lands of the Dalits and Adivasis under the acts 1/70 and 9/77.

4.3.2 *Investigation into the nature of land issues*

DBSU identified 1,02,086.46 across 14 districts of Andhra Pradesh (where DBSU has a presence) inaccessible to the Dalits despite land reforms and special provisions.

Table 4.2 Details of land rights violations against Dalits surveyed in 120 mandals, 14 Districts, of AP

Sl.No.	Name of the District	Land in occupation but Title Deed (Patta) not given	Patta (Title Deed) given by govt. but land not given possession	Dalit lands illegally occupied by landlords	Land held by ineligible dominant castes in benami (fictitious/false) names	Land in occupation of Dalits but in dispute between Forest and Revenue Departments	Temple Lands in occupation of Dalits but are now being threatened of eviction	Lands in illegal occupation of ineligible landlords suitable for assignment to Dalits
1	Chittoor	5545.46		57.17	116.68	4081.11		1190.57
2	East Godavari	1497.95	121.32	954.87	188.57	1986.93	9222.99	12490.02
3	Guntur	297.39	5.24	1716.92	1.03		1603.08	
4	Khammam	36.00						
5	Krishna	550.00	120.00			102.63	18.24	
6	Mahabobnagar	959.24	535.58	1134.21	347.00	1391.14	2740.27	
7	Nalgonda	1699.95	716.00					
8	Nellore	310.00	150.00					
9	Prakasam	7222.81	226.44	12.02		7375.36		19461.7
10	Rangareddy		2877.95				2963.01	
11	Vijayanagaram	816.00					7.00	
12	VisakaPatnam	2057.25		45.27				1210.87
13	Warangal	2847.07	58.07	13.27			240.65	43.09
14	West Godavari	360.00					2361.00	
	Total	24199.12	4810.60	3933.73	653.28	14937.17	19156.24	34396.32
	Grand Total							1020886.46

DBSU had also identified the following problems/ reasons, which are preventing Dalits from accessing their land rights. A case or two exemplify the problems / reasons.

4.3.2.1 Land for which pattas have been given to Dalits but dominant - caste members deny physical possession

In Ellikatta village of Kalwakurthy mandal of Mahaboobnagar district 2 acres of land were in the name of Varkala Venkamma w/o. Sayanna in Suvey No. 153/90. Jana Reddy and Madhu Reddy took this land on lease. Now they claim the land as their own. Union has initiated proceedings against the usurpers.

Similarly in the same village few years ago the landlord Pandu Ranga Reddy took Bhimmaiah's(SC) land (Survey No. 9) on lease. In this connection a complaint has been given to the related officers MRO and RDO by the Union. A case was registered on Pandu Ranga Reddy for occupying the land against Bhimmaiah's consent. MRO and RDO intervened and 3 acres of the land was taken away from the land lord Pandu Ranga Reddy and issued the same to Bhimmaiah.

4.3.2.2 Lands in physical possession of Dalits but not having valid documents

Government allotted land as rehabilitation measure, to Dalits who were redeemed from bonded labour during 1984-85. As a precaution the land was registered in the name of the state Governor. Dalits were not given any documents (patta or passbook). Since, Dalits have no proof of landownership; they are

not able to raise any finance from banks or other financial institutions. While the precaution was a good measure to ensure that the assignees do not dispose of the land, they are not able to use the land as an asset. In Maheswaram mandal of Rangareddy district, 41 Dalit families were given physical possession of land but not issued pattas.

4.3.2.3 Dalit lands illegally occupied by landlords

This is the most common form of land rights violation by dominant castes. The violation ranges from outright occupation of land to subtle forms of cheating the gullible and illiterate dalits by coercing them to put their thumb-impressions on documents. While the dominant castes use their caste status, money power and political clout to get away with these violations, dalits have neither capacity to understand and thereby question what is written in the documents nor do they have the resources to take up the matter in the court. On the other hand dominant castes bribe their way through to get these illegal documents.

4.3.2.4 Government lands in illegal possession of ineligible dominant caste occupiers

In Navabpet mandal of Mahaboobnagar district, one Janapada Seva Parishad was registered as society under Public Society Registration Act 1359 in 1952-53 and got 63.80 acres of land fraudulently allotted for developing herbal and medicinal garden for public utility. This society never used the land for the purpose for which it was allotted. The dominant caste persons who got into dispute with Dalits over this matter did not even follow the directions of even MRO and District Collector.

4.3.2.5 *Government lands in illegal possession of ineligible dominant caste occupiers who have also fraudulently obtained patta (title deeds)*

In Narmeta mandal, Warangal district Madhusudhan Reddy from dominant caste has illegally occupied the land in Survey No. 276. He has been in possession of the land since last 7-8 years. Recently, he started building a Primary Agricultural Cooperative Society in the same land. According to land laws no construction can take place on such land. But Madhusudan Reddy claimed that he has taken permission and he continued the construction. When the Union came to know about this matter they brought it to the notice of MRO, RDO and stopped the PACS office construction.

4.3.2.6 *Lands in possession of ineligible non-Dalits person under benami names*

This is another way used to circumvent the land ceiling act with connivance of revenue officials. Lands are transferred or registered in Dalit names to cheat the state and retain lands, which come under the purview of land ceiling act. It is very difficult to find out these kinds of ineligible land possessions as long as the government officials are in connivance with landlords.

4.3.2.7 *Lands concealed from the purview land ceiling act*

SBPK Satyanarayana was the Zamindar of Kapileswarapuram in East Godavari district. For the last 30 years, he has been able to retain 900 acres of land without surrendering it under

the land ceiling act. The High Court of Andhra Pradesh gave judgment in 1975 and Supreme Court gave its judgment in 1994. In spite of the two judgments, the erstwhile zamindar continues to retain the 900 acres of land. The government machinery has not implemented even the Supreme Court directions during the last ten years.

4.3.2.8 *Tenancy*

The existing tenancy system in India is not in favour of Dalits. It is exploitative and linked either to credit or product market. When Dalit landless labourers take land as tenants, their tenancy term is not entered into the land revenue records neither are their names. Majority of the tenancy arrangements between a Dalit tenant and dominant caste landowner are informal and they are neither recorded nor registered. There is no guarantee of continuation of tenancy arrangement as there are no written agreements. The rent in most of the cases is unfair. In AP, about 80-90% of paddy yields go towards rent and the tenant retains a small portion of paddy yield, hay and the second crop, which normally is green-gram. As a result, Dalit tenants are not able to access institutional finance for agricultural operations and other benefits like crop insurance; the income which they get from the cultivation after deduction of the lease is not more than their daily wages for the family.

4.3.2.9 *Incorrect entries in land records*

Lands already assigned to the Dalits are being fraudulently given to the rich and ineligible persons by tampering with land records with incorrect entries.

4.3.2.10 Police favour dominant caste landlords

Despite the Memo (Home (Police. F) Dept), No.2854/police, F/77-1 dt.27.10.1977, which directs the Police not to encourage any complaints against the possession of government lands by rural poor, police frequently disturb the possession of the poor Dalits and Adivasis who are in possession of lands which were either allotted by government or which they have been cultivating for generations. Instead many are the instances where Dalit lands were forcibly and illegally occupied by dominant castes, the state is remaining a mute spectator. In Ravirala village, Maheswaram mandal of Rangareddy district, police failed to protect Dalits from the dominant caste's violence and safeguard the lands of Dalits.

4.3.2.11 Dalits and adivasis are prevented from access to allotted forest lands

As per the government records, a large extent of forestland is under the possession of eligible poor who are Dalits and Adivasis. Central Government has given clearance to state governments to issue pattas for landless poor who are in possession of land over 15-20 years. But the forest department officials don't recognize the central government directions and forcibly evicted Dalits and Adivasis.

4.3.3 Mobilising the Community

Building Community pressure slowly to gain confidence at each step rather than taking extreme steps in the early stages itself was a strategy adopted. This included petitioning the concerned officials, building supporters among the non-Dalit community, neutralising the opposing forces as much as possible in the initial stages, building a steady legitimacy to the

demands in the villagers and wider public, and being inclusive with as many supporters as possible in the struggle. The issue of Pedda Thaiyyur – the conflict was with the Reddy community - was successfully resolved with the support of the other communities and castes.

4.3.4 Legal intervention through Executive and if necessary Judicial Courts

Land litigation under normal circumstances need to be sorted out, in the case of assigned lands, in the Executive courts, i.e., RDO court, DRO court or the Joint Collector or Additional District Magistrate court. Legal action through civil courts need to be used only as last resort and never the first one. It cuts out community involvement, and enters into a long legal battle, which will more often than not result in favour of landlords. At times High Court writs have come in handy and with sympathetic lawyers affordable too.

4.3.5 Direct Action

At some point, when the above interventions were exhausted, entry and occupation of land, which was legitimately of the dalit community was initiated. This was often the culmination of reclamation of human personality and dignity of both activists and people.

DBSU launched one such direct action campaign 'Bhoosadhana' in August 2003 in all the 14 districts of Andhra Pradesh where the Union is working. In the first round of the campaign memorandums were submitted to all the District Collectors with details of survey numbers, nature of dispute and action needed from the government. A timeframe was also given to the District Collectors to take action. In the second round, members of the Union

entered the land for which pattas had been given. In this 'land appropriation' the union members reclaimed nearly 14,359.23 acres.

4.3.6 Recapacitation of skills and knowledge

The focus is on recapacitation of knowledge and skills of Dalit activists and leaders in collecting and analysing the Land Record of Rights, Adangal and other village land records. DBSU also collects government orders; acts related to land and disseminates the information to Dalit communities. Training in filing cases in lower courts and filing writs in the courts is also being provided.

4.3.7 Advocacy Strategy

Advocacy efforts need to be positive and open. The strategy adopted is to influence the legislative process through appealing and pressurising. People in the government who are responsive and provide space for interaction are the focus of advocacy. Efforts were made to engage and influence more number of policy makers and members of various commissions in this process.

The Congress Party and its allies which formed the government in the centre in May 2004, United People's Alliance, has been talking about land to Dalits from the pre-election days. Their manifesto includes special mention about land to Dalits. UPA government has started on a positive note regarding land rights of Dalits. The election promises have been incorporated in the Common Minimum Programme of the government. At this stage, it was essential for Dalit Rights Activists to ensure that necessary policy changes are made to the existing policies concerning Dalits and land. New policies had to be made wherever the existing policies were

felt inadequate. Policy interventions are the need of the hour to ensure effective implementation of land ceiling and land distribution policies and laws. Similarly, structural changes are necessary both in legal and administrative systems, which are playing negative role in implementing land reforms, and laws which are made to empower Dalits to access their right to land.

4.4 Paying the price in the struggle to reclaim human personality

Affirming dalit rights over land has not come the easy way. It has come with an attendant increase in violence against the dalits: Violence has been occasioned when dalits:

- try to buy land from the dominant castes are not willing to sell their land
- resist encroachments by dominant caste
- attempt use of legal structures to prevent dominant caste from encroaching dalit lands
- attempt to cultivate land assigned by the government
- approach government for land
- question illegal assignments of government lands to ineligible dominant caste

A look at the Annexure 1¹ gives one an idea of the severity of the problem of land related violence against dalits.

4.5 Framework for action - Capitalizing Experiences

4.5.1 A concerted Dalit land rights campaign across the country

Dalit organisations, activists, social movements and other Human Rights organizations need to launch a concerted Dalit land rights campaign

¹ *Dalit Human Right Monitor 2003 – 2006, SAKSHI, page 52 - 63*

demanding government to come out with a time bound action plan to resolve the land question of Dalits in all its expressions – whether implementation of the existing laws and reforms like restoration of alienated land of Dalits, ensuring possession of land to the eligible Dalits, acquiring all the surplus land and assigning it as per the provisions of the Acts, resolving the revenue and forest land tussle to ensure that those eligible Dalits get a secure land tenure and to ensure that the ROR (Record of Rights) do indeed record the possession of Dalits whenever they occupy and gain control over government land.

4.5.2 *Direct action of ‘Dalit land rights appropriation*

The campaign will have as its resolve to take up ‘land rights appropriation’ initiative, which will be used to move further the demand of resolving the land rights question of Dalits. This needs to be taken up in waves across the country, using the cases of the worst affected communities with the support of Media which highlights the Direct Action and the heinous crime committed to the Dalit’s land rights.

4.5.3 *Scheduled Castes / Scheduled Tribes land (protection and development) Act*

Necessary amendments for the existing laws and enactment for new laws for ensuring protection of lands of Dalits need to be lobbied for. Effective implementation of laws, acts and policies should be the main focus. This will suggest ways to clear the legal, administrative, policy hurdles that hinder the land ceiling and land distribution policies implementation. These land policies should cover micro-economic policies of trade

& investment and also socio-economic policies. Combating poverty and hunger should become the main purpose. The basic SEC rights should become instrumental in ensuring land rights to the deprived communities like Dalits, Adivasis and Women.

4.5.4 *Lobby for policies concerning agricultural workers*

85% of rural labour in India depends on agriculture for livelihood. Any land reforms, which result in change in labour relations/status, need to be considered carefully. Land reforms should not displace rural agricultural labour that is mostly Dalit. The state should be held responsible to relocate the displaced Dalit agricultural labourers through rehabilitation measures that fit the displaced Dalit agricultural labour.

4.5.5 *Not market viability but livelihood rights of Dalits*

Land policies need to be based on distribution of land to the Dalit landless poor rather than aiming at market viability of land. Agrarian reforms need to supercede market needs. The land policies should be aimed at benefiting more families rather than viability. The process of land policy reforms should involve stakeholders from landless Dalit agricultural labourers, small and marginal farmers. Organisations and movements of Dalit landless poor and small & marginal farmers should be treated as primary stakeholders in the land policy reforms. Civil society and private owners’ role should not be allowed to capture the process but should be made to be part of the process as they have a role to play in implementing the policies.

4.5.6 *Tackle impunity - Accountability of the government functionaries*

Land policies should also aim at accountability of government, capacity building for farmers and farmers' organisations in understanding the implications of intended land policies/reforms so that they can participate in the land policy formulation and implementation.

4.6 **Specific Suggestions:**

- 1 Enactment of a comprehensive Scheduled Castes and Scheduled Tribes Lands (Protection and Development) Act on the lines of SC/ST (PoA) Act to protect and prevent encroachment and alienation of Dalits and Adivasis lands as well as land based atrocities on Dalits and Adivasis.
- 2 Appointment of a Commission to study the present status of government land enquiring into its utilization, assignment, encroachment, alienation, land-based violations against the Dalits and Adivasis.
3. Commencement of a crash programme evict the illegal encroachers from all illegal encroachments of Governments lands and assigned lands of Dalits and Adivasis and give possession to the eligible persons Dalits and Adivasis.
4. Implementation of the Supreme Court orders (WP No. 1333/87) which will make available land for distribution to eligible Dalits and Adivasis.
5. Against Impunity : Proceeding against officials under section 4 of the SC/ST (PoA)

for 'willful negligence' in preventing / not implementing Supreme Court orders in land cases.

6. Issuance of pattas for landless poor who are in possession of forestland for 15-20 years as the central government has given directions in this regard.
7. Making available the details of Bhoodan lands by publishing in Gazette and ensure those lands are assigned to eligible Dalits and Adivasis and give them possession.
8. Evolving a policy to ensure land assignments are in the name of Dalit and Adivasi women or in joint names of women in the families.
9. Ensuring land to Dalits in the ayucut area in new irrigation projects.
10. Extending special short-term credit allocation for crop-loans as well as medium and long-term credit for investment for land and water resource development to the eligible Dalits and Adivasis.

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Annexure-1

Human Rights Violations against Dalits related to Right to Land : April 1999 - December 2006

S No.	Type of Violation	Region	District	Village / Mandal	Date of Incident	Victim		Brief of the Incident	Alleged Cause
						M	F		
1.	Murder	Coastal	East Godavari	Ealakolanu (v) Rangampet(m)	11-11-00	2		There was a fight between the dominant castes and the Dalits over land dispute. 15 dominant caste people attacked Dalits with deadly weapons and murdered Taninka Radha Krishna and Taninka Shivasubba Rao .	Land issue
2.	Murder	Telangana	Karim Nagar	Malvala (v) Kalvasirampur (m)	26-01-04	1		Bolli Papaiah went to police station to file complaint regarding land dispute, police tortured and gave him electric shock. Papaiah died as a result.	Land dispute
3.	Attempt to Murder	Telangana	Mahabub Nagar	Pechheru(m) Rangapur(v)	22-12-01		Dalits	Bijula Venkateshwa Reddy , a dominant caste man, could not bear the insult of Dalits buying his land and tried to kill them by pouring poison (monocrotophos tablets) into the water tank in the Dalit colony.	Dalits buying land belonging to dominant caste man
4.	Attempt to rape	Rayalaseema	Cuddapah	Samavaram (v) Verrabelli (m)	27-08-00	2	1	S. Srinivasulu and Subbarayudu were severely beaten up by dominant caste Yogeswar Reddy and Chinna Reddy over a land issue. Srinivasulu sustained severe head injuries, and the same people then attacked Dalitwada and attempted to rape Srinivasulu's sister, Anjamma	Land issue
5.	Suicide	Rayalaseema	Anantapur	Jakkepalle (v) Madakasira (m)	23-04-03	1		For the past 30 yrs, Sanjeevappa , a Dalit was cultivating land. Revenue officials gave this land to an ex-soldier. Sanjeevappa lost his livelihood because of this. So he and his family members poured kerosens on themselves and set fire to themselves and died.	Land given to exsoldiers by officials
6.	Suicide	Coastal	Prakasam	Vengamukkala palem (v) Ongole (m)	20-07-04		Dalits	Dalits were forced to commit suicide for the lands which were occupied by non-dalits	Government negligence to prevent non-dalits from encroachment of land of Dalits
7.	Attempt to Suicide	Rayalaseema	Kurnool	M.Timmapur (v) Mahanandi (m)	17-06-03	1		Oota Venkateshwarlu , belonging to Dalit Community, attempted suicide in Prajadarbar of Collectorate of Kurnool for failing to get his ancestral land back.	Failing to get his ancestral land
8.	Tonsuring	Coastal	East Godavari	Kolumeru (v) Tuni (m)	24-05-03	1		Land which was under the cultivation of Dalits was occupied by non-dalits and dispute was going on. When Padalu , a Dalit, came out in the night to attend nature's call, unknown person pounced on him, tied-down him and shaved-off his eyebrows and also moustache.	Dispute between the land

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Human Rights Violations against Dalits related to Right to Land : April 1999 - December 2006

S No.	Type of Violation	Region	District	Village/ Mandal	Date of Incident	Victim		Brief of the Incident	Alleged Cause
						M	F		
9.	Social Boycott	Coastal	Krishna	Duggirala padu (v) , Konduru (m)	12-09-99		Dalits	Dominant castes grazed their cattle in the field of Dalit Kovuni Bujji. When Bujji protested the damage caused to his crop, a dominant caste group attacked Dalit community and imposed social boycott and announced Rs. 1000 for violating the social-boycott.	Dalit protested against dominant caste encroachment on Dalit land
10.	Social Boycott	Coastal	Srikakulam	Sonpur	07-05-00		Dalits	In Sonpur gram panchayat there was a fight between the Adivasis and Dalits over land. Hence, the Adivasis boycotted Dalits.	Land dispute
11.	Social Boycott	Coastal	Krishna	Eturu (v) Chandrala padu (m)	13-10-01		Dalits	Dominant caste people grabbed land from Dalits and attacked them, abused them in the name of caste and imposed a Social Boycott on them.	For questioning land grabbing from Dalits
12.	Social Boycott	Rayalaseema	Chittoor	Madibaka (v) Yeradu (m)	23-03-01		Dalits	Dominant caste people attacked Dalits and socially boycotted them over a dispute regarding passage through farm land.	Dispute over pathway across farm.
13.	Social Boycott	Telangana	Medak	Chapururu (v) Armuru (m)	13-07-03	1		Non-Dalits imposed social boycott on Sarangi Pedda Sandanna a Dalit because he refused to give his land, which was his source of livelihood, for burial ground to non-dalits.	Refused to surrender his land for burial-ground.
14.	Social Boycott	Telangana	Nizamabad	Gummiryala (v) Marthad (m)	30-12-00		1	Rajanna bought 5 acres of land without consulting and taking the approval of villagers. Therefore, the villagers conducted a village committee meeting and fined him Rs. 4000- and socially boycotted him.	Did not take consent of villagers when buying land
15.	Social Boycott	Telangana	Mahabub Nagar	Puuru (v) Gadwal (m)	10-01-02		Dalits	Dominant caste people imposed Social Boycott on the Dalits over a land issue.	Land issue
16.	Attack	Coastal	Krishna	Mylavaram village	25-02-00			Dominant caste Guntaka Markandeya Reddy, Alavala Rama Krishna Reddy and Kareddi Venkata Narayana attacked J.V. Prabhakar, Centre of India Trade Union (CITU) leader because he informed authorities about illegal occupation of Dalit lands by dominant castes.	Dalit informed authorities of land occupied illegally by dominant castes
17.	Attack	Coastal	Nellore	Gudipadu (v) A.S.Per (m)	18-09-01	1		Dominant caste A. A. O. Ayyal Reddy beat up Chinna Muralaiah with chappals when Muralaiah asked him to return land, which was in illegal possession of Ayyal Reddy.	Asked for return of land grabbed by dominant caste
18.	Attack	Coastal	Nellore	Aarimeni padu (v) Ojeli (m)	03-12-02		1	Konduru Mohan, a dominant caste person occupied land belonging to a Dalit woman, Veeramma and then attacked her.	Land issue

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Human Rights Violations against Dalits related to Right to Land : April 1999 - December 2006

S No.	Type of Violation	Region	District	Village / Mandal	Date of Incident	Victim		Brief of the Incident	Alleged Cause
						M	F		
19.	Attack	Coastal	Nellore	Thantupalem (v) Kanigiri (m)	10-08-02	1		A Dalit woman, Krishnamma was given land by the govt. but when she entered onto her land, Malakondaiah and some others attacked, threatened and abused her using her caste name.	entered onto land given by the government
20.	Attack	Coastal	Prakasam	Tanguturu	06-11-00	1		Arjuna Rao was constructing a boundary in his field, for which Matta Venkateswari and some others from the same village attacked him and abused him using his caste name.	land issue
21.	Attack	Coastal	Prakasam	Eluru (v) Podili (m)	07-12-00		Dalits	Dominant caste people attacked Dalits and abused them using their caste name because Dalits stopped the dominant castes from laying a road in their fields. Adilakshmi and Kondamma in particular were beaten severely and lay injured overnight on the road.	Stopped dominant castes laying road in Dalits' fields
22.	Attack	Coastal	Prakasam	Sunakesulu (v) Peddaravedu (m)	01-04-02	1		Dominant castes people set fire to the standing crop of Sri Ramulu , a Dalit. When he questioned this, dominant caste people attacked and beat him.	Asked why his lands were burnt
23.	Attack	Coastal	Prakasam	Markapur, Tariapadu	09-09-04		Dalits	Dalits in this village are fighting for burial-ground for the past 20 yrs. Since 50 yrs they are struggling to get back their 5 ½ acres of cultivable land from the illegal possession of non-dalits. They were attacked by non-dalits and had to run away from their homes.	Struggle for allotment of burial ground
24.	Attack	Coastal	East Godavari	Bhiminapalle (v) Uppalaguptam (m)	19-05-03	1		Kolapalle Pullaiah , non-dalit attacked and abused Mulaparti Venkanna a Dalit because he was walking on his farm-boundary.	For walking on the borders of the fields
25.	Attack	Coastal	Guntur	Rompicharla (m)	19-02-02	1		Rammurthy and some other people attacked and beat Prasad a Dalit and his family over a land issue. Police and Telugu Desam leaders harassed him and gave him electric shock for complaining. Prasad was admitted in Rompicharla government hospital for treatment.	Land issue
26.	Attack	Coastal	Guntur	Saripudi (v) Medikonduru (m)	03-06-00	1		Prasad Rao was using the waste-land which was adjacent to his house. Dominant caste Chavarak Lakshmi Narayana attacked and abused Prasad Rao using his caste name for this.	Using waste land by house
27.	Attack	Coastal	Visakhapatnam	Adduru (v) Chodavaram (m)	04-04-02		Dalits	Dominant caste people wanted to grab the land given to Dalits by the govt. and for this they attacked Dalits .	Land issue

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Human Rights Violations against Dalits related to Land : April 1999 - December 2006

S No.	Type of Violation	Region	District	Village / Mandal	Date of Incident	Victim		Brief of the Incident	Alleged Cause
						M	F		
28.	Attack	Coastal	Visakhapatnam	Narendrapuram (v) Munakapaka (m)	05-07-03		1	Rebaka Rupavathi a Dalit woman, was cultivating land which government assigned to her. Appala Naidu, Ganiseti Shiva Naidu who were owners of the adjacent land abused her.	Land issue
29.	Attack	Rayalaseema	Anantapur	Venkatampalli (v) Narval (m)	22-03-00	1		Sompalli Narasaya and nine other non-Dalits attacked Dalit Sannamami while he was irrigating his fields; the perpetrators also destroyed 200 lemon trees of Sannamami's .	Land dispute
30.	Attack	Rayalaseema	Chittoor	Marugani (v)	15-07-00	2	4	Thokala Gangagulamamma walked through dominant castes' land. Chinammal Reddy and Sivaram Reddy attacked Dalit-wada for this reason. When Ganagulamamma questioned this attack she and her husband too were beaten with chappals and her house was demolished. Saravathiamma and Venkataramanna , who tried to stop the attack were attacked and urine poured over them. Pappakka was also beaten with chappals and stripped naked. Reddappa , who was going to complain to the police was tied to a tree and tortured. When Dalits filed a complaint with the police, the police refused to book a FIR.	Walked through dominant castes' fields
31.	Attack	Rayalaseema	Cudappah	Chinakomerla (v) Mylavaram (m)	19-11-01	1		Baseddula Siva Teddy and Jayavenkata Reddy attacked Abhishekam and abused him using his caste name because of a dispute over land borders.	Dispute over land borders
32.	Attack	Rayalaseema	Cudappah	Vedururu (v) Chapadu (m)	10-03-02	1		Dominant caste Subbi Reddy attacked Obaiah when he refused to sell land which was given to him by the Government.	For rejecting to sell land to dominant caste
33.	Attack	Rayalaseema	Chittoor	Rayalapeta (v) Pedda Panjani (m)	01-01-01	1		Dalits were attacked by dominant caste people and Land Ref-orms Committee member Ramana was beaten severely over land issue.	Land issue
34.	Attack	Rayalaseema	Chittoor	Oterupalli (v) Yadamair (m)	16-11-01	2	2	Dominant caste individuals grabbed lands of Dalits , attacked them and beat them up when they protested this.	Questioned land grabbing by dominant castes
35.	Attack	Rayalaseema	Kurnool	Banavasi (v) Emigananuru (m)	26-04-03	1		Narsanna was cultivating waste land for few years. Non-dalits Srinivasu Reddy, Jagadiswara Reddy, Nagendra Reddy attacked and abused Narsanna and threatened him to move away from the land.	For cultivating the waste land

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Human Rights Violations against Dalits related to Right to Land : April 1999 - December 2006

S No.	Type of Violation	Region	District	Village/ Mandal	Date of Incident	Victim		Brief of the Incident	Alleged Cause
						M	F		
36.	Attack	Rayalaseema	Kurnool	Kondamayapalle (v) Rudravaram (m)	28-11-02	1		Manikyamma, a Dalit woman objected when non - dalits started digging a bore-well in her land. For t his they attacked her, abused her and cut off her hair.	Objected to bore well being sunk on her land
37.	Attack	Telangana	Mahabubnagar	Narsappaguda (v) Kothuru (m)	10-09-01	1		Dominant caste Srikari attacked Lakshmaiah for entering onto his land.	Went onto dominant caste's land
38.	Attack	Telangana	Warangal	Ponduru (v) Ghanpur (m)	04-09-01		Dalits	Dalits were attacked and severely beaten up for questioning brokers selling sand from Dalits' lands to sand contractors.	Questioned illegal sale of sand from Dalits' fields
39.	Attack	Telangana	Karim Nagar	Gandhi Nagar (v) Husnabad (m)	06-12-01	1	1	12 acres of land was allotted to backward classes and houses were built 17 year ago. At that time some land was allotted for the roads. When the Dalits started laying road, dominant caste people obstructed the work, saying the land belonged to them. They attacked Venkavva and Kanakaiah with iron rods, who tried to stop the attack. Both Dalits were severely injured and underwent treatment in a private hospital in Husnabad.	Land issue
40.	Attack	Telangana	Ranga Reddy	Alwal (v)	30-08-01	1		Dominant caste Bhikshapati attacked Srinivas and beat him up severely over a land issue.	Land issue
41.	Attack	Telangana	Nizambad	Anjuman (v) Navipeta (m)	07-10-01	1		Dominant caste people attacked Mohan over a land dispute.	Land issue
42.	Torture in Police Custody	Telangana	Mahabub Nagar	Ramapuram (v) Santhinagar (m)	14-09-99	1		Dominant caste Satmarayana Reddy and his wife harassed, attacked and fabricated a false case against Dalit Jayaraj in a land dispute. At the police station, the Sub-Inspector tortured Jayaraj.	State violence
43.	Seizure and Destruction of Property	Coastal	Vizianagaram	Veelupurthi (v), Vepadu (m)	08-03-00	1		Yeduvaka Narsibabu, Paidthalli and three other dominant caste villagers abused Dalit woman Thalayani Gummala Devedamma and forcefully occupied 0.5 acres of her land.	Land issue
44.	Seizure and Property destruction	Coastal	Visakha patnam	Mucherala (v)Anan Dapuram (m)	17-08-00		Dalits	Panchayat acquired 50 acres of land belonging to dominant caste people and gave 36 acres to Dalits. When Dalits started cultivating the land, dominant caste people attacked Dalits and destroyed their property with the connivance of the police.	Fight for land

Cont...

Human Rights Violations against Dalits related to Right to Land : April 1999 - December 2006

S No.	Type of Violation	Region	District	Village / Mandal	Date of Incident	Victim		Brief of the Incident	Alleged Cause
						M	F		
45.	Seizure and Property destruction	Coastal	East Godavari	Arempudi (v) Annaram (m)	25-11-00	Dalits		23.61 acres of land was given by the Kanchuparthi family 40 years back to VAO to distribute to local Dalits. But the VAO, used this land for himself. In 1998 Dalits started cultivating the land, in retaliation for which the VAO booked a false case on them. This issue came before the IPF group and so the VAO, fearing danger, handed over the land to Dalits but demanded either 12 acres land or 2 lakh rupees. When Dalits were cultivating paddy, chilli and groundnut he VAO was unable to tolerate this and got his servant to let loose cattle to destroy Dalits' crops.	Denial of land to Dalits
46.	Seizure and Property destruction	Coastal	East Godavari	Thipparajupalem (v) Kajuluri (m)	12-01-01	1		Kakamma has been cultivating village waste-land for the past 20years to support herself and her sick husband. But the village landlords grabbed her paddy and destroyed it, in connivance with the police.	Denial of land to Dalits
47.	Seizure and Property destruction	Coastal	Krishna	Chillaboyinipalli (v) Musunur (m)	25-07-00	Dalits		40 Dalits have been cultivating 20 acres of land for the past 50 years. Landlords of adjacent lands have been harassing Dalits for the past 15 years claiming that the land belongs to them. When the Dalits booked a case to end this dispute, dominant castes abused Dalits using their caste name.	Denial of land to Dalits
48.	Seizure and Property destruction	Coastal	Nellore	Ratnagiri (v) Podalakuru (m)	11-10-00	1		Land allotted by Revenue officials to a Dalit widow , Dasari Anasuyamma was occupied by Koppolu family members from the same village.	Denial of land to Dalits
49.	Seizure and Property destruction	Coastal	Nellore	Yallasiri (v) Chitramuru (m)	22-11-00	Dalits		For the past 10 years, Dalits have been cultivating forest lands. When Dalits gave applications for pattas to Revenue officials, the dominant caste landlords started fighting with the Dalits, claiming that the land belongs to them. They managed to force Revenue officials to allot lands to them and not to Dalits.	Denial of land to Dalits
50.	Seizure and Property destruction	Coastal	Nellore	Damaravaram (v) Dagaparthi (m)	25-11-00	Dalits		Lands given to Dalits by the Government have been occupied by dominant caste landlords. Even complaining to the Punnaiah Commission did not get the Dalits justice.	Denial of land to Dalits
51.	Seizure and Destruction of Property	Rayalaseema	Anantapur	Hanumapalli (v) Shettur (m)	12-09-99	2		Dominant caste villagers Chikkanna and Akkanna forcefully occupied 6.00 acres of land belonging to Dalits Bormanna and Vee-rappa . They severely beat Dalits.	Untouchability

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Human Rights Violations against Dalits related to Right to Land : April 1999 - December 2006

S No.	Type of Violation	Region	District	Village/ Mandal	Date of Incident	Victim		Brief of the Incident	Alleged Cause
						M	F		
52.	Seizure and Property destruction	Rayalaseema	Cuddapah	Rajupalem(v) B. Kodur(m)	18-04-00		Dalits	Reddy caste people set fire to Dalit houses and attacked them as part of a conspiracy to prevent Dalits from claiming government land allotted to Dalits.	To prevent Dalits from cultivating land given by government
53.	Seizure and Property destruction	Rayalaseema	Chittoor	STV Nagar, Tirupathi town	23-11-00		Dalits	For the past 35 years, Tirupathi STV Nagar Dalits have been using land for their separate graveyard. One day, when they went to bury a Dalit's dead-body, they were stopped by dominant caste Narasimha Yadav, claiming that the place belongs to him. In the ensuing argument between Dalits and dominant castes, police lathi-charged Dalits.	Denial of land to Dalits
54.	Seizure and Destruction of Property	Telangana	Mahabub Nagar	Bijaram, Kosgi	06-06-99	1		Government officials gave dominant caste villagers permission to build a school on land owned and cultivated by 60-year old Dalit farmer Chettigari Chandraiah. When Chandraiah appealed to appropriate legal authorities, a group of dominant caste men beat him and abused him by his caste name.	Dalit appealed to legal recourse in an attempt to restrain dominant caste encroachment on Dalit land
55.	Seizure and Destruction of Property	Telangana	Ranga Reddy	Peganpur, Gajwel(m)	04-05-99	1		Dominant caste villager Pecharla Jaganatham occupied 1.3guntas (less than one acre) of land belonging to Dalit Erukala Pochaiiah, and beat him when he protested against the illegal occupation.	Not known
56	Seizure and Property destruction	Telangana	Hyderabad	Srikrishnapur (v) Khutrubllapur (m)	11-12-00			Land was allotted to weaker sections and pattas also were given. Despite this, landlords, with the help of govt. officials, political leaders and brokers, constructed apartments illegally.	Denial of land to Dalits
57.	Seizure and Property destruction	Telangana	Nizambad	Bichkonada (m)	12-12-01		1	Dominant caste Latif Pasha occupied a Dalit woman's land abused her using her caste name.	Denial of land to Dalits
58.	Seizure and Property destruction	Telangana	Medak	Cheryala (v) Sangareddy (m)	22-12-00		Dalits	Dalits have been cultivating land in survey number 741 for the past 30 years. Pattas were also given to them. But ex-army people occupied this land.	Denial of land to Dalits
59.	Seizure and Property destruction	Telangana	Nalgonda	Suryapeta (v)	16-01-01		Dalits	Govt. allotted land about 100 years ago for burial - ground to Dalits but now dominant caste people have illegally occupied Dalit's land.	Denial of land to Dalits
60.	Seizure and Property destruction	Telangana	Warangal	Gavicherla (v) Sangam (m)	01-12-00		Dalits	For the past 45 years Dalits have been cultivating land on the borders of irrigation tank. But landlords destroyed standing crop of Dalits and occupied Dalits' land.	Denial of land to Dalits

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Human Rights Violations against Dalits related to Right to Land : April 1999 - December 2006

S No.	Type of Violation	Region	District	Village / Mandal	Date of Incident	Victim		Brief of the Incident	Alleged Cause
						M	F		
61.	Practice of Untouchability	Coastal	East Godavari	Giyallapalem (v) Gangavaram (m)	12-09-00	2		Manya Jyothi NGO chairman Simhadri and coordinator Vid-amarthi were trying to solve a land dispute, dominant caste Bhimaraju abused them using their caste name.	Land dispute
62.	Practice of Untouchability	Coastal	Krishna	Achempalem (v) Ghantasala (m)	22-05-00		Dalits	Dalits have been trying for allotment of waste-land from government. Dominant caste people warned them not apply for land. They threatened Dalits that they will not give them work.	For trying allotment of government land
63.	Practice of Untouchability	Coastal	Vijayanagaram	Nadupuru (v)/Gurla (m)	26-05-00	1		Lakshmaiah was abused by caste name by Kucherlapati Verma and Suresh over land dispute.	Caste discrimination
64.	Practice of Untouchability	Coastal	Krishna	Vani Lanka (v) Thota Valluri Pali (m)	17-01-02		Dalits	Dominant caste Mohan Rao removed stone border of Dalits' land. Rama Rao abused some other Dalits when they questioned this.	Questioned removal of stone borders demarcating their land
65.	Practice of Untouchability	Coastal	West Godavari	Undi (v) (m)	04-10-02	1		Narayan, owner of a factory abused Dalits using their caste name when they asked him to vacate the land occupied by him illegally.	For asking to vacate land
66.	Practice of Untouchability	Coastal	Guntur	Peddapulivarru (v) Battiprolu (m)	12-09-03	1		Arrey Solmon purchased land which was not liked by non dalits. Gutta Nageshwara Rao, Gutta Shankar Rao, Gutta Subba Rao, Gutta Chandra Rao attacked Solmon and abused him using his caste name .	Purchased land
67.	Practice of Untouchability	Coastal	Srikakulam	Kummrikunta (v) Saravkoti (m)	15-07-04		1	Bhujamma was abused by I. Sreenu, Ramanna, P. Santosh when she asked return of her land	Asked return of land
68.	Practice of Untouchability	Rayalaseema	Kurnool	Kauthalam mandal	24-12-99	1		MRO abused Bygeri Bheemanna using his caste name because Bhemanna requested MRO to grant him the title for the land he had been cultivating for the past fifty years.	Untouchability
69.	Practice of Untouchability	Rayalaseema	Kurnool	Jonnagiri (v) Tuggali (m)	11-12-03	1		Seshi Reddy and others abused Ramanjaneyanayulu using his caste name over a land dispute .	Caste abuse
70.	Practice of Untouchability	Rayalaseema	Cuddapah	Erikalagiri (v) Mylavaram (m)	11-11-02	1		Chinnagangu, was abused by caste name by dominant caste Chinna Gangappa over a dispute regarding land boundaries	Dispute over land boundaries
71.	Practice of Untouchability	Telangana	Adilabad	Devapur (v) Thalamadugu (m)	25-05-00		1	Anasayamma's land was occupied by dominant caste Venkat Reddy and Jagan. When the surveyor came to survey the land, in the presence of the villagers Venkat Reddy, his wife, Vinoda and son, Jagan abused Anasayamma using her caste name.	Caste discrimination

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Human Rights Violations against Dalits related to Right to Land : April 1999 - December 2006

S No.	Type of Violation	Region	District	Village / Mandal	Date of Incident	Victim		Brief of the Incident	Alleged Cause
						M	F		
72.	Practice of Untouchability	Telangana	Nizamabad	Thimmapur (v) Morthadu (m)	07-12-02	1		Gangaram and Linganna abused Gangaram using his caste name for giving evidence in front of the MRO in a land issue.	Gave evidence in a land issue
73.	Practice of Untouchability	Telangana	Karimnagar	Pedakavala (v)	08-09-01	1		A landlord, Polraj occupied the burial-ground land. He abused Sanjeev for questioning this.	Questioned dominant caste's occupation of land
74.	Practice of Untouchability	Telangana	Karimnagar	Julapalli (m) vadukaapur (v)	07-07-04	1		Ramesh a Dalit was abused by P. Domadar Rao and Pushpaleela over a land issue.	Dispute in land issue
75.	Practice of Untouchability	Telangana	Karim Nagar	Katnapalli (v) Choppadhandi (m)	30-03-02	1		Narasamma was given 4.00 acres of land by Government, but dominant caste people abused her using her caste name and stating that the land belongs to them.	Given land by Government
76.	Practice of Untouchability	Telangana	Karim Nagar	Sivajinagar Karim Nagar town	06-07-03	1		Narasamboju Bhramam abused Kailpalle Sushila a Dalit using her caste name when she resisted his attempts to occupy her land.	Land issue
77.	Practice of Untouchability	Telangana	Medak	Narsapur(v)	27-04-02	1		Dominant caste Durgesh abused Sathyannarayan , a Dalit, by his caste name over a land issue	Land issue
78.	Caste Discrimination in State Agencies	Coastal	Nellore	Kergunta (v) Dagadarti (m)	05-02-02	1		Amarajeevi went to MRO's office to question allotment of land to outsiders and not to locals. MRO attacked and threw files at Amarajeevi , and abused him using his caste name and filthy language.	Questioned allotment of land to outsiders
79.	Caste Discrimination in State Agencies	Coastal	Guntur	Turkapalem (v)	21-05-04	1		Dalits who were residing at the government land were attacked and beaten up by 45 non-dalits. Dalit women were also beaten up.	Dispute over government land allotment.
80.	Caste Discrimination in State Agencies	Rayalaseema	Cuddapah	K.Yerragudu (v) Cherkayapeta (m)	06-10-01	1		When sarpanch Narsinayak went to MRO to talk about the distribution of lands to poor people, which had been long pending, MRO abused the sarpanch and insulted him with filthy language.	Talked about longpending distribution of lands to the poor
81.	Caste Discrimination in State Agencies	Telangana	Mahabub Nagar	Ammanapalli (v) Veepanagandla (m)	25-05-00	2		Krishnaiah and Balaiah should be granted lands for doing ROR, but the VAO has been delaying for the past three years because he is expecting money from Dalits.	Caste discrimination
82.	Caste Discrimination in State Agencies	Telangana	Nizamabad	Kotagiri (m) Korthapalli (v)	13-07-04	1		Pushpala Veerasham was attacked by local non-dalit Singha Reddy. Venkateshwar Reddy on land issue	Dispute over a land issue

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Human Rights Violations against Dalits related to Right to Land : April 1999 - December 2006

S No.	Type of Violation	Region	District	Village / Mandal	Date of Incident	Victim		Brief of the Incident	Alleged Cause
						M	F		
83.	Murder	Rayalaseema	Kurnool	Suddhamalla(v) Uyulavada (m)	02-05-06	1		Dasu a Dalit given his cultivation land for lease to another person. For this reason Madhav Reddy and Srinivas Reddy whose land is beside Dasu's land beaten up and killed him.	For giving land on lease
84.	Attack	Coastal	East Godavari	Butaya Gudem	11-10-06	Dalits		A land dispute between two parties CPIML New Democracy and CPML lead to attack on Dalits of the tribal areas.	Land dispute
85.	Attack	Telangana	Adilabad	Narqadi Konda (m)	31-01-06	1		Dalits, Laxmi and Indur, were beatenup by forest officers while they were cultivating in reserve forests dry land.	Land dispute
86.	Attack	Telangana	Ranga Reddy	Urallu (v) Chevella (m)	03-09-06	Dalits		Non-dalits illegally occupied Dalits' lands and beaten them up when Dalits questioned this.	Land
87.	Attack	Rayalaseema	Kurnool	Alvakonda (v) Sanjamala (m)	10-03-06	1		Damala Devaiah, a Dalit, was attacked by Mahabub Basha over land dispute.	Land dispute
88.	Practice of Untouchability	Coastal	West godavari	Paturu(v) Kamavarapkota(m)	18-04-06	Dalits		In Paturu village, Dalits were managing 4.53 acres of cashew plantation. But in 2002, non-dalits of the village occupied the lands and taken away the crop. When asked about that they attacked and beatup Dalits.	Land dispute
89.	Practice of Untouchability	Coastal	Prakasam	Ambapuram (v) Peddaravidu (m)	14-10-06	Dalits		In Prakasam district, Duggampudi Konda Reddy a non-dalit encroached the graveyard of Dalits.	Land related
90.	Practice of untouchability	Telangana	Adilabad	Dharamraopeta (v) Dandepalle (m)	07-06-06	Dalits		Nirati Lingaiah purchased one-acre land from Dasari Yerraiah, Sarpanch 20 years ago for Rs. 12000/-. At that time he did not register the land in his name though he constantly asked him to register. Recently, Yerraiah has taken back the land forcibly from Lingaiah and paid him only Rs. 4000/-.	
91.	Practice of untouchability	Telangana	Hyderabad	Boduuppal (v)	26-08-06	1		Wardmember, ex-Surpanch, and Padma abused Gnaneshwar and his wife Renuka using their caste name and insulted them over a dispute in converting land purpose.	Land
92.	Practice of untouchability	Telangana		Uppada (v) Kothapalle (m)	29-10-06	Dalits		In Kothapalle village, MRO grabbed the waste lands of Dalits Land and given to Anni Setti Bullabbai.	Related to land grabbing
93.	Caste discrimination is state agencies	Coastal	East Godavari	Mattaparu (v) Makilipuram (m)	29-10-06	1		Karupalle Anand Rao a Dalit was abused by caste name by Bokka Satyanarayana and Bokka Sakubai, Donga Srinu when Ananda Rao questioned them taking sand and making bricks illegally in his land.	Land dispute

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Human Rights Violations against Dalits related to Right to Land : April 1999 - December 2006

S No.	Type of Violation	Region	District	Village / Mandal	Date of Incident	Victim		Brief of the Incident	Alleged Cause
						M	F		
94.	Caste discrimination is state agencies	Coastal	Nellore	Torhapalle Guduru Chinnacherakuru (m)	22-11-06		Dalits	Magunti Sivakumar Reddy abused Dalits of the village by caste name when they tried to participate in the auction of sand mining.	Land
95.	Caste discrimination is state agencies	Coastal	West Godavari	Palakoduru (m)	14-09-06	1		Sai Vara Prasad had 74 cents of land. This was sold by his father and brother with out his concern. When he came to know this, he approached the other party and said that this land belong to him. But they abused him using his caste name.	Illegally occupying land
96.	Caste discrimination is state agencies	Coastal	Krishna	Reddigudem (v) Ranga puram Machalipatnam (m)	17-05-06	1		Pandirala Chandra was abused by caste name and beaten up by Bolla Reddy, Chenna Reddy and Gandra Narasreddy when Chandra tried to stop them driving the tractor in his land and spoiling the field.	Land
97.	Caste discrimination is state agencies	Telangana	Hyderabad	Alwal Jawaharnagar	07-09-06		Dalits	Mutyalamma, Kasturi, Aiayamma, Ellamma and other Dalit women were abused by caste name by Savithamma, Ch. Dasaradh and Jhansi when the Dalit women tried to prevent them from illegally occupying the lands.	Illegally occupying land
98.	Caste discrimination is state agencies	Telangana	Nizamabad	Arsapalle (v) Nizamabad (m)	21-06-06	1		Rajanna was abused by caste name by sarpanch and others over a land dispute.	Land dispute
99.	Caste discrimination is state agencies	Telangana	Medak	Matrewada	04-04-06	1		Addianki Ramaiah, a Dalit, has some land at Matrewada, under survey No 49/AB. This was occupied by Kasarla Madhava Krishna Rao, and Jaddala Vidyasagar.	Land
100.	Practice of untouchability	Rayalaseema	Chittoor	Vradayapalem Srikalahasti	20-12-06	1		On 17 Aug 2004, Venati Ramaiah and Mani applied for CM's, Rajiv Palle Bata and on September 2004 each got 1 1/2 acre land in Kuvakolle village, Survey no 336/2, DKT Patta. But, non-dalits who applied for the same land socially boycotted Ramaiah and Mani because they got the land.	Practice of untouchability

Chapter V



People's Initiatives for access to Land - Case studies

Estharla Krishna Rao

People's Initiatives for access to Land - Case studies

- Estharla Krishna Rao

This study takes up cases related to the various acts enacted in Andhra Pradesh to give effect to its commitment to land reforms. In addition to primary data collected from those involved in land struggles in these nine case studies from the three regions of Andhra Pradesh; Costal Andhra (2), Rayalaseema (4) and Telangana (3) we have also relied on secondary data available in government documents, court records and news clippings. We have chosen these nine cases to examine and to high light the various dynamics that come into play as struggles are initiated and carried through.

While conducting the fieldwork, the author met the victims, local leaders particularly from the dalit community and local NGOs who have stood by those involved in the struggles. Along with those engaged in the struggles he also visited the lands under dispute. The primary information has been gathered through interviews and focused group discussions. The table below gives the samples taken up for study.

Sl.No	Name of Village	Region	District	Type of Land	Survey No.	Extent (acres)
1	Vengamukkala -palem	Costal Andhra	Prakasam	Assigned Land	122/10, 122/12	99.36
2	Kedarlanka	Costal Andhra	East Godavari	Ceiling Land	439/1	897.72
3	Meerkhan Pet	Telangana	Ranga Reddy	Government Poramboku Land	120/1	200
4	Thaiyur	Rayalaseema	Chittoor	Government Land	Schedule 52	47
5	Kappad	Telangana	Ranga Reddy	Ceiling Land	120/21,177,178	99.16
6	Tadiparthi	Telangana	Ranga Reddy	Assigned Land	155	14
7	Avulapalli	Rayalaseema	Chittoor	Bhoodan Land	6	1000
8	Moravapalli	Rayalaseema	Chittoor	Assigned Land	772/2,3,6,774/1, 4 and 775/1	15.42
9	Marellamadaka	Rayalaseema	Kadapa	Assigned Land	441/1, 4, 5, 460/1, 2, 6, 465	37.1

Profile of Vengamukkalapalem

Village : Vengamukkalapalem
Sub-District : Ongole
District : Prakasam
State : Andhra Pradesh



Number of Households				374	Household size	4.0		
					Proportion of Urban population (%)	0.0		
Population - Total	P	M	F		Sex Ratio (females per 1000 males)	955		
Population - Rural	1,560	798	762		Sex Ratio (0-6 Years)	811		
Population - Urban	0	0	0		Sex Ratio (SC)	934		
Population (0-6)	201	111	90		Sex Ratio (ST)	0		
						P	M	F
SC Population	998	516	482	Proportion of SC population (%)	64.0	64.7	63.3	
ST Population	0	0	0	Proportion of ST population (%)	0.0	0.0	0.0	
Number of literates	792	499	293	Literacy Rate (%)	58.3	72.6	43.6	
Number of illiterates	768	299	469	Illiteracy Rate (%)	56.5	43.5	69.8	
Total workers	831	475	356	Work Participation Rate (%)	53.3	59.5	46.7	
Main workers	827	473	354	Proportion of Main Workers (%)	53.0	59.3	46.5	
Marginal workers	4	2	2	Proportion of Marginal Workers (%)	0.3	0.3	0.3	
Non-workers	729	323	406	Proportion of Non Workers (%)	46.7	40.5	53.3	
Cultivators	65	64	1	Proportion of cultivators to total workers (%)	7.8	13.5	0.3	
Agricultural labourers	583	249	334	Proportion of agricultural labourers to total workers (%)	70.2	52.4	93.8	
Workers in household industries	4	2	2	Proportion of workers in household industries to total workers (%)	0.5	0.4	0.6	
Other workers	179	160	19	Percentage of Other workers to total workers (%)	21.5	33.7	5.3	

Source : Census of India, 2001

Case Study I

5.1 Land Struggle in Vengamukkalapalem Village

For Dalits, getting for themselves legally assigned lands has always been and continues to be a relentless struggle. The land struggle in Vengamukkalapalem village proves this beyond any doubt. The saga of their struggle goes way back to early 1940s. But only on 19th July 2004, when the grand children of those who began the struggle attempted suicide outside the chambers of the Prakasam District Collector, did the state sit up and take notice. One of the six who attempted suicide died. His sacrifice and memory continues to inspire the struggle. The struggle itself is a constant reminder to us that all laws in this country beneficial to the poor have come after prolonged battles and by the same logic they will be implemented only if one is prepared to continue the battle on.

5.1.1 Land appropriation by dalits

The land under dispute measures 99 acres and 36 cents in Survey Numbers 122/10 and 122/12. It is situated at Mamidipalem village, hardly two kilometres from Ongole off the Golden Quadrilateral bye-pass, the symbol of the “India Shining” campaign. The land is recorded as “*Vagu Poramboke*”. The present struggle is to get the D.K. pattas for this land for which provisional pattas were assigned to 60 landless dalit families of Vengamukkalapalem in 1984 as they had been tilling that land since 1940s.

5.1.2 Grand of provisional pattas

The adjoining land owners belonging to dominant Reddy community perceiving this as an affront

had been obstructing the dalits from cultivating the land from the very beginning itself. An attempt was made on the life of Nathala Pattabhi Ramayya who was the leader of the struggle. He was severely beaten up and left to die. He had a miraculous survival and the struggle continued. Since then the Dalits had been approaching the Revenue authorities for assigning the said land to them. Ultimately on 25/11/1970, the Revenue authorities granted provisional pattas to them for the entire land in Survey Number 122/10 and 122/12. 31 individuals were provisionally granted pattas in S. No. 122/12 to an extent of Ac. 52-02 cents (The total extent of the land in S. No. 122/12 is 57.94 cents). Provisional assignment was also made in favour of 38 individuals in S. No. 122/10 to an extent of 47 acres and 34 cents (The total extent of the land in S. No. 122/10 is 45 acres and 04 cents). The difference in the extent is due to the duplication of a beneficiary’s name to an extent of 2 acres and 30 cents. The land is classified as “*Vagu Poramboke*”. The particulars of the provisional assignment are available in C.B. Dis. No. 30/85 and Rc. No. 3361/83 of the Mandal Revenue Officer, Ongole.

Surprisingly some of the ryots belonging to the upper castes who were occupying another piece of land adjoining these lands were assigned DK pattas, where as the Dalits were granted only provisional pattas. This stands as a stark testimony to the bias of the local authorities in favour of the socially and economically powerful sections of the society. The possession of Dalits over the land and their cultivation was recorded in the adangal. Land revenue was also collected from them for the cultivation of the land. It

appears that till the year 1996 land revenue was collected and their possession was entered in the concerned records.

5.1.3 Initial attempts to displace the Dalits

Although the landlords had been obstructing the dalits from cultivating the land the first attempts to dispossess the dalits of their land was made only in the year 1988. By then the dalits had started growing cereals. Commercial crops like tobacco were also being raised. On the pretext of assigning the land for the landless poor, the revenue authorities made their move by making a proposal for eventual conversion from “*Vagu Poramboke*” to “*Assessed Waste*”. Conversion proposals were submitted to the Revenue Divisional Officer, Ongole, *vide* Tahasildar and Ongole Rc. A713361/83 dated 09-04-1984. The Revenue Divisional officer, Ongole, in his L.Ds 5224/84 dated 08-08-1984 returned the proposals to the Tahsildar, Ongole, with the direction to resubmit proposals after lifting the ban on the assignment of N.S.P lands. The Tahasildar (MRO) and his officers inspected these lands and submitted a report saying that the provisional patta holders were not in possession of the land at the time of the inspection. But the fact was that the assignees were paying revenue tax on that land and the same was also entered in the revenue records. The revenue authorities had not even tried to check the official records before concluding that the dalits were not in possession of the land. The MRO, Ongole, in his letter Rc. HA/2016/86, dated 04-11-1988, requested the RDO, Ongole to convert the entire land into a “village site” on the pretext that there were several representations from the public requesting house

sites in and around Ongole Town and that this was the only government poramboke land available in the vicinity of Ongole municipality. As a result, ignoring the long pending application of the dalits for the issue of DKT pattas for their land, the Joint Collector of Ongole issued orders, *vide* Rc. B3/11455/88, dt. 31-12-1988, for converting an extent of 139 acres 28 cents of land in S. No.122/6, 122/12 and 122/10 of Mamidipalem village from “*Vagu Poramboke*” to “*Village Site Poramboke*”. Some token house pattas were issued to a few poor people in the same year.

5.1.4 Seeking legal intervention - favourable order from the High Court?

When the revenue authorities issued the notification that the land was being assigned in favour of some others, the dalits (Sri K. Appa Rao and 28 others) approached the High court of Andhra Pradesh and filed a writ petition, W.P. No. 1854/1989. The petition challenged the action of the revenue authorities in attempting to assign the land to other persons ignoring those who were in actual possession and enjoyment of the same. The provisional beneficiaries had neither been given notices nor had their provisional assignment been cancelled, they contented. The High Court allowed the Writ Petition and held the action of the revenue authorities allotting house sites to others as arbitrary, illegal and against the principles of natural justice. The High court, however, also held that the revenue officials would not be barred from evicting the petitioners (the dalits of Vengamukkalapalem) from the land after conducting an enquiry in accordance with law.

5.1.5 Indifference of revenue department to court orders

Revenue authorities did not initiate any action in pursuance of the orders of the High court. To this day notices have not been given to them as directed by the court. Instead even after the direction of the High Court, the revenue authorities continued their attempt to help the land grabbers by assigning the lands periodically in their favour. House site pattas were granted to 900 people from 1988-2003 in various spells.

On many occasions dalits resisted the occupation of the land by others. In 2003 when the struggle for the protection of the land from the land grabbers was intensified by the dalits, the revenue authorities imposed prohibitory orders under 145 Cr.P.C.

5.1.6 Direct action to reclaim land

When dalits realized that legal action was making no headway and illegal occupation of their lands was continuing with the connivance of the officials of the revenue department, they resorted to hunger strike before the office of the district collector demanding that the entire land be given to them, first by restoring their provisional patta and thereafter by issuing permanent pattas. The relay hunger strike continued for more than 45 days. The concerned authorities did not initiate any action either of granting permanent pattas or of preventing further illegal encroachments of the land. Emboldened by the inaction of the revenue authorities, the village sarpanch, Mr. Linga Reddy, intensified the illegal encroachment of the land. The dalits again approached the district collector to apprise her of the hectic operations being carried out by the land grabbers. Not only was the collector indifferent

to their representation but was also callous to their desperate threat of attempting suicide. Unable to bear the rebuff and insult they carried out their threat by consuming pesticide right in front of the collector's chamber on 19th July 2004. Timely intervention by friends saved the lives of five youth. The sixth, Nathala Hanumantha Rao died. By a cruel coincidence the one who died was the grandson of Nathala Pattabi Ramaiah who survived the attempt on his life in the early years of the struggle. Hanumantha Rao's sacrifice was not in vain; the struggle continues to this day, just as the struggle continued even after the attempt on the life of Pattabi Ramaiah.

5.1.7 Other significant developments in the struggle

5.1.7.1 Response of State SC/ST Commission

When the Revenue authorities converted the land into village site for provision of house sites to others instead of granting D.K. pattas to them Sri Dasari Seetharamulu S/o Kotaiah and five others of Vengamukkalapalem village of Ongole mandal petitioned the Justice Punnaiah, SC/ST Commission, Hyderabad. He visited the village on 24th June 2004 and after a thorough inquiry into the details of the case recommended the cancellation of all pattas given from 1988 to 2003 and restoration of land to the original assignees. The Three Member Committee (TMC) constituted by the District Collector under the chairmanship of the Joint Collector, Ongole with R.D.O, Ongole and Project Director, DWMA, Ongole was asked to enquire into the eligibility of each beneficiary and the status of the original assignments. TMC came out with the following conclusions and recommendations:

The land situated in the S.Nos. 122/10 and 122/12 was given to the Dalits of Vegumukkapalem by way of provisional pattas in the year 1970. Since the land which the agitators are claiming had already been assigned as house sites or alienated for Public purposes and to A.P. Police House Building Society the following alternatives could be considered.

A) An extent of Ac. 10-00 of land can be provided to the agitators in proportion to what they were originally and provisionally assigned as

- a) Ac. 5-00 in S.No. 122/10 which was granted for house sites and kept vacant on ground as on today and
- b) Ac. 5-00 in S.No. 122/12 which was granted for house sites and which is kept vacant on ground as the house site pattadars have not occupied the sites. And for this purpose, house site pattas granted earlier be cancelled after following due procedure as per Law.

B) An extent of Ac. 29-92 cents in S.No. 122/10 which was assigned to the A.R. Police can be taken back and allotted to the agitators

OR

C) Since the legal hurdles like issue of notices, cancellation of pattas, cancellation of alienations are involved in alternatives of A and B, wet land by way of purchasing of land under purchase scheme can be allotted.

A Fact Finding Committee consisting of (1) Sri Bojja Tharakam, President, Republican Party of India; (2) Sri M. Kodanda Ram, Associate Professor, Osmania University;

(3) Sri J. John Wesley, State Secretary of Kula Nirmulana Porata Samiti and (4) Dr. SDJM Prasad, Director, Sakshi set up by leaders of mass movements. They visited the place and conducted their enquiry on 25th July 2004. These were their conclusions and recommendations:

5.1.7.2 Commission Recommendations

The lands situated in the S.Nos. 122/10 and 122/12 had been assigned to dalits of Vegumukkapalem by way of provisional pattas in the year 1970. Since then they have been in possession of the said land and had been continually paying revenue taxes for the same. These lands shall be totally restored in their favour and final pattas be given to them.

Apart from the above the FFC committee recommended the following:

1. Action be initiated against the concerned authorities who made assignments defying the prohibitory directions of the High court.
2. Action shall also be taken against the sarpanch who instigated illegal encroachments of the land and held out threats and committed other violations of civil rights of the Dalits.
3. Further encroachments over the land shall be immediately stopped.
4. All the assistance announced by the District authorities for the family of the deceased shall be immediately provided.

Movement leaders met the Chief Minister Rajasekhar Reddy in his chambers soon after the suicide attempt and apprised him of the situation. Responding to their representation and to the discussions which followed in the

assembly, a one man commission of Sri T. K. Dewan, IAS (1969), Special Chief Secretary to Government Housing Department, was asked to go into the matter and report within a fortnight. Despite the passing of three years his report has not been tabled in the assembly.

While Vengamukkalapalem Dalits' long wait for justice continues those who attempted suicide and those who stood by the aggrieved were sentenced to imprisonment by the Principal Assistant Sessions Court. They had been earlier booked on 19/07/2004 vide Cr.No.112/2004 under sections 309 and 109. This sentence was later set aside by the Additional District Sessions Court on 04th May 2007. Some consolation yes, sufficient enough continue the struggle.

Analysis of Assembly Proceedings

We made attempts to match case studies with discussions in the State Assembly regarding the same. As the case studies taken up were long pending ones this exercise did not yield the desired results to the extent that we had hoped for. It was difficult to narrow the cases down to a particular point in time where it would have found mention in the Assembly through the elected representatives of the places concerned. But the general trend we noticed is that cases get referred to in the assembly only when there is an accompanying extreme violence on the dalits who stake their claim on land.

A case in point is this case we have dealt with now. The struggle as mentioned earlier had gone on for 40 years, from 1996 in a more concerted manner. Prior to the second suicide attempt in which Nathala Hanumantha Rao died there was an earlier

attempt at self immolation by the same youth. It found mention in the assembly through Mr.Kishen Reddy, BJP MLA from far away Hyderabad and not through the representative from the constituency of the aggrieved.

The second attempt too figured in the assembly proceedings¹ the day after the tragedy. It had by then caught the nation's attention. The elected representatives from the area began a blame game and did not seem intent on finding a solution to the problem. Instead the proceedings have its abundant measure of tall claims and rhetoric, rationalization by the people's representatives of Ongole and surroundings, support from sympathetic members, promises to do justice to the victims by the Honourable Home Minister K. Jana Reddy. The submission by the minister is detailed, clear and reflects his complete understanding of the case. Yet it lacks the commitment to do what must be done while manifesting a readiness to do what is just expedient and buffer it with welfare measures.

To this day the promises made to find a solution to the alienation of the land once assigned to the dalits of Vengamukkapalelm have not been honoured.

¹ Full text of Assembly proceedings regarding the suicide attempt of Ongole youth and the death of N.Hanumantha Rao. Annexure I.



GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

IAS - Sri T.K. Dewan, IAS (1969) -Appointed as Enquiry Officer to enquire into the suicide death of one Scheduled Caste Youth and suicide attempts by few other SCs in Ongole - Orders - Issued

GENERAL ADMINISTRATION (SPECIAL.A) DEPARTMENT

G.O.Rt.No.4113

Dated:31-07-2004



ORDER:

Sri T.K. Dewan, IAS (1969), Special Chief Secretary to Government, Housing Department is appointed as Enquiry Officer to enquire into the suicide death of one Scheduled Caste Youth and suicide attempts by few other SCs in connection with the long pending land problems of S.Cs in Ongole.

2. Sri T.K. Dewan, IAS shall submit his report within a fortnight from the date of receipt of this order. The Terms of Reference are being issued by the Social Welfare Department separately. The Social Welfare Department shall render all assistance as may be required by the Enquiry Officer.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MOHAN KANDA
CHIEF SECRETARY TO GOVERNMENT

To

Sri T.K. Dewan, IAS,
Special Chief Secretary to Government, Housing Department
The Principal Secretary to Government, Social Welfare Department

Copy to:

The Collector & District Magistrate, Prakasam District, Ongole.
The Principal Secretary to Chief Minister
The P.S. to Minister for Social Welfare
P.S. to C.S./Secretary(Poll)/Dy.Secretary(AIS)
The Social Welfare (OP) Department
SF/SC

//FORWARDED::BY ORDER/

SECTION OFFICER(SC)

Profile of Kapileswarapuram

Village : Kedarlanka
(Hamlet of Kapileswarapuram
Revenue Village)

Sub-District : Kapileswarapuram

District : East Godavari

State : Andhra Pradesh



Number of Households				374	Household size	4.0		
					Proportion of Urban population (%)	0.0		
Population - Total	P	M	F		Sex Ratio (females per 1000 males)	993		
Population - Rural	11,793	5,917	5,876		Sex Ratio (0-6 Years)	1011		
Population - Urban	0	0	0		Sex Ratio (SC)	928		
Population (0-6)	1,506	749	757		Sex Ratio (ST)	1214		
						P	M	F
SC Population	2,477	1,285	1,192	Proportion of SC population (%)	21.0	21.7	20.3	
ST Population	93	42	51	Proportion of ST population (%)	0.8	0.7	0.9	
Number of literates	6,441	3,381	3,060	Literacy Rate (%)	62.6	65.4	59.8	
Number of illiterates	5,352	2,536	2,816	Illiteracy Rate (%)	52.0	49.1	55.0	
Total workers	4,749	3,474	1,320	Work Participation Rate (%)	40.7	58.7	22.5	
Main workers	4,025	3,286	739	Proportion of Main Workers (%)	34.1	55.5	12.6	
Marginal workers	769	188	581	Proportion of Marginal Workers (%)	6.5	3.2	9.9	
Non workers	6,999	2,443	5,556	Proportion of Non Workers (%)	59.3	41.3	77.5	
Cultivators	469	448	21	Proportion of cultivators to total workers (%)	9.8	12.9	1.6	
Agricultural labourers	3,170	2,102	1,068	Proportion of agricultural labourers to total workers (%)	66.1	60.5	80.9	
Workers in household industries	46	25	21	Proportion of workers in household industries to total workers (%)	1.0	0.7	1.6	
Other workers	1,109	899	210	Percentage of Other workers to total workers (%)	23.1	25.9	15.9	

Source : Census of India, 2001

Case Study II

5.2 Land Struggle in Kedarlanka, Kapileswaram Mandal

Ms. Badda Jayalakshmi is one of the active members of Kedarlanka village sangha formed by People's Action For Rural Awakening (PARA), Ravulapalem. Their village sangha was part of the DBSU, the dalit agricultural labourers' trade union that had been set up with efforts of NGOs committed to the dalit cause. In a training session related to land alienation she brought to the notice of the union leaders that 12 members of the village had lost possession of lands once assigned to them. Mr. Inavarappu Surinarayana's – the then district union secretary – efforts brought to light the following interesting facts through a very circuitous route. Inquiries by the staff of PARA led them first to the case details of Writ Petition (Civil/Crl.) NO. (6) 1333/87 Kolla Venkiah Petitioner (s) State of Andhra Pradesh & Another Respondent (s). Kolla Venkiah a veteran Communist leader had taken up the issue of land ceiling at the highest level and the details of that case gave us an understanding how the loss of land of the 12 from this little hamlet was part of a very large litigation involving more than 116 Special Leave Petitions disposed of in 1990 by the Supreme Court. These 116 Special Leave Petitions (SLP) involved an extent of over 10,000 acres of ceiling lands across the various parts of Andhra Pradesh. The SLP invalidated the High Court judgement that bestowed validity

to "plain paper" sale deeds done in order to circumvent the retrospective provisions of the Land Ceiling Act.

In the case relating to Kedarlanka the land in question had belonged to the erstwhile Zamindar and later Education Minister in Rajagopalachari Ministry in 1952, Mr. SBP Pattabi Ramaiah and his brothers.

This was but one part 897.72 of the ceiling land that was to be taken over under Land Ceiling Act of 1973. The Act was being implemented in 1975 with retrospective effect from January 24th 1971. To circumvent the law SBP Pattabi Ramaiah alienated the following extents of land on the dates noted below:

- | | | |
|------------------|------|--------------|
| 1. 16th December | 1971 | 486.99 acres |
| 2. 17th December | 1971 | 296.30 acres |
| 3. 18th December | 1971 | 114.43 acres |

All these alienations were made by back dated sale deeds knowing well in advance that when the law would take effect it would be with retrospective effect. But he had not calculated for the actual period of retrospective effect the law would provide. Thus as all these sales were effected after 24th Jan. 1971 they were declared illegal and his lands were declared excess lands under the relevant provisions of the Land Ceiling Act by the Land Tribunal, Rajahmundry. On review by the same Tribunal the land was again declared under Land Ceiling Act. In Civil appeal No. 1346 of 1976 decided on March 5th 1982 Supreme court set aside the order by the High

Court which had earlier declared as valid unregistered sale of lands on plain paper in CRP 743 of 1976 dated on 17-9-1976. Only SBP Rama Mohan Rao's ceiling land 68 acres 38 cents was distributed to 140 persons (SC. 73, BC. 47, OC 20) out of 897.72 acres. The 12 members of Kedarlanka belonged to this group of 140 persons. These details emerged as the union was investigating the alienation of the lands given to the 12 dalits from Kedarlanka.

More interesting details continued to emerge. The State is yet to take over the remaining lands declared so by the relevant tribunals for distribution for landless poor. The union was able to get the details of the case nos. under Land Ceiling Act concerning the members of erstwhile Zamindar family:

LCC No. 69/75 SBP Madan Mohan

LCC No. 71/75 SBP Chalapathi Rao

LCC No. 72/75 SBP Sarvarayulu

LCC No. 73/75 SBP Rama Mohan Rao

LCC No. 74/75 SBP Pattabi Ramaiah

LCC No. 205/75 SBP Rama Mohan Rao

LCC No. 97/75. SPBK Satyanarayana Rao

The union's intervention also unearthed other useful information. On September 7th, 1949 Zamindari Abolition Act had declared that all government banjar lands and lanka lands under occupation of zamindars had to be taken over by government for distribution for landless poor. In the year 1956 the supplemental survey was conducted. The MRO Kapileswarapuram reported that the land measuring acres 818-92 cents of Bollanka – which is government land – stood registered in the name of Sri SBPK Pattabiramarao and his family members (Ex Jamindar) and others. This extent of land situated as an island being a shifting mass was lost in the recurring Godavari floods. After several years the land accreted. The Zamindar's family laid claim to it.

On coming to know the legal status of the land Arjuna Field Labour Co-operative Society (Scheduled Caste Society), Kedarlanka occupied a major portion of the Bollanka land. The struggle is on for getting pattas for the land under occupation of Arjuna Field Labour Society and also for restoration of the land lost by 12 members of the AFLCS of Kedarlanka.

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

(FOR PREL. HEARING)

WRIT PETITION (CIVIL/CRL.) NO. (6) 1333/87

Kolla Venkiah **Petitioner (s)**

State of Andhra Pradesh & Another Respondent (s)

(With Officer Report)

Date : 8-7-91 This/ these petition (s) was/were called on for hearing today.

Hon'ble the Chief Justice of India

Hon'ble **Mr. Justice P.B. Sawant**

For the petitioner (s) : **Mr. V. Shekhar, Adv.**

For the respondents (s) : **Mr. TVSN Chari, Adv.**

UPON hearing counsel the Court made the following

ORDER

Civil Appeal No. 3388 of 1984 has, in the meantime, been disposed of by the Constitution Bench a judgement dated March 29, 1990 (**Yedida Chakradhararao (dead) through L.rs. Vs. State of Andhra Pradesh** - 1990(2) SCR 220.

The net effect of the decision is that the claim of the petitioner has to be accepted and, therefore, we direct that the State of Andhra Pradesh respondent before us and its officers shall effective steps to implement the enforcement of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 and every officer before whom proceedings are pending should immediately dispose of such proceedings keeping in view the decision of this Court and implement the Statute in an effective way. The writ petition is disposed of.

(I.L. DHINGRA)
Court Master

(P.K. BAJAJ)
Court Master

Profile of Kappapahad

Village : Kappapahad
SubDistrict : Ibrahimpatnam
District : Rangareddi
State : Andhra Pradesh



Number of Households				361	Household size	5.0		
					Proportion of Urban population (%)	0.0		
Population - Total	P	M	F		Sex Ratio (females per 1000 males)	928		
Population - Rural	1,681	872	809		Sex Ratio (0-6 Years)	938		
Population - Urban	0	0	0		Sex Ratio (SC)	938		
Population (0-6)	217	112	105		Sex Ratio (ST)	0		
						P	M	F
SC Population	531	274	257		Proportion of SC population (%)	31.6	31.4	31.8
ST Population	1	1	0		Proportion of ST population (%)	0.1	0.1	0.0
Number of literates	757	521	236		Literacy Rate (%)	51.7	68.6	33.5
Number of illiterates	924	351	573		Illiteracy Rate (%)	63.1	46.2	81.4
Total workers	986	545	441		Work Participation Rate (%)	58.7	62.5	54.5
Main workers	831	520	411		Proportion of Main Workers (%)	55.4	59.6	50.8
Marginal workers	55	25	30		Proportion of Marginal Workers (%)	3.3	2.9	3.7
Non workers	695	327	368		Proportion of Non Workers (%)	41.3	37.5	45.5
Cultivators	293	190	103		Proportion of cultivators to total workers (%)	29.7	34.9	23.4
Agricultural labourers	449	165	284		Proportion of agricultural labourers to total workers (%)	45.5	30.3	64.4
Workers in household industries	42	15	27		Proportion of workers in household industries to total workers (%)	4.3	2.8	6.1
Other workers	202	175	27		Percentage of Other workers to total workers (%)	20.5	32.1	6.1

Source : Census of India, 2001

Case Study III

5.3 Land Struggles in Kappapahad Village

This case study revolves around the struggle landless labourers from SC and BC community of undertook to gain possession of lands declared as ceiling surplus. Kappapahad is located in Ibrahimpatnam of Rangareddi district. Pattawari Buchi Reddy alias Sudharshan Reddy, a resident of Kappapahad, registered his 99.16 acres of land in the name of his relatives of Tugarthi Mandal (survey no. 120, 121, 177, 178, 179, 210, 197, 206, 207, 253 and 254) and wanted to circumvent the Land Ceiling Act of 1973. In 1987-88 the village people, however, identified it as ceiling surplus land. The struggle for this land started in the name of 'Vyavasaya Cooli Sangam', under the leadership of Geeta Ramaswamy. The struggle continues to this day as the just demands of the dalits have not been met.

The author has collected the data regarding this issue from Merupula Janghaiah who participated in this struggle. The landless people who were mostly SCs, STs and BCs, altogether fifty in number, occupied this land and started to cultivate it from 1985-86. In retaliation, the dominant caste people burnt the hut of Jangari Buggaiah, the leader of the struggle, and cut off one of his hands. Conniving with the police false cases were registered on those who participated in the struggle for the ceiling lands. Despite constant threat by the land lords and harassment by the police the landless agricultural labourers were bold enough to hold on to the ceiling lands. The *Munsif*, District and High courts gave orders favourable to the landless agricultural labourers. Sudharshan Reddy moved the Supreme Court and obtained a stay order in his favour.

But with the support of Dalit organizations like DBSU, DBF and NCDHR in a direct action initiative the villagers organized themselves again and occupied 96 acres of the land and started to cultivate the land from 16th of October, 2003. Sudharshan Reddy offered a compromise solution of surrendering 40 acres of the land. The villagers refused the compromise solution and the struggle is on to take possession of the entire extent of land that rightfully ought to accrue to them under the provisions of the Land Ceiling Act of 1973.

Apart from legal action that took the case right up to the Supreme Court and direct action under the auspices of the Dalit Bahujan Shramik Union, concerted advocacy and lobbying efforts were also made. The people on several occasions interacted both with ruling party people's representatives and also opposition party members. This effort took them to the chief minister's chambers of both Telugu Desam and Congress governments.

As of now despite the indifferent attitude of both political leaders and administrative officers they are in possession of 46 acres of land. Since 1997 they are cultivating this land and the struggle to gain access to the remaining land continues with a great sense of determination.



Profile of Thaiyur Village

Village : China Thayyur
Sub-District : Srirangarajapuram
District : Chittoor
State : Andhra Pradesh



Number of Households				514	Household size	4.0		
					Proportion of Urban population (%)	0.0		
Population - Total	P	M	F		Sex Ratio (females per 1000 males)	989		
Population - Rural	2,264	1,138	1,128		Sex Ratio (0-6 Years)	902		
Population - Urban	0	0	0		Sex Ratio (SC)	992		
Population (0-6)	312	164	148		Sex Ratio (ST)	786		
						P	M	F
SC Population	1,293	649	644	Proportion of SC population (%)	57.1	57.0	57.2	
ST Population	50	28	22	Proportion of ST population (%)	2.2	2.5	2.0	
Number of literates	1,383	805	578	Literacy Rate (%)	70.9	82.6	59.1	
Number of illiterates	881	333	548	Illiteracy Rate (%)	45.1	34.2	56.0	
Total workers	1,094	612	482	Work Participation Rate (%)	48.3	53.8	42.8	
Main workers	626	419	207	Proportion of Main Workers (%)	27.7	36.8	18.4	
Marginal workers	468	193	275	Proportion of Marginal Workers (%)	20.7	17.0	24.4	
Non workers	1,170	526	644	Proportion of Non Workers (%)	51.7	46.2	57.2	
Cultivators	22	180	92	Proportion of cultivators to total workers (%)	24.9	29.4	19.1	
Agricultural labourers	569	296	273	Proportion of agricultural labourers to total workers (%)	52.0	48.4	56.6	
Workers in household industries	16	11	5	Proportion of workers in household industries to total workers (%)	1.5	1.8	1.0	
Other workers	237	125	112	Percentage of Other workers to total workers (%)	21.7	20.4	23.2	

Source : Census of India, 2001

Case Study IV

5.4. Thaiyur Land Issue - Chittoor District

In 1970, Fifty-one Dalit (Scheduled Caste) families in Pedda Thaiyur village under Thaiyur Panchayat were given 47 acres of Government Assessed waste land under schedule 52, Kanikapuram. Further, to protect the land and the continued stake of the Dalits on the land, the state also helped them to register the land as a cooperative under the 'Chittoor Joint Farming Society' (CJFS).

None of the Dalit families had owned any land prior to this despite being agricultural workers for generations. It was the first time they owned asset of any kind. Their lives had been spent around working in the farms of the Reddy landlords, skinning and disposing dead animals, leather works, cleaning the village, carrying messages of deaths, watching over the dead, beating the drums in all village festivals and occasions. Getting a piece of land for themselves was a novel experience, expanding their self image and sense of possibilities ahead. The Revenue Divisional Officer who came to their village to distribute the land title deeds to them was none short of 'his highness' to them.

5.4.1 *Reddy landlords lay claim to govt. lands assigned to Dalits*

When the government surveyor came to measure out the land and distribute it to the 51 families, the Reddy landlords from Kanikapuram village obstructed the measuring claiming that the land belonged to them and the state cannot distribute it to the Dalits. The local karnam (village accountant) had played a major role in informing the landlords about the proposed distribution of land to Dalits. The Dalits were confused,

nevertheless decided to pursue their right by getting further information on the issue.

Dalit elders – Thangavelu, Buddaiah, Jadaiah and others met with a Dalit leader in Chittoor town and also engaged a lawyer. It was found that the Dalits were given the land under the 'eksaal patta' which is one of the ways of assignment where the assignment is made for one year and further renewed.

5.4.2 *Dalits did not figure in the court procedures*

As the Government surveyor was prevented from doing his duty in distributing the land, the state filed a complaint against the landlords in the district court. The landlords provided false documents to say that the land belonged to them citing survey numbers of their lands adjacent to the said land.

During the period from 1970 to 1986, the Dalits did not come anywhere in the court proceedings. The case was filed by the state against the landlords and the public prosecutor dealt with it. However it is seen that the state did not protect its own jurisdiction on the land or protect the rights of the Dalits to whom the land was assigned. Despite the fact that the state had recognised the piece of land as 'assessed waste' (banjar) land under its authority, they did not take sufficient care to prove the same, which could have been easily done by them. The Dalits had engaged a lawyer on their own to attend the court on their behalf, bearing all the expenditure for the lawyer's fee as well as their many trips to the court hearings. The case was shifted to the court at Tirupathi.

5.4.3 *Court rules in favour of the landlords*

On 29th Jan. 1986, despite all the efforts of the Dalits, the court gave a judgement in the favour of the Reddy landlords, allowing them to cultivate the land till any further orders from the Settlement Court regarding the status of the land. The court further issued orders prohibiting the Dalits from entering the land. **(OS. 134/78).**

5.4.4 *Dalits decide to implead in the case*

In the meanwhile in all government records the land continued to be government banjar land and the SC Corporation sanctioned an Irrigation bore well for the land. When the staff of the Irrigation Department came to mark the site for the bore well, the landlords again objected. All this while, the Dalits had been watching the landlords cultivating the land while they themselves had to fight the case from the outside.

The Dalits resenting the judgement in favour of the landlords, decided to fight the case on the ground now. They were supported by a local NGO Prajwala Sangham that began their work in the district. Many efforts were made to go into the land and plough it, standing crops were cut. A full fledged fight broke out and many Dalit youth and women were injured. The Dalits now filed a complaint against the landlords under the SC/ST Prevention of Atrocities Act. The judgment awarding jail or fine to the landlords was a big victory to the Dalits. The landlords of course paid the fine and got out.

The landlords were angry and ordered a social boycott on the Dalits, preventing their employment in all the 18 villages in the periphery. This was a period of intense hardships, where families migrated to different parts of the state.

In 1987, Dalits were able to implead as third party petitioners in the Settlement court in Nellore with the help of Sri Balakrishna Reddy, a pro-poor lawyer. This gave them the opportunity to legally represent themselves. After some proceedings when the settlement court was wound up, the case was forwarded to the Joint Collector at Chittoor. After much effort to verify the classification of the land (which was the main basis for the landlord's possession), the joint collector judged that the land belonged to the government and the government has the authority to assign it to landless poor. **(RP No. 52/97 of F1 dt.7.3.2001)**

5.4.5 *From 2001 to 2007*

Having lost the case before the Joint Collector in the district, the landlords filed the case in the Commissioner for Land Revenue (CLR) at Hyderabad in 2001. For three years, the case went on at Hyderabad and in 2004, the case was referred back to the district again. The finding of the Commissioner was also that the land was government owned 'assessed waste' land and can be assigned by the state to eligible people. Further to this, the district Collector has referred the matter to the Mandal Revenue Officer (MRO) to give pattas to the Dalits and distribute the land. The MRO however is delaying the process saying that she has to get some more papers from the CLR related to the final judgement.

5.4.6 *To conclude*

The land today is in the possession of the Dalits and they are cultivating it during the rainy season. Many of those who began the struggle in 1970 are not alive today. Their children have continued the struggle. Yet another generation is born in the village. The struggle has not been easy. For

Profile of Meerkhanpet Village

Village : **Meerkhanpet**
Sub-District : **Kandukur**
District : **Rangareddi**
State : **Andhra Pradesh**



Number of Households				866	Household size	5.0		
					Proportion of Urban population (%)	0.0		
	P	M	F					
Population - Total	4,033	2,083	1,950		Sex Ratio (females per 1000 males)	936		
Population - Rural	4,033	2,083	1,950		Sex Ratio (0-6 Years)	871		
Population - Urban	0	0	0		Sex Ratio (SC)	939		
Population (0-6)	608	325	283		Sex Ratio (ST)	1065		
						P	M	F
SC Population	799	412	387		Proportion of SC population (%)	19.8	19.8	19.8
ST Population	95	46	49		Proportion of ST population (%)	2.4	2.2	2.5
Number of literates	1,734	1,148	586		Literacy Rate (%)	50.6	65.3	35.2
Number of illiterates	2,299	935	1,364		Illiteracy Rate (%)	67.1	53.2	81.8
Total workers	2,311	1,283	1,028		Work Participation Rate (%)	57.3	61.6	52.7
Main workers	2,015	1,251	764		Proportion of Main Workers (%)	50.0	60.1	39.2
Marginal workers	296	32	264		Proportion of Marginal Workers (%)	7.3	1.5	13.5
Non workers	1,722	800	922		Proportion of Non Workers (%)	42.7	38.4	47.3
Cultivators	1,022	576	446		Proportion of cultivators to total workers (%)	44.2	44.9	43.4
Agricultural labourers	707	250	457		Proportion of agricultural labourers to total workers (%)	30.6	19.5	44.5
Workers in household industries	14	12	2		Proportion of workers in household industries to total workers (%)	0.6	0.9	0.2
Other workers	568	445	123		Percentage of Other workers to total workers (%)	24.5	34.7	12.0

Source : Census of India, 2001

such a long drawn out struggle, the cost has been high. The community had to manage many conflicts related and unrelated to land in the village. They had to overcome many divisive plans of the landlords, pressure of the police, neglect from the administration and many others. The number of families has grown from 51 to more than 80 today. After 37 long years, each family in the village today has ownership of the land, but are yet to get their title deeds.

Case Study V

5.5 Land Struggle in Meerkhanpet Village

Twenty years and running is the saga of the struggle by the Dalit Bahujans of Meerkhanpet village, Kandukur Manadal, RangaReddy District. Theirs is a struggle for obtaining ‘patta’ for the government land which they have been tilling since 1983.

This village is 35 Kms from Hyderabad, the capital of Andhra Pradesh. In order to understand the history of this struggle, we made enquiries of some villagers who were part of this struggle from the beginning. We have this narration in the words of Dubaka Pentaiah (56)

“Around twenty years back (1983), we, the SC’s BC’s and construction workers of Meerkhanpet and the poor and landless of the Begari Kanche village decided to cultivate 200 acres of land under the survey no. 120/1 in the village of Meerkhanpet. At first we thought that this land belonged to the temple, but later we found that it was government *Poramboke* land. Initially, the leaders of the Communist party had made us aware of our rights, explained to us the various Land Reforms measures initiated by the state and thus motivated us to initiate the struggle.

In 1986, with support from Ms. Geetha Ramaswamy, the President of Agricultural Labour Association (Vyavasaya Coolie Sangam), about two hundred of us, all landless poor, mostly from dalit bahujan castes, broke down confining fences and cleared the shrubs and useless undergrowth in preparation for tilling the land. The upper caste landlords, B. Vittal Reddy S/o Bhoopal Reddy, B. Sripathi Reddy S/o Bhoopal Reddy, and B. Malla Reddy S/o Bhoopal Reddy, who had illegally claimed ownership of the said land attacked us with the support of their community people. This led to a stand off between Dalits and the upper caste people. Instigated by the rich and politically influential upper caste landlords the police filed a case against us under section 307. In all 56 of us were implicated in the case. Five of those 56 are now dead. When we applied for bail we were granted conditional bail. We were asked not to step into the village for three months. In those three months, we lived a most miserable life. No food to eat, no work and, no place to stay. At the expiry of the three months, around 96 of us (60 SC’s, 36 BC’s) again began to till the same land.”

“When we started farming that *Poramboke* land, the upper caste landlords, bribed the M.R.O and got the documents of that land written in their names. We resorted to protest in front of the Mandal Office, R.D.O’s office and Collector’s office. Finally in 1998, the District Collector appointed a committee to look into the matter. After the enquiry, we were vindicated as the collector declared the land as government land. In 1986 itself, we had applied for grant of pattas as we were in possession of the land. But the revenue authorities at the mandal level had

seen to it that there would be neither evidence of our pending application nor of our being in possession of the land.”

As per Land Reforms Act, the 200 acres Poramboke Government land should have been assigned to the 96 people who had been not only in physical possession but also cultivating the same. They had been knocking at the doors of officialdom since 1986. Many times since 1986, the landless poor had submitted applications to the Mandal Revenue Office, conducted *Dharnas* and *Rastarokos* in front of the same office. As there was no positive response and justice was denied to them, they petitioned the High court. Responding to the petition in 1989 the High Court gave a stay on the decision of the mandal officer in favour of the landlords (W.P.No. 11515/89). On 11-12-1995, the office of the Joint Collector, Ranga Reddy District stated that the land transfer-facilitated by the MRO - was illegal and gave a J.C.O (No. B1/2003/91 dated 11-12-1995)

Despite the orders issued by the State high court, District Joint Collector and Collector to distribute the land to the Dalits and landless poor, till now the land has not been legally transferred to the petitioners. This has not prevented them from asserting their right over the land. With support from mass organizations they are continuing their efforts to legalize their right over the land.

Case Study VI

5.6 Land Struggle in Tadiparti Village

This study highlights the nexus between dominant caste people who occupy government assigned lands and get them registered for themselves in connivance with corrupt government officials who do it for a consideration. It is this nexus that

The order of the Joint Collector regarding Meerkhanpet Land problem

“As per the sethwar of Meerkhanpet village, the land bearing S.No. 120 Ext. Ac. 673-6.36 gts, is government *Porambok kanchaland*.

The then thasildar, Maheswaram has sanctioned mutation irregularly in respect of the land in S.No. 120/1 extent Ac. 200.00. Since it was irregular mutation, a show cause notice u/s. 166-B of L.R. Act has been issued vide no. b3/13738/87, dt 4-7-88 for cancellation of mutation. While the matter was under enquiry the respondent obtained stay orders from the Hon’ble High court in W.P.No. 11515/89. Thus the mater was subjudice.

Sri M. Pochaiiah and others, Narsimha, Rachaiah, Bikshapati S/o Jangaiah filed a claim petition in form NO. X before the Mandal Revenue Officer under the provision of A.P.ROR Act for validation of the sale document executed by Smt. Challamma w/o Bhoopal Reddy for an extent of Ac 113 in Sy. No. 120/1. The land in question is Government land and the vendor has absolutely no right over the property. The Mandal Revenue officer without examining the revenue records passed orders beyond his jurisdiction. Therefore the orders of the Mandal Revenue Officer are set aside.”

Profile of Tadiparti Village

Village : Thatiparthu
Sub-District : Yacharam
District : Rangareddi
State : Andhra Pradesh



Number of Households				347	Household size	5.0		
					Proportion of Urban population (%)	0.0		
	P	M	F					
Population - Total	1,757	911	846		Sex Ratio (females per 1000 males)	929		
Population - Rural	1,757	911	846		Sex Ratio (0-6 Years)	1018		
Population - Urban	0	0	0		Sex Ratio (SC)	908		
Population (0-6)	222	110	112		Sex Ratio (ST)	0		
						P	M	F
SC Population	603	316	287		Proportion of SC population (%)	34.3	34.7	33.9
ST Population	0	0	0		Proportion of ST population (%)	0.0	0.0	0.0
Number of literates	696	477	218		Literacy Rate (%)	45.3	59.6	29.8
Number of illiterates	1,061	434	627		Illiteracy Rate (%)	69.1	54.2	85.4
Total workers	923	543	380		Work Participation Rate (%)	52.5	59.6	44.9
Main workers	845	508	337		Proportion of Main Workers (%)	48.1	55.8	39.8
Marginal workers	78	35	43		Proportion of Marginal Workers (%)	4.4	3.8	5.1
Non workers	834	368	466		Proportion of Non Workers (%)	47.5	40.4	55.1
Cultivators	444	258	186		Proportion of cultivators to total workers (%)	48.1	47.5	48.9
Agricultural labourers	370	194	176		Proportion of agricultural labourers to total workers (%)	40.4	35.7	46.3
Workers in household industries	35	29	6		Proportion of workers in household industries to total workers (%)	3.8	5.3	1.6
Other workers	74	62	12		Percentage of Other workers to total workers (%)	8.0	11.4	3.2

Source : Census of India, 2001

in most cases deny rightful share of land to dalits.

Tadipatri village is located in Machavaram mandal in the district of Ranga Reddy, AP. The Government gave 14 acres of ceiling land in S.No.155 to 14 landless agricultural labourers belonging mostly to the SC, ST, and BCs. These 14 acres of land is located beside the lands of Bokka Srinivasa Reddy and Lakshmi Reddy, who are from upper caste community. Prior to the allocation of the said land to landless people these land lords have been illegally cultivating the 14 acres of land.

Bokka Srinivasa Reddy and Lakshmi Reddy did not allow the assignees to cultivate the assigned land even though the ceiling lands were legally assigned to them. As a result, the assignees threatened by dire consequence by the land lords and with no support from the officials did not dare to cultivate the lands assigned to them. Their interaction with Dalit organizations involved in land rights issues, particularly Dalit Bahujan Shramik Union gave them the necessary courage to claim their right over the land. The land lords with the support of other dominant caste people forcefully harvested the produce. The issue is now subjudice and the revenue officials have an excuse for not going ahead with necessary action from their side. But taking support from DBSU the people of Thatiparti on April 14th 2007, Ambedkar's Jayanti re-entered the land and staked their claim to the same.



Case Study VII

5.7 Land Struggle in Avulapalli Village

A 1000 acre plot of land in S.N. 6, of Devalakuppam of Avulapalli village, Somala mandal was donated by one Janab Syed Huyssain (who had been given this land by the Punganur Zamindar in lieu of non-payment of a loan taken by the latter) to the Bhoodan Yagna Board. After nearly a decade the Bhoodan Yagna Board woke up to the task and the Andhra Pradesh state government made a gazette publication on 16-9-1971 under the Andhra Pradesh Bhoodan and Gramdan Act, 1965 (Andhra Pradesh Act XIII of 1965) under which all persons interested in the lands were requested to file their objections if any in writing to the Andhra Pradesh Bhoodan Yagna Board within two months from the date of publication of the said notice. "A second and final notification was published on 2-10-1975. But even after that date no further action was initiated by the Bhoodan Yagna Board to distribute this land to landless poor of surrounding villages. 20 years after the second gazette publication by the govt. of Andhra Pradesh, one Sri Syed Noor, a son of the original donor Sri Janab Syed Hussain, filed a writ petition in the high court W.P.No.023767/95 requesting for early distribution of the land to landless poor and also to include him and a few other family members in the list of landless poor beneficiaries.

In the year 1996 getting to know of the Bhoodan land and other such land in the area the *Punganur Taluka Bhooporata Committee* was formed by local social workers Kullai Ramanaz of Charala village of Chowdepalle mandal, Sri M. Ramulu of Ambedkar Rural

Profile of Avulaplli Village

Village : Avulapalle
Sub-District : Somala
District : Chittoor
State : Andhra Pradesh



Number of Households				813	Household size	4.0		
					Proportion of Urban population (%)	0.0		
	P	M	F					
Population - Total	3,636	1,796	1,840		Sex Ratio (females per 1000 males)	1024		
Population - Rural	3,636	1,796	1,840		Sex Ratio (0-6 Years)	964		
Population - Urban	0	0	0		Sex Ratio (SC)	1140		
Population (0-6)	497	253	244		Sex Ratio (ST)	910		
						P	M	F
SC Population	291	136	155		Proportion of SC population (%)	8.0	7.6	8.4
ST Population	128	67	61		Proportion of ST population (%)	6.5	3.7	3.3
Number of literates	1,793	1,080	713		Literacy Rate (%)	57.1	70.0	44.7
Number of illiterates	1,843	716	1,127		Illiteracy Rate (%)	58.7	46.4	70.6
Total workers	2,167	1,156	1,011		Work Participation Rate (%)	59.6	64.4	54.9
Main workers	2,110	1,140	970		Proportion of Main Workers (%)	58.0	63.5	52.7
Marginal workers	57	16	41		Proportion of Marginal Workers (%)	1.6	0.9	2.2
Non workers	1,469	640	829		Proportion of Non Workers (%)	40.4	35.6	45.1
Cultivators	919	538	381		Proportion of cultivators to total workers (%)	42.4	46.5	37.7
Agricultural labourers	1,074	509	565		Proportion of agricultural labourers to total workers (%)	49.6	44.0	55.9
Workers in household industries	11	4	7		Proportion of workers in household industries to total workers (%)	0.5	0.3	0.7
Other workers	163	105	58		Percentage of Other workers to total workers (%)	7.5	9.1	5.7

Source : Census of India, 2001

Development Society, Rayalpeta, Peddapanjani mandal and a few others. They conducted *Padayatras* in the area and mobilized the local landless poor and petitioned and corresponded with the Bhoodan Yagna Board at Hyderabad. They were informed that a case was pending in the court and till such time as it is disposed off the land could not be distributed. Interestingly the case was all about early distribution of the land to the landless poor. As the land was meant finally to be distributed to the poor and fearing some bigwigs/ middle men would knock away the land (monetary offers – one such offer was to the tune of Rs.3 lakhs - were being made to the office bearers of the Punganur Taluka Bhooporata Committee to drop the issue) in mid 1996 the Bhooporata Committee led by the local landless poor tried to occupy the Bhoodan land and clear the bushes. It was then that the forest Department personnel entered the scene and objected to the clearing saying that it was reserved forest and not revenue land. The Bhooporata Committee then approached the Revenue officials. The M. R. O. insisted that it was Revenue land. The Forest department personnel refused to accept the M.R.O.'s clarification. The matter was referred to the Asst. director, survey and settlement, Chittoor, who visited the site along with the Additional District Forest officer and other personnel of revenue and forest departments on 21-3-1997. After examining the site and maps of both forest and revenue departments she clarified that it was clearly revenue land and asked the forest personnel to demarcate their boundary jointly with the revenue surveyors after broadly indicating the boundaries of the Bhoodan Land in S. No. 6 of Devalakuppam of Auvalapalli village (corresponding to the earlier Paimashi numbers 32, 33, 34, 35, 36, 37 & 38).

However the forest department personnel failed to do the demarcation of boundary. At the same time they would not allow the poor people to clear the area and threatened them with arrests.

As the situation reached a stalemate, the Punganur Taluka Bhooporata Committee appealed the Bhoosamskaranala Karyacharanodyamam a district wide federation of organizations fighting for the implementation of land reforms. On 15th August 1998, the National flag was hoisted in the Bhoodan land in the presence of landless poor of nearly 32 surrounding villages and representatives of various mass organizations from all over Chittoor district. The forest range officer entered the area along with a large posse of forest personnel and police. The udyama (struggle) leaders and the Bhooporata Committee leaders showed the Gazette publication copy to the Range officer and also reminded him of the clarification given by the Asst. Director of survey and settlements and the M.R.O., Somala mandal. The Range officer then requested the Committee members not to proceed with the action of clearing the bushes till the joint survey demarcating the forest and revenue boundaries was clarified. He asked for 15 days time. The committee members agreed and suspended the activities. However, the range officer and their personnel made some attempts to demarcate the boundary for two days in September but seemed to have abandoned the idea soon after. With no further action forthcoming from the forest department officials, the convener of the *Bhoosamskaranala Karyacharanodyamam* wrote to the Divisional Forest Officer, West Division, Chittoor and also the Joint Collector and the Asst Director of Survey and Settlements at Chittoor and gave them a list of such lands

spread through out the district in some of which cultivation and been going on for over 40 to 50 years but which the forest department was claiming to be “reserved” and demanded early joint inspection and demarcation of the boundary. Despite some efforts by the senior officials there was no movement on the field. Vexed with the state of affairs, over 250 landless poor of 32 surrounding villages under the banner of the Punganur charanodyamam, supported by the *Bhoosamskaranala Karyacharanodyamam* Chittoor Dist, once again entered the Bhoodan land on 5-11-1997 and cleared the land of bushes in an operation lasting 10 days. When forest officials objected they showed them the documents and reminded them of their earlier promises and told them to demarcate the reserved forest. After repeated requests and a joint appeal by the M.R.O. Somala and the Range officer, Punganur range the movement leaders’ once again suspended further activity on the Bhoodan land.

Once more an attempt was made by the forest department officials to delineate their boundary but once again failed to include the Bhoodan land. The Udyamam leaders appealed to the Joint Collector who visited Somala Mandal office on June 1998 and sent the asst. director of survey and settlement along with the sub D.F.O. and concerned officials to the spot. While the Assistant Director of Survey and Settlements insisted that it was revenue land, the forest department officials continued to insist that it was reserved forest lands. The maps of the Revenue Department and the forest department were not to the same scale and hence the Asst. Director of survey and settlements suggested that they obtain revenue maps from the survey and

settlement officer at Hyderabad which corresponded to the scale of the maps possessed by the forest department. The matter dragged on till January, 1999. The asst. director was transferred. It took the new asst. director two more months to visit the site. Once again he complained of lack of co-operation from the forest department to correctly demarcate the boundary. Given this stalemate and non-cooperation from the forest department the landless poor of surrounding 32 villages entered the Bhoodan lands on 16-6-1999 and started clearing the bushes. The forest personnel once again raised objections and threatened to arrest the landless poor who then offered to court arrest. The forest personnel then requested the committee members to suspend clearing of bushes till the maps were obtained and boundary finally marked.

As per the directive principles of the constitution and fundamental rights of the people to implement land reforms and distribute land to the landless poor it is the duty of the state to ensure that the forest department personnel do not obstruct the peaceful possession and enjoyment of the Bhoodan land located in Survey Nos. of Devalakuppam village of Avulapalli by the landless poor led by the Punganur Taluka Bhooporata committee of Somala Revenue Mandal, Chittoor Dist, till such time as the boundary between the revenue lands and the reserved forest lands in the area is clearly demarcated. There is no reason why the poor should be made to suffer for reasons of laxity and inefficiency on the part of the officialdom.

The issue is now in the High Court seeking directions to the Forest Department.

Profile of Marellamadaka Village

Village : Marellamadaka
Sub-District : Chakrayapet
District : Cuddapah
State : Andhra Pradesh



Number of Households				377	Household size	4.0		
					Proportion of Urban population (%)	0.0		
	P	M	F					
Population - Total	1,521	771	750		Sex Ratio (females per 1000 males)	973		
Population - Rural	1,521	771	750		Sex Ratio (0-6 Years)	1012		
Population - Urban	0	0	0		Sex Ratio (SC)	947		
Population (0-6)	173	86	87		Sex Ratio (ST)	1000		
						P	M	F
SC Population	259	133	126		Proportion of SC population (%)	17.0	17.3	16.8
ST Population	2	1	1		Proportion of ST population (%)	0.1	0.1	0.1
Number of literates	717	466	251		Literacy Rate (%)	53.2	68.0	37.9
Number of illiterates	804	305	499		Illiteracy Rate (%)	59.6	44.5	75.3
Total workers	600	449	151		Work Participation Rate (%)	69.4	58.2	20.1
Main workers	570	431	139		Proportion of Main Workers (%)	37.5	55.9	18.5
Marginal workers	30	18	12		Proportion of Marginal Workers (%)	2.0	2.3	1.6
Non workers	921	322	599		Proportion of Non Workers (%)	60.6	41.8	79.9
Cultivators	204	196	8		Proportion of cultivators to total workers (%)	34.0	43.7	5.3
Agricultural labourers	266	146	120		Proportion of agricultural labourers to total workers (%)	44.3	32.5	79.5
Workers in household industries	2	2	0		Proportion of workers in household industries to total workers (%)	0.3	0.4	0.0
Other workers	128	105	23		Percentage of Other workers to total workers (%)	21.3	23.4	15.2

Source : Census of India, 2001

CASE: VIII:

5.8. Land Struggle in Marella Madaka Village

For the last 20 years members belonging to the dalit community of Marella Madaka Village, Chakrayapet Mandal of Kadapa District have been on a struggle for restoration of the lands which had been assigned to them. In the year 1974 the A.P Government assigned 40 acres of land in Survey No. 375/3, 375/4, 441/1, 441/4, 460/2, 460/1, 460/4 460/5, 460/8, 460/9 523/8, 523/12, 524/5, 524/7, 525/3, 525/4, 525/5 to 12 landless Dalit people. From then onwards they were cultivating the assigned land up to 1985. But in 1985, unfortunately the assignees' houses were destroyed in an accidental fire. Three of the assignees, namely Musalaiah, Rathniyalu and Kadiriah approached the village sarpanch, Mr. Musal Reddy and borrowed some money (ranging from 1000-3000) to construct their houses. While lending the money the sarpanch had not stipulated any conditions. After an year he asked them to repay the money and some of them made partial payments on demand. Due to their economic backwardness they couldn't repay the remaining small amount of money. He insisted that they either sell or lease their land to him. Finally they agreed to lease out their land. The Sarpanch then took their thumb impressions on blank stamp papers and told them that he would cultivate this land (10 acres) in lieu of the their outstanding debt. Since then he has been cultivating that land. Since 1986, due to drought situation prevailing in the area no assignees could cultivate the land.

Taking advantages of this situation the *Sarpanch* slowly grabbed the neighbouring lands too and

ultimately all the 40 acres of assigned land came into his possession. Due to their social and economic backwardness, the assignees could not dare to oppose the *sarpanch's* illegal activities. From 1986 to 1988 the *Sarpanch* had been in adverse possession of the land. Fortunately "**Kadapa Zilla Dalita Vedika**" extended their activities into this village and they educated the people regarding their land rights. With support of Dalita Vedika they began their struggle to reclaim their lands. Dalita Vedika helped the people to submit memoranda to the MRO, RDO and J.C. Meanwhile they held several protests in front of the MRO, RDO and JC offices. Enquiry by the MRO confirmed that those lands indeed were originally assigned to the petitioners and the process of restoration of lands were set in motion. The sarpanch with the help of corrupt officials within the revenue department created fake Patta Passbooks in his favour. The struggle continued till 2004 where in a direct action led by Dalit Bahujan Shramik Union and Dalita Vedika the original assignees forcibly took over the land. Finally the Joint Collector was forced to restore the lands to the original assignees. The order excludes 3 acres as that extent is under adjudication by court.



Profile of Moravapalli Village

Village : Mungilipattukothapalle
(Moravapalli is the hamlet of
MP kothapalle revenue village)

Sub-District : Chandragiri

District : Chittoor

State : Andhra Pradesh



Number of Households				590	Household size	4.0		
					Proportion of Urban population (%)	0.0		
	P	M	F					
Population - Total	2,239	1,109	1,130		Sex Ratio (females per 1000 males)	1019		
Population - Rural	2,239	1,109	1,130		Sex Ratio (0-6 Years)	1008		
Population - Urban	0	0	0		Sex Ratio (SC)	1008		
Population (0-6)	259	129	130		Sex Ratio (ST)	1026		
						P	M	F
SC Population	414	199	215	Proportion of SC population (%)	18.5	17.9	19.0	
ST Population	158	78	80	Proportion of ST population (%)	7.1	7.0	7.1	
Number of literates	1,426	794	632	Literacy Rate (%)	72.0	81.0	63.2	
Number of illiterates	813	315	498	Illiteracy Rate (%)	41.1	32.1	49.8	
Total workers	1,110	684	426	Work Participation Rate (%)	49.6	61.7	37.7	
Main workers	900	669	231	Proportion of Main Workers (%)	40.2	60.3	20.4	
Marginal workers	210	15	195	Proportion of Marginal Workers (%)	9.4	1.4	17.3	
Non workers	1,129	425	704	Proportion of Non Workers (%)	50.4	38.3	62.3	
Cultivators	393	255	138	Proportion of cultivators to total workers (%)	35.4	37.3	32.4	
Agricultural labourers	391	186	205	Proportion of agricultural labourers to total workers (%)	35.2	27.2	48.1	
Workers in household industries	66	42	24	Proportion of workers in household industries to total workers (%)	5.9	6.1	5.6	
Other workers	260	201	59	Percentage of Other workers to total workers (%)	23.4	29.4	13.8	

Source : Census of India, 2001

Case Study IX

5.9 Land Struggle in Moravalli Village

An extent of 15.42 acres of land, in survey Nos 771, 772 774 and 775 of Morvapalli Village, hamlet of Mungilapattu of Kothapalli Revenue village of Chandragri Mandal was granted as assigned to seven Dalit landless poor (*Madiga* community). The relevant documents were issued by Thasildar, Chandragiri, dated 27-8-1938, *vide* his order Rc 148/47 and issued DK *pattas*. The details of assignments are given below:

S. No.	Survey No.	Extent (in acres)	Name of Assignee	Present heir
1	771/1-4	2.84	Sangeetam Chennaiah	S.Venkataswamy
2	772/4	1.95	Dandugan Yellaiah	D.Gangulaiah
3	772/2	1.05	Sangeetam Chengaiah	S.Kannaiah
4	772/3 772/6	1.58 1.55	Sangeetam Gangulaiah	S.Gangulaiah
5	774/1	2.04	Sangeetam PeddaGuravaiah	S.Siddaiah
6	774/4	1.45	Sangeetam Pedda Mogaiah	S.Doraswamy
7	775/1	2.99	Mallarupu Gangulaiah Guardian Nagamma	M. Gangulaiah

Source: Appeal No: MW 6938/03: E4/0545 dt 4-11-03 by Bhoosamskaranaala Karyacharanodyamam, Chittor Dist, p : 2

The assignees cultivated the land up to 1969 without any one hindering them. Unfortunately forced by severe economic problems they deposited their pattas and affixed thumb impressions on blank promissory notes in lieu of their respective borrowings. This happened between the 1961-1980. During this period the

entire extent of assigned land changed hands from real assignees to the upper caste people (most of the land to P. Krishnama Naidu and D.Doraswami Naidu Family). 2.96 acres were “sold” in 1969, 0.43 acres in 1974, 0.50 acres in 1976, 0.50 acres in 1977 January 4th, 1.14 acres in 1977 April, 1.04 acres in 1978 and 2.93 acres in 1989 respectively. The reason for each of them to “sell” their assigned lands is an interesting study.

5.9.1 Case - 1

An extent of 2.04 acres was originally assigned to Sangeetham Pedda Guraviah in S.No.774/1 in 1938 by the then Tahsildar of Chandragiri Taluk. Guruviah owed an amount of Rs.1500/- to Paladugu Krishnamanaidu. In 1968 Krishnamanaidu called Guruviah to his house and pressed for repayment of his loan amount immediately. When the assignee, Guruviah expressed his inability to do so, Krishnama Naidu forced him, to part with the 2.04 acres in S.No.774/1 which was in his enjoyment. Guruviah was given to understand that he was mortgaging his land to Krishnamanaidu till such time as he repays the loan amount to Krishnama Naidu. Agreeing to the conditions, the assignee Pedda Guruviah, his wife and son Sangeetham Siddiah, all illiterate, affixed their thumb impressions on the deed document assuming that it was a mortgage deed. When after a few years, Siddiah saved Rs.1500/- and went to Krishnama Naidu to return the money and reclaim the land, the landlord dismissed him saying that the land had been registered in his name long ago on 21-7-1973 and on 20-6-1968. As one can see the above transaction was not done in good faith and for valuable consideration. The transaction should

attract action by the concerned authorities under Sec.7 Sub. Sec. 7, Sub. Sec. 1 Andhra Pradesh Assigned Lands (prohibition of transfers) Act, 1977.

5.9.2 Case - 2

In the case of Mallarapu Gangulaiah S/o Mallarapu Subbaiah who was a young orphan in 1969 under the guardianship of his aunt Nagamma, P. Krishnamaanaidu, approached her to part with the lands under S.No.775/1 to an extent of 2.99 acres promising to look after the welfare of the orphan boy and perform his marriage as well if she were to part with the above land in his favour. He thus obtained Nagamma's approval and thumb impression on the registered Sale Deed No: 37, dt.29-1-1969. It is common knowledge in the village of Moravapalli that all that Nagamma got out of the bargain was a goat and the promised money for the sale never came through.

5.9.3 Case-3

The plots of land acquired from the original assignors and/or their descendent in S.No.772/2 to an extent of 1.05 acres, S. No. 772/3 to an extent of 1.58 acres and in S. No. 772/6 to an extent of 1.55 acres from S.Nagiah, Erraiah, Chengaiah, S.Ganguliah and his son Subramanyam, are through secondary sales, acquired by P. Krishnama Naidu. 1.95 acres in S.No.772/4 were in the possession of Dandu Yelliah, the original assignee. His wife fell ill in 1962, so he borrowed some money from one Volet Peddabba Naidu of Moravapalli mortgaging the land. After two years when Yelliah went to return the money taken as loan and reclaim his land, he was informed that it was already given in exchange to one Nellore Pardesi

Naidu. P. Krishnama Naidu acquired the above land from Pardesi Naidu. All the above transactions were of a similar nature resulting primarily from money lending activities of P.Krishnama Naidu and other farmers of the villages who had earlier acquired these lands.

5.9.4 Case - 4

Enquiries from the village of Moravapalli, the native place of Krishnama Naidu also confirmed the money lending profession of P.Krishnama Naidu. More than anything else, the deed of mortgage executed by Nagiah alias Pedda Moogiah in favor of P.Krishnama Naidu in S.No.774/4 measuring an extent of 89 cents against a loan of Rs.1000/- together with interest till such time as it is repaid on 2-4-1974 was sufficient proof for the same. So it was clear that the transactions entered into by P.Krishnama Naidu were not in good faith and for valuable consideration. So he cannot seek protection of Sec. 3, Sub. Sec. 5 of the A.P. Assigned Lands (Prohibition of Transfers Act, 1977. On the contrary, these transactions should attract action by concerned authorities under Sec.7, Sub Sec.1 of the above Act.

5.9.5 Case - 5

The land in S.No.771/1-4 to an extent of 2.84 acres was assigned to Sangeetham Changiah originally in 1938. Chengiah had borrowed Rs.350/- from one Nagamma Naidu s/o Y.Vengama Naidu of Moravapalli. When Chengiah died, Nagamma Naidu, egged on by Devabhaktuni Doraswamy Naidu, demanded repayment of his loan amount from the widow of Chengiah, Sangeetham Yellamma. When she expressed her inability to repay the loan he immediately suggested that she part with 1.42

acres, which would accrue to her as her share of the above property. Bowing to the pressure, Yellamma put her thumb impression on the sale deed papers along with her son S.Venkataswamy. The above land was later acquired by D. Doraswamy Naidu in the name of his wife D. Kamalamma.

From the above narration of cases it is very evident that the nature of these transactions, whether the land was alienated to P. Krishnama Naidu who acquired 8.55 acres out of the 15.42 acres assigned to the poor SCs of Moravapalli, or to other ryots, all follow a similar pattern. Due to financial stress, the assignees or their descendents approach the wealthy ryots of the village for loans. Either immediately or later the assignee's land is acquired by the creditor / loaner either as lease / mortgage or sale. At times the debtor / loanee/ assignee's have been given to understand that he/she would get back the land soon after repayment of the loan (which is often a paltry amount.) The land once alienated continues to be in the possession and enjoyment of the creditor/loaner/money-lender/well-to-do ryot, despite the passage of the Andhra Pradesh assigned lands (prohibition of transfers) Act, 1977. It is thus very evident that the above transactions were not in good faith and for valuable consideration, a critical feature of Sec. 3 Sub.Sec. 5 of the Andhra Pradesh / Assigned Lands (Prohibition of Transfers) Act, 1977, for any such sale/alienation to be valid for transactions done prior to 21-1-1977.

As a matter of fact due to lack of awareness about these acts and their economic problems they sold their land. The assigned lands changed two or three hands finally and presently it exists in the hands of two dominant upper caste people

namely Krishnama Naidu and Doraswami Naidu. These two persons cleverly bribed the Thasildar and got the fake patta pass books on 25-5-1977 (issued order L.Dis. No 8/ 43610). Fortunately "Bhoosamskaranala Karyacharanodayamam Committee" had extended their activities into this village and had educated the people regarding their land rights. The assignees, who had lost their lands, made their problems known to this committee. With the support of the organisation the original assignees appealed the MRO to do justice to them. After due enquiry, the MRO Chandragiri passed orders in his proceedings Dt. 14-08-1996 in favour of real assignees and also delivered possession to them on 16-08-96.

Aggrieved by the order of MRO, the upper caste people have filed a Writ Petition in W.P.No.17845/96 before the Hon'ble High Court of A. P. Hyd. Meanwhile they also approached the Tirupati Civil Court and obtained an "*Exparte Permanent Injunction*" against the descendents of the assignees from entering the above land. With the support of MROs order and Bhoosamskaranala Karyacharanodayamam Committee, the descendents of the assignees entered into the land and ploughed them on 3-4-1996. With this activity the upper caste people - the sons of Doraswamy Naidu and agents of Krishnama Naidu - who were illegally enjoying this land, beat up these Dalits on 4-9-96 in front of the Heritage Factory at Kasipentla. The Dalits then held protests in front of the Police Station and filed a case under PoA (Prevention of Atrocity 1989), but later it was compromised with money and political power at primary level. Upto 12-11-2002 the land possession was enjoyed

by the two upper caste people. On 12-11-2002 the High Court disposed the W.P and directed the petitioners to file appeal before the next appellate authority, the RDO in Tirupati. The RDO in turn confirmed the orders passed by the MRO *vide* his proceedings D. D is G / 2594 / 02 dated 08-08-2003.

The petitioners have again filed a Writ Petition in W. P. No 17827/2003 against the order of RDO, Tirupati. The Hon'ble High Court in its order dt.25-09-2003 in W.P.No. 17827/2003, disposed off the Writ Petition filed by the appellants at the admission stage itself. The high court order is as follows:

“Without expressing any opinion on the question raised by the counsel for the petitioners, liberty is given to the petitioners to approach the revision authority within a period of two weeks from the date of receipt of a copy of this order. As and when such revision is filed, the revisional authority shall pass appropriate orders in accordance with law after giving notice to the petitioners. Learned counsel for the petitioners submits that even while the matter is pending before the appellate authority, there was an order of **status quo** as to possession. If the land is not resumed or the land is not assigned to landless poor persons, **status quo** shall be maintained as on today with regard to possession”

The petitioners, P.Krishnama Naidu and five others again filed an appeal petition before the joint Collector, as per the directions of the Hon'ble High Court. The case was taken on file and notices were issued to both parties. The case was posted for initial hearing on 6-11-2004 and underwent several adjournments. The advocate for the respondents filed memo on 29-10-2005

and advocate for the appellants filed written arguments on 27-12-2005. The case was finally posted for hearing on 26-08-2006. The JC gave the Judgment in favour of the real assignees and stated that restoration of the land in favour of purchasers cannot be considered.

Order of the Joint Collector

“I therefore hereby order that the orders passed by MRO, Chandragiri in progs.NO.A/152/96,dt.14-8-96 is appropriate and as per rules and hence I find no reason to interfere with the above orders of MRO. Accordingly, the revision petition is dismissed”.

Thus finally the descendents of the assignees got the land and since that date are cultivating the land without any problem.

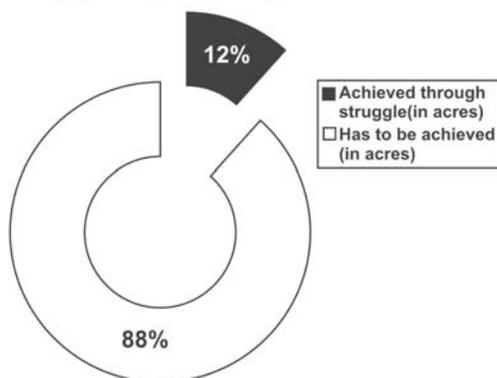
Summing up

The case studies reveal to us how the poor gullible dalit agricultural labourers are dispossessed of their lands and the tortuous route that they have to travel to get justice. The very systems established to protect the interest of the poor, landless agricultural labourers especially, of the dalit community, become their biggest hurdle in justicing their rights. Every loop-hole of law becomes handy to the land grabbers to try and retain their ill gotten possessions with the connivance of both police and the revenue officials. It is small mercy that once in a while they find support from the courts and concerned officials.

Lead by mass organisations and NGOs committed to taking up land struggles the dalit agricultural labourers and other landless people

are waging a relentless battle to gain access to land. These struggles are every where. Dalit Bahujan Shramika Union (DBSU) working in 16 districts*, covering just 10 mandals per district has documented the struggles being taken up by its members. The area under dispute is around 1,22,188 acres. Out of this total dalits have gained access to around 14,359.23 acres of land through struggles. This works out to just 11.75% of the land for which struggles is on. The road is long and right in the forefront are dalit women shoulder to shoulder with the men and some times leading their men in many of the struggles. In three districts they lead from the front taking the responsibilities of guiding the district union as district secretaries.

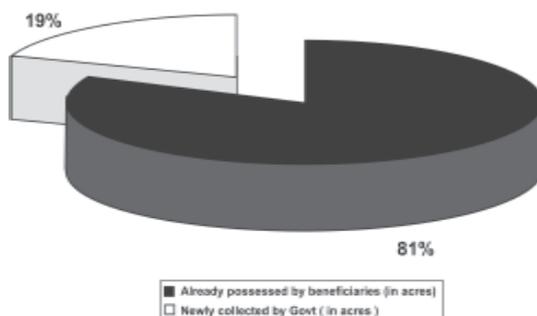
Percentage of land Achieved Through Struggles by DBSU up to 2006



All this churning on the ground did wake up the political class and the slumbering administration. The present Congress government embarked on a land distribution programme. During 2005-2006 about 4.3 lakh acres were distributed to 3.2 lakh landless poor. Private studies have however observed that most of the lands shown as distributed were already in the possession of the beneficiaries. For instance the AP government distributed nearly 1,11,330.86 acres on 19-10-

2006 in its third land distribution programme. But out of this total land 82 per cent of land was already under the possession of the beneficiaries. Only 18 percent of the land had been new assignments.(the details can be seen in the Table 1.25). As a matter of fact this land distribution programme is nothing but the official confirmation of existing possession.

The facts data of third time land distributed by AP Govt on 19-10-2006



All this indicate the enormity of the struggles that are being waged daily by a community that has been for generations deprived of their right to even a small piece of land that they can call their very own. Compare it with the ease with which the hawkers of today's globalised economy gain access to immeasurable extents of land just for the asking. Couple that with the government's efforts to dilute the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 by the enactment of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 2007- Act 8 of 2007 (for full text see annexure 2), and one realises how difficult the process of reclaiming the lands lost by the poor will be. Concerned citizens and mass organisations had petitioned the governor against the proposed act at its ordinance stage with out success. Ostensibly aimed at restoring lands to those whose assigned lands were

alienated, the act purports to use the same for “public purpose”. It is another matter that these public purposes will be totally unrelated to the lives of the poor.

But every dark cloud they say has a silver lining. On the last working day before the High Court rose for the summer vacation, responding to a Public Interest Litigation filed by Inavarapu Surinarayana on behalf of Dalitha Bahujana Vyavasaya Karmika Union it gave a favourable order. The order reads (.....in the meanwhile the respondents and officers working under them through out the state of Andhra Pradesh are restrained from regularising in any manner whatsoever, transactions involving transfer of lands in violation of Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977).¹

Dalit community has found its feet and is willing to march on their own steam, under their own leadership in search of that elusive goal of securing their share of land. They also realise that in this effort they will need the support of all progressive thinking citizens and human rights organisations. There is no stopping the fight now for in this lies their identity, security and future.

“Ours is a battle not for wealth or power, It is a battle for the reclamation of human personality”

- Dr. B. R. Ambedkar

* Chittoor, Nellore, Prakasam, Guntur, Krishna, East & West Godavari, Vishakapatnam, Vijayanagaram, Khammam, Nalgonda, Warangal, Mahaboobnagar, Rangareddy, Kadapa, Srikakulam

Table: 5.1 Details of Pending Land Cases of SC/ST with the Government

Sl. No.	District	No. of Land cases	No. of Acres
1	Chittoor	91	7246.05
2	Eastgodavari	81	2220.46
3	Guntur	2	23.34
4	Krishna	6	504.93
5	Mahabubnagar	46	755.54
6	Nellore	1	140.00
7	Prakasam	31	718.36
8	Rangareddy	86	5129.69
9	Vishakapatnam	8	549.00
10	Warangal	6	145.63
	Total	345	17433.00

Table: 5.2 District wise and Category wise Assignment of Government Land during 26-01-2005 and 21-08-2005 (area in acres)

District	Total allotted land	Total beneficiaries	Social group wise			
			SC	ST	BC	Others
Srikakulam	19338	19258	2530	8122	5866	2740
Vizianagaram	9798	9444	2630	2933	3656	225
Visakhapatnam	36771	18860	1479	11820	4177	13584
EastGodavari	7860	4117	681	2772	412	252
WestGodavari	10962	10629	3887	609	3843	2290
Krishna	8125	7762	3382	429	2647	1172
Guntur	6098	5166	1857	1034	1416	797
Prakasam	20400	13548	6132	799	3749	2688
Nellore	28728	23235	8975	3511	7619	2665
Chittoor	9408	7940	3338	697	2361	1323
Cuddapah	14978	8868	3464	643	2228	2338

¹ For the full text of the order see annexure 3

District	Total allotted land	Total beneficiaries	Social group wise			
			SC	ST	BC	Others
Srikakulam	19338	19258	2530	8122	5866	2740
Ananthapur	15727	6727	1826	700	2930	1202
Kurnool	12420	6861	2382	502	3254	502
Khammam	9224	6580	1515	3348	1149	439
Warangal	6630	6531	2011	1869	2465	167
Karimnagar	8997	11469	5702	865	4464	403
Adilabad	25850	10497	2220	5104	2784	320
Medak	32287	29825	10397	2404	14256	1554
Mahabubnagar	10835	8010	2929	959	3634	452
Nizamabad	949431	7535	2090	1625	3288	359
Nalgonda	16334	15019	4826	3558	5699	829
Rangareddy	5338	3254	1029	629	1322	236
Total	325639	241135	75282 (31.22)	54932 (22.78)	82919 (34.39)	24337 (11.61)

Source: Chief Commissioner of Land Administration, Govt. of Andhra Pradesh, Note Figures in the parenthesis indicates the percentages

Table: 5.3 Details of Land Problems recorded in 14 Districts of Andhra Pradesh Till 2006

S. No.	Type of problem	Extent of area (in acres)	Achieved through struggle (in acres)	Has to be achieved (in acres)
1	Land in occupation but till deed(patta) not given	19195.19 (100.00)	6802.97 (35.44)	12392.22 (64.56)
2	Patta(Title deed) given by govt but land not given possession	9334.50 (100.00)	1270.64 (13.61)	8063.86 (86.39)
3	Land illegally alienated from Dalits by dominant castes (OCs)	13700.77 (100.00)	1331.59 (9.72)	12369.18 (90.28)
4	Land held by ineligible dominant castes in Benami (fictitious/false) names	14063.16 (100.00)	1641.74 (11.67)	12421.42 (88.33)
5	Land in occupation of Dalits but in dispute between forest and revenue departments	9933.85 (100.00)	1918.46 (19.31)	8015.39 (80.69)
6	Temple lands in occupation of Dalits but are now being threatened of eviction	11362.24 (100.00)	645.32 (5.68)	10716.92 (94.32)
7	Land in illegal occupation of ineligible dominant castes (OCs)	34,396 (100.00)	—	34396 (100.00)
8	Ceiling surplus, Bhoodan land Dalits are struggling for	4741.95 (100.00)	586.07 (12.36)	4155.88 (87.64)
9	Pending in Courts	5460.34 (100.00)	162.44 (2.97)	5297.90 (97.03)
	Total Land	122188 (100.00)	14359.23 (11.75)	107828.77 (88.25)

Source: DBSU, working Report. Note: Figures in the parenthesis indicates the percentages in total problematic land issue based

Table: 5.4 Net Availability of Surplus Land in Andhra Pradesh, 2006

District	Geographical Area in hect.	Area under litigation in acres	Area surplus declares in acres	Area distributed in acres	Net availability of ceiling surplus in acres	Cultivable waste in acres	Total available extent for distribution	Area available for distribution as per Govt. records
Adilabad	1620381	8787	61290.8	47148.86	5554.94	39815	45169.94	0
Anantapur	1913492	6642.53	64049	56856.19	550.28	129507.5	130057.78	0
Chittoor	1498770	5165.01	16265.28	9584.49	1515.78	98822.5	100338.28	0
Cuddapha	1537838	1408.81	11612.11	5320.29	4883.01	177500	182383.01	1408.81
East Godavari	1081843	19064.5	34347.69	14534.8	748.39	41715	42463.39	49.81
Guntur	1132824	1252.4	9418.78	7427.56	738.82	89650	90388.82	0
Karimnagar	1188499	2545.39	39218.94	28289.45	8348.1	48085	56433.1	0
Kahammam	1580936	23989.68	55744.54	29684.2	2070.66	52702.5	54773.16	0
Krishna	879694	8053.46	22379.9	13390.81	935.63	72877.5	73813.13	0
Kurnool	1760034	5115.31	65619.47	60351.87	152.29	196428.22	196580.51	99
Mahabobnagar	1847241	4769.08	51247.03	44088.76	2389.19	37060	39449.19	0
Medak	951903	15666.11	59736.66	42386.01	1234.54	41282.5	42517.04	109.3
Nalgonda	1422324	5384.44	42776.74	33370.53	4021.77	70407.5	74429.27	0
Nellore	1316042	5528.09	64988.89	56396.51	3064.29	221280	224344.29	173.63
Nizamabad	806215	429.34	14595.2	12948.34	1217.52	37697.5	38915.02	0
Prakassam	1714062	1647.4	17957.06	15867.28	442.38	158307.5	158749.88	0
Pranga Reddy	753247	17382.54	58178.99	33522	7274.45	53982.5	61256.95	0
Srikakulam	584290	1722.07	9915.68	8168.27	25.34	1175	1200.34	0
Visakapatnam	1134284	882.66	12759	10642.43	1133.9	22245	23378.9	34.99
Vizayanagar	630038	2943.98	11239.66	6475.62	1820.06	10365	12185.06	63.56
Warangal	1283552	4234.74	52748.98	37215.98	11298.26	85202.5	96500.76	0
West Godavari	779538	4770	13821	8114.84	936.16	62735	63671.16	95.91
Hyderabad	23002					7607.5	7607.5	
Total	27440049	147384.54	786577	582235.09	60155.76	1756450.72	1816606.48	2035.01

Table: 5.5 The facts data of third time land distributed by AP Govt on 19-10-2006

Name of the District	Distributed area by	Already possessed by beneficiaries (in acres)	Percentage in total distributed land	Newly collected by Govt. (in acres)	Percentage in total distributed land
Srikakulam	6618.29	6597.69	99.69	20.6	0.31
Vijayanagaram	6000	6000	100.00	0	0.00
Vishakapatnam	5878	5878	100.00	0	0.00
East Godavari	2247	2247	100.00	0	0.00
West godavari	5002	4865.93	97.28	136.07	2.72
Krishna	1947	1911.25	98.16	35.75	1.84
Guntur	3975	3182.56	80.06	792.44	19.94
Prakasam	6731	3439.07	51.09	3291.93	48.91
Nellore	6008	2843.75	47.33	3164.25	52.67
Chittoor	8050	4975.97	61.81	3074.03	38.19
Kadapa	6902	2505.67	36.30	4396.33	63.70
Ananthapur	11705	11667.54	99.68	37.46	0.32
Kurnool	4770	3967.67	83.18	802.33	16.82
Mahaboobnagar	3593	2655.75	73.91	937.25	26.09
Medak	4786	4641.65	96.98	144.35	3.02
Nizamabad	4202	3395.9	80.82	806.1	19.18
Adilabad	4725	3942.49	83.44	782.51	16.56
Karimnagar	5502	4758.94	86.49	743.06	13.51
Warangal	4545	4515.7	99.36	29.3	0.64
Khammam	3250	2962.85	91.16	287.15	8.84
Nalgonda	4350	4088.62	93.99	261.38	6.01
Rangareddy	595	595	100.00	0	0.00
AP	111381	90638.71	81.38	20742.29	18.62

Annexure - I

Assembly Proceedings of Vengamukkalapalem Land issue

Discussion on the incident of six Dalits trying to commit suicide resulting in one person's death in Ongole Collectorate on 19-7-2004

Mr. Speaker: Yesterday the Home Minister has read out a statement regarding the incident in Ongole. Members can ask one or two clarifications on the issue.

Sri Chenyala Venkatrao: Mr. Speaker Sir! The incident in Ongole is very unfortunate. I bring to the notice of the House the death of one Dalit person by committing suicide and five others struggling for their lives in the hospital. The incident of attempted suicide a month back on 21st June was taken up in the House by Hon. Member Kishan Reddy garu on 23rd. Hon. Home Minister has replied to this. The Government did not take any action since last once month. Justice was not meted out to them and that is why this incident has occurred today. The Congress Government is not sincere in the issues of Dalits. This is not suicide. I submit that this is the murder of Dalits by the Congress party. If action was taken that day itself, today we wouldn't have lost a valuable life. This has happened due to the negligence of the district administration. In the past when Sivareddy garu has begged for security in the same house, the Government did not provide any protection. Ultimately, his life was taken. The people of the state are watching what is happening. We are incurring crores of rupees expenditure to conduct the meetings of the House, but the Assembly has no meaning if protection is not provided to the needy. Yesterday the Home Minister made a statement. We are asking for only one thing. This Dalits problem is present all over the state. The issue of Dalits being given lands and pattas but not having possession of the land is not limited to Ongole only, it is all over the state.

(Interruption from the members of the Congress Party.)

Mr. Speaker! Let me talk. Doesn't a Dalit has right to speak in this House? If we are talking about this issue in the Assembly today, thanks are due to Ambedkar. I appeal to all my brethren, all should respond to this issue irrespective of the Party to which they belong. Otherwise we will not be able to talk on such issues in the future. I appeal that it is not just to interrupt in this manner while I am talking. I request the Government to announce an ex-gratia of Rs. 10 lakhs to the kin of the dead person. The Hon. Minister should specify the time within which this demand would be fulfilled. The Minister said that (the government has) conceded some demands while some demands were not conceded. There is no clarity in this. These days importance is not given to the issues of the Dalits. I demand that the family of the dead person Hanumantha Rao be paid an ex-gratia of Rs. 10 lakhs. The dead person's wife should be provided with a Government job, his family should be given a pucca house and agriculture land of 2.5 acres. The families of five persons who have attempted suicide by consuming person and who are undergoing treatment in the Guntur Hospital should each be given an ex-gratia of Rs. 2 lakhs. As this incident occurred as a result of the negligence of the district administration, I demand that the Government should take action on the

Officers present there and the MRO. If the Government is really concerned about the issues of Dalits I demand that justice be done.

Sri G. Sayyanna (Secunderabad – Cantonment): Mr. Speaker, the Home Minister explained the incident that occurred yesterday in Ongole by making a statement. On 19.7.2004 six Dalit youth talked to the Collector in the Collector's Office on the first floor. They said that the Government has taken over their land and demanded that the land be given back to them, to which the Collector did not agree. The Collector said that they will be provided land elsewhere by procuring it through the S C Corporation. The youth did not agree to this and attempted suicide demanding that their land be given back to them. Earlier to this incident about a month back when these youth have attempted suicide by sprinkling kerosene over them, the BJP Hon. Member Kishan Reddy garu raised this issue in Zero hour and brought it to the notice of the Government. We were told that replies to the issues raised in Zero hour would be provided within three days or at the most within five days. But there was no reply on this issue? What did the Government do? Dalits have undertaken relay hunger strike for the past 45 days in the Ongole Collectorate. If the Government would have considered the issue and taken action one Dalit person's life would have been saved. Is this not a sin? We are told that the issues raised by members in the Zero hour are being noted down and that appropriate actions would be taken. What did you do after noting down this issue? Why this Assembly if action is not taken up on the issues raised here? Why this Zero hour? If the Government would have taken action since the ongoing relay hunger strike for 45 days the Dalits wouldn't have attempted suicide the second time and there wouldn't be this unfortunate death. Nowhere has the Government taken back the lands given to Dalits. But this has happened in 1990. Court has ordered that the land be given back to the Dalits. Despite this the same land was given as pattas to others and injustice was done to the Dalits. This resulted in the death of Hanumantha Rao, belonging to a Dalit family. He is a youth of 20 – 25 years. His family is left in the dark. That is why his family should be paid an ex-gratia of Rs. 10 lakhs. This is an issue of land struggle. The person did not commit suicide because of any problems. The Government should have come to the rescue of the Dalits as in the case of the farmers. But this did not happen. No action was taken even after 45 days of bringing it to the notice of the Government. And the Dalit committed suicide with lot of anguish. What has the Government to the Dalits who are struggling for their lands? I take leave with the demand that in the Ongole incident the dead person's family be given an ex-gratia of Rs. 10 lakhs and the dead person's wife be given a Government job.

Sri G. Demudu: Mr. Speaker, we should understand what has happened prior to the Ongole Collectorate issue. Whatever has happened we cannot bring back the dead to life. Government should take measures so that such issues do not get repeated. In the Ongole Dalits land issue, in 1970 21 SCs were given 31 acres of land in the S. No. 122/10 and 122/12.

This land was given for agriculture purpose. Before the officials give the land they should see whether it is suitable for agriculture. But the Dalits were given lands that were unfit for agriculture near the burial grounds, on the outskirts of the village. As the land was saline they could not take up

agriculture in this. They were not shown alternative land for agriculture. 31 acres of land was given to 21 members. Officials allocated part of the land for the construction of Power station, Water Scheme for 2 Town Police Station and the Police Station itself. As the land is saline it was not cultivated until now. House site plots were allocated in the same land for those who lost their house in the road widening. Some have even constructed their houses. Whatever happened has happened. Action should be taken against the officials who have erred. AS the 31 acres of land given to 21 members is not fit for cultivation I demand that the Government immediately provide land fit for cultivation to the suffering Dalit families, if need be they should even buy the land for the purpose. I take leave with the demand that the dead and those undergoing treatment in the hospital be paid ex-gratia.

Sri MA Gafoor: Mr. Speaker, the issue of Dalits should be handled very sensitively. When the land was given in 1970 they have all rights over them. Mr. Speaker Sir, does the mind change when ever the officials change? Once the Government alienates the land, isn't it their right? When the land was given two, three generations ago is it taken back with the change of Governments and change of officials? How can such an atrocity occur? Assistance should have been provided after finding out why they could not cultivate the land. The land should be restored to them immediately. It is gross injustice that the land is occupied by the Government departments. When the issue is raging from the past 45 days why the Collector did not bring it to the notice of the Government? Such an unfortunate situation has occurred and they are being oppressed. Such negligence and cold heartedness on their problems is not correct. The dead should be given ex-gratia. If there are educated persons in their families they should be provided with jobs. Even the British might show some pity, but the present district officials do not show sympathy towards those who are on relay hunger strike or hunger strike unto death. I request that this should be taken seriously and the district administration should respond immediately, take a decision and be steadfast on it.

Sri L. Rajarao (Paderu): Mr. Speaker, there is negligence on the part of the officials and the Government in the issue of Dalits attempting suicide in Ongole Collectorate. Hon. Member Kishan Reddy garu brought this to the notice of the government when they attempted suicide. However, the Government did not take any responsibility to save them. Why was the land given to them was taken back? In the past when these persons approached the District Collector they were not given interview and their problem was neglected. Home Minister garu in his statement said that Nattala Anil, Kasukurthi Rajanikanth, Chundu Baburao were shifted to the Guntur Government Hospital for better treatment and that Nattala Hanumantha Rao was not shifted for better treatment. When his condition was critical and needed better treatment, why was he not taken to a better hospital? The negligence of the officials in issues related to the Dalits can be seen in every aspect. As they are financially backward we should think of a permanent solution. In Narayankhed a (Dalit) student who went to offer a coconut (in the temple) was beaten up. The villagers were not provided with work and were socially boycotted. I submit to the Government that the problem would be solved if the landless SC, ST and Minority people are given 5 acres of land each in the command area of the 26 projects.

Sri P. Srinivasa Reddy (Kovuru): Mr. Speaker, as the local MLA I will put forth some facts in this issue. The Dalits who have attempted suicide were given provisional patta in the 1970. The Dalits cultivated these lands for a while. After canceling their pattas between 1996 – 2003 several pattas were given to others. During the Telugu Desam Government their pattas were cancelled and were allocated to others. Under the leadership of Balarama Krishnamurthy, who was then the Member of Parliament, injustice in of a permanent solution. In Narayanpeth of the officials in issues related to what was done to the Dalits and pattas allocated to others. Some of those who were given pattas constructed their houses and even named it as Balarama Krishnamurthy Colony. They are now blaming the present Government. This is not right. We are being blamed for the past mistakes. I bring to your notice it is the Telugu Desam Government that did injustice to the Dalits. Whatever happened has happened. I take leave with the demand that the Government should give ex-gratia to those people.

Mr. Speaker: Several people have spoken. I gave opportunity for two members from your side. Two Members have sought clarifications. Should I give to everybody? All of you give your opinion. What is this? I have already allowed two Members from your side. From the Ruling Party, only one Member is allowed. How can you go on like this? You wait for the Minister's reply.

Sri Karanam Balarama Krishnamurthy: Mr. Speaker, Ongole Member of Assembly Srinivasa Reddy has made an allegation. This is totally fictitious. They are adept at distorting the facts. This problem is sizzling for the past 40 days in Ongole. It is a fact that I was Member of the Parliament. I was told that the pattas were cancelled way back in 1996. I am not totally aware of these things. After I was elected as Member of Parliament Dalits such as domestic workers, rickshaw pullers, auto drivers have demanded for house sites in the encroachments; the Revenue department has assured them of pattas. As a result some of them were given pattas. However, the Member who has just spoken has said that a colony was constructed in my name. There is no such thing. I do not know where the Colony is. However, all this happened when this person was the Member of Assembly there. Our role as Member of Parliament is very limited. I want to know what they did at that time. The issue has not come to my notice. This issue is also of recent origin. Dalits have put up tents. Though the Dalits have attended the Zilla Parishad meetings they did not make any allegations against me. When the present Member of Assembly was entering the meeting the Dalits have obstructed him. Twice or thrice their problem was brought to the notice of the Commissioner. It is not correct to make such allegations out of thin air. In this context I convey through you that as a responsible Member of Assembly one should not talk without full comprehension of the issue. Several thousands were given pattas, but not in that place. Pattas were given in the surrounding areas. He is talking about the problem at other place and without being fully aware of the facts, this is not correct. A summer storage tank was constructed there. I do not know the survey numbers correctly. It is a fact that some development activities were taken up by the Government in that area. A sub-station was established there. Similarly a RTA office was established there. We are also demanding that justice should be done to them (that is the Dalits). There is about 120 acres of land there. As per the Home Minister's statement land was given way back in 1970. It was stated that 21 Dalits were given 31 acres. If one is concerned about the problem everyone should come together and think

about helping them. I demand that as the Members have raised be it be ex-gratia, or wherever it is agreeable to them land should be purchased and given to them.

Sri B. Srinivasa Reddy (Ongole): Mr. Speaker, the Hon. Member of Assembly stated that issue is raging since the last 40 days but he does not know what has happened before. Pattas were given when he was the Member of Parliament. Then I was Member of the Assembly. At that time the officials were connected to them and whatever we said was on deaf ears. Everything happened as per their wish. At that time Dalits were afraid of Balarama Krishnamurthy. You are aware of his conduct. Even in front of you...

(Interruption)

Now he is talking like this. Such distortion is not correct. All of you know about his character.

(Interruption from the Members of Telugu Desam Party.)

Mr. Speaker: What is this? Please take your seat now. The issue gets diverted when both the sides talk. Now the Minister will speak. Let the issue be not diverted. Minister for Home will give reply now.

Sri Karanam Balarama Krishnamurthy: Mr. Speaker: We were not in politics when the issue came up in 1970. I was not there when these were cancelled in 1996. I am not aware of it also. We only said that those who lost their houses in road widening, those who are living by petty trades and jobs be given land. We did not ask for their land. Such allegations are not correct. Another thing is that we have protested in some issues. We are not chicken hearted like them. If any issue is there we have the courage and strength to stand up. Do not try to gain mileage by making unnecessary allegations. I told that this is happening since 40 days, I did not tell that I do not know what is happening since the 40 days. However, I am not aware what has happened prior to that in this issue.

(Interruption from the Members of Telugu Desam Party.)

Mr. Speaker: You have clarified your point. No more. The issue should not be diverted. Please take your seat. Do not divert the problem. Nobody else. Please take your seats. Anything unparliamentary from either this side or that side will be expunged. Minister for Home will cover all the aspects in his reply.

Sri K. Jana Reddy: Mr. Speaker, the issue is that justice should be done to the Dalits, whatever has happened has to be rectified and justice should be meted out. There is obligation on the part of the Government, the government machinery to rectify the situation. In these aspects if the Members do not talk about their lapses and advise after thoroughly brooding on where it has happened, when it has happened and what is to be done, there is nothing to be objected to. However, I submit that the attitude of the opposition to pinpoint that the entire mistake is on the Government and limiting to only this aspect is not correct. Whenever the Government is either on that side or this side, one should not lose their temper. The problem should be comprehended fully. Right advice should be

provided, if needed the Government should be questioned to solve the problem and to function in the interest of the public. However, this is not happening. I request the Members to take note of this. Mr. Speaker, in 1970 21 Dalits were given 32 acres of land for cultivation. Our friends have just informed that either the land was not fit for cultivation, or though the land was fit for cultivation it was beyond their means and that it was not cultivated. Because of this alternative land was offered to them which they refused. Now you should reply to this. The Government is ready to provide alternative land as is being demanded by you. Mr. Speaker, I request you to make a note of what has happened first. Observing that the land was not taken into possession and that it was not being cultivated by them making use of the rules the then Government has canceled the assignment in 1988. This land was allocated for house sites in 1988. One has to note that after leaving the land given for house sites if the remaining land were assigned this problem would not have arisen.

Mr. Speaker, one has to understand the issue. In 1988 when the land was given to the house sites the Dalits have approached the courts. However, they did not follow the procedures and have requested for canceling the house sites and giving land back to them. The court has turned down their plea that they have not followed the procedure. The problem would have been resolved if the land were restored in 1988 itself. All these lapses wouldn't have occurred. Everyone should take note of this. About 900 people were given house sites in this land. Of these 300 are Dalits, 50 are Girijans, 250 Backward Classes and Others 300. Seven acres were allocated to Regional Transport Office, NCC was given one acre 24 guntas land, AP Transco 1 acre 3 guntas. In this manner about 193 acres was allocated in S. Nos. 122/1012 6,7. 29 acres were given to police on cost for housing sites. This help was long due to them. As the prices were increasing they wanted possession on their land. Added to this upon instigation by some Bhoo Porata Samithi has taken up agitation on June 4th. Starting from that day they organised relay hunger strike upto June 21st. When they attempted suicide on the 21st the police immediately came to their rescue and prevented them from it. The issue was brought to the notice of the Collector immediately for redressal. One has to note that by then pattas were given and they were in possession of the pattas. Earlier the court found fault that the right procedure was not followed, now if anything has to be done immediately the same thing might recur again. Collector has repeatedly requested for time to solve the problem. Before the issue could be solved the movement leaders and the petitioners once again approached the Collector. We have invited all of them on 19th itself and discussed all the issues. The Collector told three things at that time. He said that land would be taken back from those who have not constructed their houses and part of the land given to the AR Police and arrangements would be made to give the 30 acres of land assigned to them for which some time would be needed. Government has already issued orders giving land to some. In 2003 land was given to the police. If the Government has to give the land again he said that he would write to the Government and get the orders. But the petitioners who were animated have attempted to consume the poison. The police also tried to stop them. The situation of one or two persons was critical. The Members were requesting for help to these persons. Attempts were made to provide better facilities immediately. He was in critical stage and moving him would have cost his life. So he was given assistance without moving from there. As others were slightly conscious they were immediately taken to the Guntur Government hospital. They did not agree to the proposal of providing them with land by buying it elsewhere. This problem is in existence since 20 years. If the problem was solved long

back this situation wouldn't have arisen. It is not enough if one owns up responsibility for the 21st incident. One should think who is responsible for not solving the issue since 1988. This Government has tried to solve the problems of the Dalits, Dalit leaders and the deceased families by all means. It was assured that a house site plot under Indira Awas Yojana will be allotted to Sumalatha, wife of the deceased and five acres of dry land somewhere in the district will be allotted to the wife of the deceased as per the eligibility. The widow of the deceased will be provided a job in the Social Welfare Hostel. NSFDC loan will be sanctioned to the mother of the deceased. It was assured that Rs. 1.5 lakh will be arranged to the wife of the deceased and RS. 10,000/ to each of the persons who are in the hospital at Guntur.

Note: The Assembly Proceedings (Telugu) free translation into English by K. Suresh

భూములపై నెరవేరని 'ప్రకాశం' కలెక్టర్ హామీ

దళిత యువకుడి ఆత్మహత్య

కలెక్టరేట్లోనే పురుగుమందు తాగిన మరో ఐదుగురి స్థితి ఆందోళనకరం

ఆస్పత్రులో చికిత్స పొందిన మృతి చెందిన హనుమంతరావు, పక్కన చికిత్స పొందుతున్న వారిని చూస్తున్న ప్రకాశం కలెక్టర్ ఉదయలక్ష్మి, ఎన్టీ మహేంద్రవంశీ, జెసి బలరామయ్య

ఒంగోలు సీట్. జూలై 19, ప్రభావరావు డాన్సి నిరసిస్తూ నెల నుంచి విడతలవారిగా దళితులు ఆందోళనా కార్యక్రమాల్ని చేపడుతూనే ఉన్నారు. అధికారులనుంచి ఎలాంటి స్పందన లేకపోవడంతో సోమవారం మధ్యాహ్నం మూడు గంటల సమయంలో వెంగళముక్క పాలెంకు చెందిన ఆరుగురు దళితులు పురుగుమందు తాగి ఆత్మహత్యాయత్నం చేశారు. వారి పరిస్థితి ఆందోళనకరంగా ఉండటంతో రాత్రి 8 గంటల సమయంలో గుంటూరు ప్రభుత్వ ఆస్పత్రికి తరలించారు. వీరికి ప్రాణాపాయంలేదని వైద్యవర్గాలు చెప్పినప్పటికీ కుటుంబీకులు, బంధువులు మాత్రం తీవ్ర ఆందోళనలో ఉన్నారు. వారు భయపడినట్టే ఆరుగురిలో ఒకరు మరణించారు. ఆత్మహత్య

యత్నం జరిగినప్పటి నుంచి ఒంగోలు ప్రభుత్వ ఆస్పత్రి, కలెక్టరేట్ వద్ద ఉద్ధిష్టావారణం నెలకొంది. తొలుత సోమవారం మధ్యాహ్నం 2 గంటలకు కలెక్టర్ ఉదయలక్ష్మి రాంబర్ వద్దకు భూముల విషయం మాట్లాడేందుకు దళిత నాయకులు పెద్దన్న, కను కుర్తి రాజారావు, సీతారాములు వచ్చారు. "సమస్యను పరిష్కరిస్తామని బాధ్యతలు స్వీకరించిన మరునాటిరోజు మీరు హామీ ఇచ్చారు. ఇప్పటివరకు సమస్యను పరిష్కరించలేదే" అని వారు ఆమెను ప్రశ్నించారు. అందుకు కలెక్టర్, "కమిటీవేళాను. పరిష్కారంకోసం మూడు ప్రతిపాదనల్ని కమిటీ ఆందజేసింది. వాటిలో

■ మిగతా 2లో

Annexure - II

THE ANDHRA PRADESH ASSIGNED
LANDS (PROHIBITION OF TRANSFERS) ACT, 1977 [259
Sec.4, Sy.1]

Registered No. HSE/49

[Price : Rs. 1-20 Paise.



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PART IV-A EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 35] HYDERABAD, TUESDAY, DECEMBER 19, 2006

ANDHRA PRADESH BILLS

ANDHRA PRADESH LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Andhra Pradesh Legislative Assembly on 19th December, 2006.

L.A. BILL No. 35 OF 2006

A BILL FURTHER TO AMEND THE ANDHRA PRADESH ASSIGNED LANDS (PROHIBITION OF TRANSFERS) ACT, 1977.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-Seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2006.

Short
title.
extent
and
Commencement.

H.333-1

111

2 ANDHRA PRADESH GAZETTE EXTRAORDINARY [Part IV-A

(2) it extends to the whole of the State of Andhra Pradesh.

(3) it shall be deemed to have come into force with effect on and from the 21st January 1977.

Amend-
ment of
Section 4.
Act 9 of
1977.

2. In the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, in section 4, in sub-section (1), for clause (b), and clause (c); the following shall be substituted namely:-

“(b) restore the assigned land, other than those lands/areas as may be notified by the Government from time to time in public interest and for public purpose:-

(i) to the original assignee if he or she is eligible as per the norms fixed in this behalf, as on the date of restoration for one time;

or

(ii) assign to other eligible land less poor:

Provided that where the original assignee or his legal heir, after the first restoration transfers the assigned land, the land shall be resumed for assignment to the other eligible land less poor:

Provided further that if no eligible land less poor persons are available in the village/area, the resumed land will be utilized for public purpose.

Explanation :- For the purpose of this Clause, “Public Interest” and “Public Purpose” shall mean and include, the Weaker Section Housing, Public Utility, Infrastructure development, Promotion of Industries and Tourism or for any other Public purpose;

December 19, 2006] ANDHRA PRADESH GAZETTE EXTRAORDINARY 3

(c) In the areas which may be notified by Government from time to time, lands resumed under clause 4(a) above, shall be utilized for public purpose only.

3. The Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Ordinance, 2006 is hereby repealed.

Repeal of
Ordi-
nance 10
of 2006.

AP notifies land law

By OUR SPECIAL CORRESPONDENT

Hyderabad, Feb. 9: The State government has decided against punishing people who voluntarily surrender their assigned land.

As per the AP Assigned Lands (Prohibition of Transfers) Amendment Act 2006, the copies of which were circulated to media on Friday, any person who volun-

tarily discloses and surrenders assigned land in his possession or who wishes to surrender such land within 90 days from the notification of the Act will be exempted from prosecution.

With this, Chief Minister Y.S. Rajasekhara Reddy, who surrendered his assigned land, will be exempt from the prosecution.

The Act empowers the government to takeover the

land from the violators and use it for public purpose.

As per the original Act, the land needed to be either restored to the original allottee or given to another eligible landless poor.

Apart from the weaker section housing, public utility, infrastructure development, the government has also included promotion of industry and tourism in the definition of public purpose.

4 ANDHRA PRADESH GAZETTE EXTRAORDINARY [Part IV-A

STATEMENT OF OBJECTS AND REASONS

According to sub-section (1) of section 3 of the Andhra Pradesh Assigned Lands (Prohibition of transfers) Act, 1977 any land assigned by the Government to a landless poor persons for purpose of cultivation or as a house site then, notwithstanding to the contrary in any other law for the time being in force or in the deed to transfer or other document relating to such land, it shall not be transferred and shall be deemed never to have been transferred and accordingly no right or title in such assigned land shall vest in any person acquiring the land by such transfer. Sub-section (2) thereof prohibits landless poor persons to transfer the assigned land and no person shall acquire any assigned land, either by purchase, gift, lease, mortgage, exchange or otherwise. According to sub-section (3) of section 3, any transfer or acquisition made in contravention of the provisions of sub-section (1) or sub-section (2) shall be deemed to be null and void.

Section 4 of the said act stipulates consequences of breach of provisions of section 3. According to clause (a) of sub-section (1) of said section 4, the District Collector or any other officer not below the rank of Mandal Revenue Officer authorized by him, if he is satisfied that any of the provisions of sub-section (1) of section 3 have been contravened in respect of any assigned land, is empowered to take possession of the assigned land after evicting the person in possession, in accordance with the rules prescribed thereunder.

Clause (b) of sub-section (1) thereof contemplates the said officer to restore the said assigned land to the original assignee or his legal heir or where it is not practicable to restore the land to such assignee or his/her legal heir, resume the land to Government to assign to the landless poor. The proviso thereunder, while prohibiting the restoration of the assigned land to the original assignee, makes it mandatory for the Government to assign the land after resumption to any other land less poor persons.

On account of rapid urbanization in certain areas i.e., Hyderabad, Visakhapatnam, Ranga Reddy Districts etc., most of the assigned lands

December 19, 2006] ANDHRA PRADESH GAZETTE EXTRAORDINARY 5

have been alienated by the original assignees and the lands were converted to non-agricultural use. It is found not possible to reassign these lands after resumption, either to the original assignee or his/her legal heir. It is also practically not possible to assign these lands to other landless poor persons, since the nature of these lands has been changed and they are not useful for agriculture purpose.

Keeping in view of the above said position, Government have decided to amend clause (b) of sub-section (1) of section 4 of the said Act empowering the Government to notify certain areas where the Government can resume the assigned lands and utilize them for public purposes such as Weaker Sections Housing, Public Utilities, Infrastructure Development or for any other public purpose in such areas as may be notified by it.

The amendment also proposes that in the areas other than those notified, the land can be restored once to the original assignee or it can be assigned to other eligible persons. However, if either the original assignee or no eligible landless poor are available in the village, then it gets restored to the Government for public purpose.

As the Legislative Assembly was not then in session and it has been decided to give effect to the above decision immediately, the Andhra Pradesh Assigned Lands (Prohibition of transfers) (Amendment) Ordinance, 2006 has been promulgated by the Governor on the 5th November, 2006.

This Bill seeks to replace the said Ordinance.

DHARMANA PRASADA RAO,
Minister for Revenue,
Relief and Rehabilitation.

Annexure - III

HIGH COURT

HCJ
&
CVNRJ

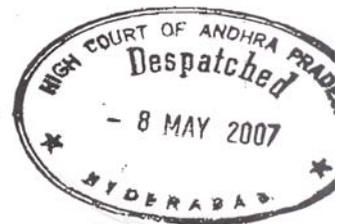
DATED : 01-05-07

NOTE : PUT UP ON 10.07.2007

ORDER :

WPMP NO.12381/07
IN
WP NO.9760/07

DIRECTION



**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

TUESDAY, THE FIRST DAY OF MAY TWO THOUSAND AND SEVEN

:PRESENT:

THE HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
THE HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

W.P.M.P NO: 12381 of 2007
IN
W.P.NO: 9760 of 2007

Between:

Dalitha Bahujana Vyavasaya Karmika Sangam,
rep. by its General Secretary, Iyanapurapu Suryanarayana,
S/o. Tirapayya, R/o.H.No.10-2-43, Pamuvuri Street,
Ramaraopeta, Kakinada, East Godavari District.

..... Petitioner
(Petitioner in WP.No : 9760 of 2007
on the file of High Court)

AND

- 1.The Government of Andhra Pradesh, rep. by its Special Chief secretary to the Government, (Revenue), Secretariat, Hyderabad.
- 2.The Chief Commissioner of Land Revenue, Government of A.P., Hyderabad.

..... Respondents
(Respondents in -do-)

COUNSEL FOR THE PETITIONER : SRI.V.RAJA MANOHAR
COUNSEL FOR THE RESPONDENTS :SRI SATYAPRASAD, SPL. GOVT. PLEADER

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the Writ Petition, the High Court may be pleased to direct the respondent not to regularize the illegal occupation of any land assigned to landless poor during, pending WP.NO.9760 of 2007 on the file of the High Court.

The Court while directing issue of notice to the Respondents herein to show cause as to why this application should not be compiled with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER :

“This is an application by the petitioner for issuance of a direction to the respondents not to regularize the transfer of land made in violation of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977.

Notice to the respondents.

Sri Satyaprasad, Special Government Pleader takes notice for respondents.

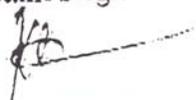
Reply be filed within six weeks.

In the meanwhile, the respondents and officers working under them through out the State of Andhra Pradesh are restrained from regularizing, in any manner whatsoever, transactions involving transfer of lands in violation of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977.

Put up on 10-07-2007.”

Sd/- T.S. Vasanthakesavulu
Assistant Registrar

// TRUE COPY //


for ASSISTANT REGISTRAR

To

1. The Special Chief secretary to the Government, (Revenue), Government of Andhra Pradesh, Secretariat, Hyderabad.
2. The Chief Commissioner of Land Revenue, Government of A.P., Hyderabad.
(ADDRESSEES 1 & 2 BY RPAD)
3. Two CCs to Sri Satyaprasad, Special Govt. Pleader, High Court Bldgs., Hyderabad. (OUT)
4. One spare copy.
5. One CC to SRI.V.RAJA MANOHAR, Advocate. (OPUC)

H.A.

HC bars regularisation of assigned lands Express News Service, Hyderabad May 1st

A division bench comprising Chief Justice G. S. Sighvi and Justice C. V. Nagarjuna Reddy today's bench directed the state government not to regularize transfer (of) any assigned land in the state.

The Dalita Bahujana Vyvasaya Karmika Sangham complained that the rich and influential section of the society had an eye on the land assigned to the poor and are making concerted efforts to usurp them.

The Court further directed the government authorities not to act against the Andhra Pradesh Assigned Land (Prohibition of Transfer) Act and admitted the writ petition and issued notice to the respondents.

Chapter-VI



Assigned lands' development is possible

B.D.A. Satya Babu Bose

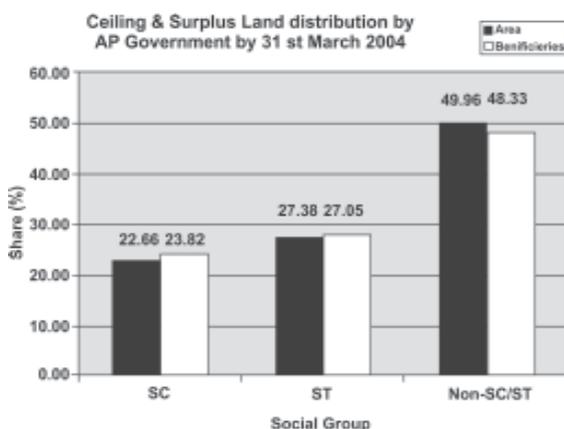
Assigned lands' development is possible

B.D.A. Satya Babu Bose

6.1 Introduction

In India, the agricultural labourers, peasants and various political parties struggled for more than a century for land reforms and for the entitlement of the land. The Constitution was amended 13 times to incorporate 277 land laws enacted by various State Governments till to date. As a result so far land rights were given for 156.31 lakh acres under tenant's rights, 73.35 lakh acres under land ceiling surplus, 147.44 lakh of acres under government wastelands and 21.75 lakhs acres under *Bhoodan* land to the poor. (Details Table 6.1). The broad objectives of the land reforms are to achieve an egalitarian social structure, land entitlement to the tiller, enlarge the land base of the rural poor and increasing agricultural productivity.

Graph 6.1



In the last 60 years, though land was given to the poor, it couldn't become a productive asset since the poor did not have the resources to

invest for its development. Despite being aware of this the government made no serious efforts to allocate funds so that the poor could make the land productive. For the first time in the 5th Five Year plan the Government made token allocations to help the assignees. The allocation in no way matched the intended requirement. The meager allocations in the budgets were the tangible evidence of the enormous gap in the wishing and the willing. This article takes a look at the government policy, its promise and its attempts to fulfill the same.

6.2 The initial attempts

While formulating the National Policy on land ceilings in 1972, the government felt that it would not be sufficient merely to distribute surplus land to the landless poor but it would call for support for its development. Because;

- The poor did not have financial resources
- The land given to the poor was of poor quality
- Unless the land became productive, the agriculture growth would not take place
- Without it rural employment would not be generated
- The poor would not be able to out of poverty and social misery

The Government of India, therefore, launched a

Table 6.1

Statement showing the distribution of ceiling surplus land as on 31st March, 2004

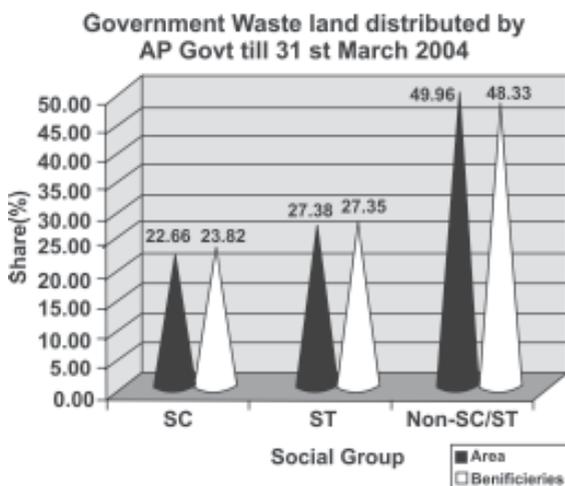
(Area in acres)

Sl.	States/UTs	Area Declared	Area donated	Area taken possession	Area Distribut. to indiv. Benef.	No. Total No. of benef.	SC/ST Beneficiaries			
							SC beneficiaries		ST beneficiaries	
							N.o.	Area	N.o.	Area
1. Ceiling & Surplus Land										
1.1	All India	73,35,908	-	64,96,897	54,03,277	57,46,410	20,69,179	18,02,199	8,44,438	7,82,411
1.2	Andhra Pradesh only	7,99,663	-	6,41,655	5,82,319	5,40,344	2,25,932	2,31,179	83,688	1,21,085
2 Bhoodan Land										
2.1.	All India	-	39,16,000	-	21,75,000	NA	NA	NA	NA	NA
2.2	AP only	-	2,52,000	-	1,10,000	NA	NA	NA	NA	NA
3. Govt Waste Lands										
3.1	All India	-	-	-	1,47,47,000	NA	NA	NA	NA	NA
3.2	AP only	-	-	-	43,21,376	23,98,053	5,71,127	9,79,315	6,67,869	11,83,273

Source: Annual reports 2004-05 – Ministry of Rural Development GOI & Velugu

scheme during the 5th Five Year Plan for giving financial assistance to the allottees of the surplus land. Rs.1,000 per hectare was given as an outright grant for both inputs / consumption for land development in one lump sum. Half of the amount was provided by the Central Government and the other half by the State Government. The programme which commenced in the year 1975-76, did not receive much attention as many of the State Governments were formulating land ceiling legislations and were developing rules to implement the Acts.

Graph 6.2



In the 6th Five Year Plan more emphasis was given for the development of the assigned lands by the Government of India. The plan said that 15.74 lakh hectares were declared as surplus by March 1980 in different states, out of which 9.56 lakhs hectares were taken into possession by the states and 6.79 lakh hectares were distributed. 11.54 lakh landless persons, of whom 6.13 lakh beneficiaries belong to the scheduled castes and scheduled tribes benefited through the land distribution. However, not much effort seems to have been made to assist the allottees to develop the land. In addition to

the distribution of ceiling surplus land, 20.1 lakhs acres of Government waste land were distributed during 1975-78. Majority of it was distributed to the scheduled castes, scheduled tribes and other weaker sections. It further says that the centrally sponsored scheme of assistance to allottees of ceiling surplus land, which was applicable only to areas other than where programmes of Small Farmer Development Agency (SFDA), Integrated Rural Development (IRD), etc. were in operation, will be continued, to cover the whole country in conjunction with assistance available from the IRD programme. The State Governments were asked to work out a specific programme of development of allotted lands so that the funds available under the scheme are meaningfully utilised. An allocation of Rs.30 crores was made from 1980-85 for this scheme in the Central Sector and an equal amount was expected to be provided as matching outlay by the States.

However, at the end of the 6th Five Year Plan it was realized the actual utilization of funds was very low because the States had not been able to provide their matching share. They also failed to submit the utilization certificates of the allotted funds which led to the non-release of funds by the Centre. It was also found that there was no linkage between this programme and the Integrated Rural Development Programme (IRDP) or the National Rural Employment Programme (NREP), Rural Landless Employment Guarantee Programme (RLEGP) which were implemented through Blocks and District Rural Development Agency (DRDAs). The land development programme was implemented through Revenue Agencies in isolation. So the anticipated results were not achieved.

While reviewing the performance of land reforms in the 7th Five Year Plan, the plan document says that a scheme for providing financial assistance to assignees of ceiling-surplus land which was started in 1975-76 for the landless poor is to be launched, to enable them to take to profitable cultivation on the assigned lands. Financial assistance upto Rs.2,500 per hectare was given as a grant to the assignee to take up various activities like simple land development, and other inputs as well as immediate consumption needs. Since the inception of the scheme only a meager, Rs.25.07 crores have been released to the states under this programme. Needless to say, this is by far very inadequate.

The objective in the 7th five year plan was to increase the growth in agriculture production which would eliminate poverty and unemployment. It was also felt that substantial part of the additional production will come from small and marginal farmers and from rain-fed and dry land areas

The scheme for financial assistance to the assignees of ceiling surplus land was continued during the Seventh Plan. It was instructed that the land development activities should be forged with IRDP and other rural development programmes. The assignees should be given priority in identification and in the implementation. Monitoring systems were suggested to assess the performance of the assignees.

During the 7th Five Year Plan a Centrally Sponsored Scheme for the strengthening of revenue administration and updating of land records was introduced. Under this scheme, by the end of the Seventh Plan Rs.25.57 crores have been released to 29 States and Union Territories for purchase of equipment and strengthening of training infrastructure.

In the 8th Five Year Plan it was further stressed that landlessness is the root cause for the rural poverty. It was lamented that in a country where agriculture is the principle means of livelihood access to land has not become a major source of employment and income. In places where land reforms have been successfully implemented it has led to increase in both employment and agricultural output.

So it was envisaged that allottees of surplus land and tenants would be provided modern inputs so as to enhance the yields from the land. The strategy was to meet the objectives of poverty alleviation and output growth. A centrally sponsored scheme as in the previous plans was budgeted with Rs.2,500 per hectare for land development, purchase of inputs and for meeting other needs.

The planners also had the confidence that small farming was viable both in terms of creation of employment and income to the family. They were also of the opinion that land is the single most important asset in India and land development can be an intrinsic part of the anti poverty strategy. They felt that facilitating land based development will alone answer the crucial issue of removal of rural poverty.

Though the Five Year Plans showed the commitment of the Government for the land reforms and for the land development of the allottees of the assigned lands there were major shortcomings to achieve its objectives.

- I. Very insignificant financial allocations were made in the Five Year Plans for the land development compared to the size of the land distributed and needed development.
- II. The land records were not updated

- III. The revenue machinery was not strengthened.
- IV. The administration did not inculcate confidence among the allottees of the assigned lands on their rights and possession.
- V. The revenue administration was not made accountable for the errors or for not achieving the targets.
- VI. The total passive approach by the state Governments towards the assigned lands development from their side.

6.3 Watershed development programme bypassed the assignees

The soil and moisture conservation works taken up from 1961 and the watershed development programmes in 1990 by the Ministry of Agriculture-GOI under different schemes and Drought Prone Areas Programme (DPAP), and Integrated Watershed Development Programme (IWDP) in 1988 and Desert Development Programme (DDP) in 1994 by the Ministry of Rural Development got better deal in budget allocations. The objectives of these programmes like development of rain-fed areas, treatment of degraded areas, increasing the productivity of land and increasing the crop production have overshadowed the objective of assigned lands development. The watershed programme also aims at the improvement of the socio economic conditions of the rural poor and disadvantage sections.

However this broad agenda has shifted the focus, and sidelined the issue of development of the assigned lands. The studies show that 40% of the funds in the watershed development programme were spent on water harvesting structures. The treatment of the lands helped

mostly the rich and medium farmers. The complexity of convergence of various activities and the technicalities by passed the poor farmers. Of late, it was realized that the poor should be included in the programme, but they were confined to off farm activities. The watershed development strategy and approach reinstated the social hierarchy in the village system and the Hariyali scheme has directly rolled into the hands of the politicians.

The total area covered in the watershed programmes according to the data is 4 crore 55 lakhs hectares. But the data either on the area of land reclamation or the data of assigned land development is not available at all. No inbuilt efforts were made to collect such an important data. From the time of inception and upto March, 2005, an amount of Rs.17,037.42 crores was spent on these programmes. (Details as Table 6.2)

6.4 Assigned land development activities in Andhra Pradesh

As a follow-up of the national plans, sporadic initiatives of land development were made in Andhra Pradesh. The funds accessed were allocated for watershed development programme as the major intervention. The amount spent under NREP, Employment Assurance Scheme (EAS), RLEGP, EGS & National Food for Work Programme (NFWP), which was meant for creation of wage employment, could have contributed to the land reclamation works also. But there is no accurate data available on the acreage of development of assigned lands under any of these activities. And there were no conscious efforts made except by the AP Schedule Caste programme. A periodical status report of the

Table 6.2
Area treated (MHA) and investment undertaken (Rs. crores), watershed programmes in India

Programme	Year of Launch	Up to end of 8th Plan		During 9th Plan		During 10th Plan (till March 2005)		Total (till March 2005)	
		Area	Investment	Area	Investment	Area	Investment	Area	Investment
I Ministry of Agriculture									
Over Valley Project (RVP)	1962	3.89	819.95	1.60	696.26	0.60	377.91	6.09	1894.12
1 Flood Prone Rivers (FPR)	1974	0.48	62.29			0.08	20.25	0.56	82.54
1 National Watershed Development Project for Inland Areas (NWDPIA)	1990	4.22	967.93	2.77	911.01	0.96	519.82	7.95	2398.76
1 Watershed Development Project in Shifting Cultivation Areas (WSDSCA)	1991	0.07	93.73	0.15	82.01	0.06	60.61	0.28	236.35
1 Internally Aided Project (IAP)	NA	1.00	646.00	0.50	1425.01	0.86	2685.25	2.36	4756.26
Sub-total		9.66	2589.90	5.02	3114.29	2.56	3663.84	17.24	9368.03
II Department of Land Resources (MoRD)									
1 Drought Prone Areas Programme (DPAP)	1972	6.86	1109.95	4.49	668.26	3.78	845.19	15.13	2623.40
1 Desert Development Programme (DDP)		0.85	722.79	2.48	519.80	2.38	615.19	5.71	1857.78
1 Integrated Watershed Development Programme (IWDP)	1988	0.28	216.16	3.58	943.88	2.46	1001.77	6.32	2161.81
1 IAP	NA			0.14	18.39	0.22	194.28	0.36	212.67
Sub-total		7.99	2048.90	10.69	2150.33	8.84	2656.43	27.52	6855.66
I Ministry of Environment & Forests									
1 Integrated Afforestation & Eco-Development Projects (IAEPS)	1989	0.30	203.12	0.12	141.54	0.40	469.07	0.82	813.73
Grand Total		17.95	4841.92	15.83	5406.16	11.80	6789.34	45.58	17037.42

Development Corporation to provide direct assistance to the assignees.

6.5 The context of comprehensive land development programme (CLDP)

Ever since the Government of India introduced the policies relating to Liberalization, Privatization and Globalization the poor have become the worse sufferers. Half of the allottees of the assigned lands either lost their possession over the land or lost interest in cultivating the land as they did not have finances to invest. The period also experienced severe drought conditions in the country.

Against this background the Ministry of Rural Development GOAP has taken up a massive land development programme to benefit 2 lakh poor families covering 3.5 lakh acres with an allocation of Rs.500 crores under Rural Infrastructure Development Fund RIDF - IX and RIDF - X schemes from 2004 onwards (Details Table 6.3). This is a big shift from the routine watershed development programme. The aim of the programme is to develop lands assigned to the dalits and tribals with more than 50% of the total allocations which is another important feature of the programme.

The reasons explained in GOMS No.212 (given below) to take up such a huge project reflect the situation in Andhra Pradesh.

“Land is an important asset to sustain the livelihoods of the poor in the rural areas. Ownership of productive land by socially marginalized sections has not only ameliorated their economic conditions but also secured them social empowerment. Ownership over productive land or

government employment opportunities accessed through education, are the two known paths that have taken the weaker-sections out of poverty in AP. Employment opportunities in the government sector have not been growing to commensurate with the growth in education among the weaker-sections. Access to the land for the weaker sections has declined over the last ten years on account of a variety of reasons. The landowners belonging to weaker section are not able to invest on the land for want of credit support from the financial institutions. Their access to technology, extension services and markets too are limited. Added to this, recurring droughts, erosion of soil, low moisture retaining capacity of the soils, deficiencies in soil nutrients, depletion of ground water and ever increasing input costs have made agriculture particularly in the drought prone areas, a risky proposition. In the absence of any risk mitigation measures, the poor farmers are leaving the lands fallow and becoming laborers. In case of the assigned and surplus lands held by the weaker sections, the distress is much deeper. Transition of a landless labourer into landed farmer, even after securing access to assigned/surplus land is indeed an arduous task. Most of the assigned lands require high investments and continuous support to convert them into productive assets. In the absence of such investment and extension services, the lands have remained fallow. Government recognizes the need to give an impetus to agriculture and allied activities to stimulate rural growth. Government has decided to bring the lands belonging to the poor, particularly the assigned and surplus lands to productive use as an important strategy for elimination of rural poverty.”

Table 6.3
Comprehensive land development programme district wise sanctioned blocks

Name of the District	Project Cost			No. of Blocks Sanctioned		
	RIDF-IX	RIDF-X	TOTAL	RIDF-IX	RIDF-X	TOTAL
2	3	5	6	7	8	9
SRIKAKULAM	550.00	464.50	1,014.50	90	76	166
VIZIANAGARAM	550.00	2,172.74	2,722.74	175	524	699
VISHAKHAPATNAM	750.00	976.63	1,726.63	181	147	328
E. GODAVARI	800.00	329.60	1,129.60	259	45	304
W.GODAVARI	800.00	609.61	1,409.61	81	95	176
KRISHNA	600.00	529.63	1,129.63	135	137	272
GUNTUR	950.00	297.71	1,247.71	109	37	146
PRAKASAM	1,000.00	1,668.40	2,668.40	107	257	364
NELLORE	600.00	1,515.85	2,115.85	61	101	162
CHITTOOR	1,400.00	1,675.22	3,075.22	167	174	341
KADAPA	1,000.00	1,275.07	2,275.07	75	93	168
ANANTAPUR	1,200.00	2,820.55	4,020.55	183	361	544
KURNOOL	500.00	688.94	1,188.94	215	267	482
MAHABUBNAGAR	1,431.47	1,293.71	2,725.18	418	412	830
RANGA REDDY	1,400.00	402.87	1,802.87	201	64	265
MEDAK	1,400.00	1,275.14	2,675.14	159	215	374
NIZAMABAD	800.00	1,082.22	1,882.22	250	243	493
ADILABAD	700.00	1,513.02	2,213.02	340	430	770
KARIMNAGAR	800.00	1,223.61	2,023.61	242	202	444
WARANGAL	900.00	948.88	1,848.88	196	168	364
KHAMMAM	800.00	1,439.79	2,239.79	86	181	267
NALGONDA	1,100.00	656.41	1,756.41	157	125	282
TOTAL	20,031.47	24,860.10	44,891.57	3,887	4,354	8,241

6.5.1 *The Programme*

The objective of the Comprehensive Land Development Project is to provide an integrated and comprehensive livelihood options, centered around development of compact blocks of assigned lands and the lands owned by the poor to ensure that these lands become productive assets for the poor. The project targets the individuals (i.e small and marginal farmers) to develop their un-productive lands so that food security and livelihood are ensured by appropriate on-farm and off-farm interventions.

6.5.2 *The envisaged end results of the project are:*

- The lands covered under the project are completely treated with good vegetative cover and all measures to enhance productive capacity of the lands.
- The lands covered under the project are fully brought into a diversified farming system including livestock rearing -providing for subsistence part of the food, fodder, fuel needs of the households.

6.5.3 *Convergence of the expertise.*

The programme was designed to avail the services of line departments such as Revenue, Agriculture, Horticulture, Animal Husbandry, Forest, Groundwater, Marketing and Fisheries along with Research Institutes.

6.5.4 *The issues in the implementation of programme*

The programme was started on 19th November 2004 and but faced several initial teething problems.

The reasons are;

1. There was no single agency made responsible to implement the programme either at district level or at state level.
2. The monitoring systems were not operationalised as mentioned in the programme.

As a result against the targets the expenditure and the physical achievements at the end of one year of its implementation was only 10.82%. Since then the government has taken certain corrective measures to achieve the objectives of the programme.

At the end of second year the programme achieved better targets results with 36% achievements (Details table 6.4). The amounts are now released directly to the common interest groups (CIGs) without any ‘intermediary’ agency. In spite of these hardships the programme was well designed to suit to the needs of the assignees. The encouraging part of the programme is that the cost estimated per acre to develop the land is Rs.10,000-12,000 which by any standards is reasonable.

6.5.5 *State Committee on CLDP*

The Government constituted a state level monitoring committee based on the demand, with members from the Department of Rural Development and Civil Society Organisations (CSOs) to strengthen the implementation process. It also constituted district level monitoring committees with CSOs on the same lines.

An alliance of civil society organizations called “Peoples Monitoring Committee” (PMC) functioned to sensitise the government officials and the stake holders of the importance of the

PMC on the implementation of the programme from the experience at the grassroots was useful to the government to get feedback about the programme. The PMC worked as a pressure group at both the state and district level.

The CLDP demystified the general opinion that the government lacks the resources to invest in the assigned lands. It proved that the assignees lack of interest to develop their lands was also a myth. The commitment not only in policy formulation but also matching it, with adequate fund allocations proved that the assigned lands can be developed. One can hope at the end of the completion of the programme it would become a model to the nation for assigned land development.

6.6 Conclusion and suggestions

If there is political will the lives of the assignees can change. Mere assigning the land will not help the poor to come out of poverty. The experience shows that the assigned lands which are not in the cultivation are encroached upon by the landlords, or the assignees loose interest in possessing such lands. The Government can also take back such lands for other public purposes.

Most of the land ceiling acts were enacted in the early '70s. Simultaneously the antipoverty programmes were also launched. There were hardly any efforts made work towards convergence of the various anti poverty programmes to develop the assigned lands. The poor were attracted to the cash distribution programme which satisfied their immediate needs. So the benefit that would accrue to the assignees through the development of their lands was almost forgotten.

The labour unions, dalit organization and other civil society organizations who are demanding land distribution should add the demand for adequate funds for the development of land. Unfortunately at present there is no such demand

from them.

In the absence of an articulated demand from the assignees as well as from the civil society organizations, and the political parties, the government has not considered this as priority.

Suggestions

1. The total land distributed in Andhra Pradesh to the assignees is only 50,13,695 acres. Presently under CLDP Programme and under RIDF IX & X it is planned to cover 3.5 lakh acres. So the remaining 46,63,695 acres of assigned land could be easily covered by allocating Rs.1000 crores every year.
2. The government should actively consider saturating the development of assigned lands in Andhra Pradesh with a specific time frame of ten years.
3. A ministry for assigned land development with the responsibilities of land allocation, regularization and development of assigned lands should be constituted.
4. Women should be given 50 % the assigned lands as mentioned in the 7th five year plan.

References:

1. India's Five Year Plans-5, 6, 7, 8, 9 & 10 (land reforms only)
2. Report of the Technical Committee on watershed programmes in India-2006
3. GOMS No.212-Panchayat Raj and Rural Department (RD-IV) Dept dated 11.08.2004
4. Peoples Report 1 & 2 by Peoples Monitoring Committee
5. Annual Reports 1998-2005-Ministry of Rural Development-Govt.of India

Table 6.4**Indira Prabha -- Feb'07 (Rs. in Lakhs)**

Sl. No.	District	WS/ Projects/ Mandals /Blocks	Financial Achievements 2005-2006	Opening Balance as on 1.4.2006	Releases During 1the Month	Total Available Funds	Expen. During Feb '07	Expen. Cum.upto Feb '07	Balance Funds Available	% of expen.to Avail Funds
1	2	3	4	5	6	7	8	9	10	11
1	Srikakulam	44	393.01	7.81	0.00	117.87	37.58	111.57	6.30	94.66
2	Vizianagaram	68	514.00	0.00	0.00	490.00	0.00	490.00	0.00	100.00
3	Visakhapatnam	70	445.30	127.70	0.00	447.70	140.29	380.10	67.60	84.90
4	East Godavari	32	239.69	341.99	0.00	451.99	60.25	570.56	-118.57	126.23
5	West Godavari	40	295.00	221.76	0.00	241.76	0.00	322.10	-80.34	133.23
6	Krishna	46	106.38	198.28	0.00	458.28	65.96	451.18	7.10	98.45
7	Guntur	41	399.11	148.37	0.00	358.37	152.15	356.55	1.82	99.49
8	Prakasham	80	554.51	7.49	0.00	547.49	89.64	601.60	-54.11	109.88
9	Nellore	90	443.40	145.00	0.00	475.00	112.46	390.46	84.54	82.20
10	Chittoor	130	483.00	0.00	0.00	621.19	0.00	583.26	37.93	93.89
11	Kadapa	87	545.27	31.73	0.00	561.73	203.39	785.21	-223.48	139.78
12	Ananthapur	126	546.52	137.92	0.00	947.92	84.55	796.62	151.30	84.04
13	Kurnool	62	481.63	12.84	0.00	282.84	82.03	151.62	131.22	53.61
14	Mahabubnagar	126	756.16	56.24	0.00	596.24	0.00	186.93	409.31	31.35
15	Rangareddy	57	351.94	156.62	0.00	526.62	0.00	586.96	-60.34	111.46
16	Medak	89	815.90	134.03	0.00	324.03	17.18	563.59	-239.56	173.93
17	Nizamabad	71	729.11	33.29	0.00	213.29	74.30	256.86	-43.57	120.43
18	Adilabad	86	295.23	229.77	0.00	529.77	0.00	460.61	69.16	86.95
19	Karimnagar	100	360.59	130.51	0.00	410.51	40.51	220.26	190.25	53.66
20	Warangal	97	421.85	44.96	0.00	274.96	0.00	437.76	-162.80	159.21
21	Khammam	61	657.48	14.32	0.00	504.73	0.00	500.68	4.05	99.20
22	Nalgonda	100	434.80	167.00	0.00	487.00	0.00	548.00	-61.00	112.53
	TOTAL	1703	10269.88	2347.63	0.00	9869.29	1160.29	9752.48	116.81	98.82

Table 6.5 Allocation of funds in the Five year plans for land development

Sl. No.	Name of the Five Year Plan	Head of A./c	Centre (Rs.crores)	States (Rs.crores)	Union territories (Rs.crores)	Total (Rs.crores)	As part of land reforms deve. of Assign lands only	
							Centre	State
1	5 th	Land reforms	12.00	150.50	-	162.53	NA (but amt. spent)	NA (but amt. spent)
2	6 th	Land reforms	30.10	272.62	1.91	304.63	30	30
3	7 th	Land reforms	36.71	353.88	-	395.83	NA (but amt. spent)	NA (but amt. spent)
4	8 th	Land reforms	240.00	845.54	1.88	1087.42	NA (but amt. spent)	NA (but amt. spent)

Chapter-VII



Persisting alienation of tribal lands

Palla Trinadha Rao

Govt gets HC tap on State land

Can The State Government Sell Land. Questions

CPM leads people to occupy State land

...mercenaries ready to occupy it... Are you prepared to give it away? Turning to both advocates general, T. N. Seshan Reddy and IMGB, the C.J. said: 'I have to enlighten us on this. This question is for the people of Andhra Pradesh. It is added. If it is proved that the government has no power to...'



Persisting alienation of tribal lands

- Palla Trinadha Rao

7.1 Introduction

In Andhra Pradesh State 35 Tribal Communities are notified as Scheduled Tribes and their population is 50.24 lakhs as per 2001 census reports. They constitute 6.59% of the total population of the state. The Tribal sub-plan area extending over 31,485.34 Sq.kms. in the districts of Srikakulam, Vizayanagaram, Warangal, Visakhapatnam, East and West Godavari, Khammam, Adilabad and Mahaboobnagar districts constitute the traditional habitat of nearly 30 Tribal groups. The Tribal groups viz., Yerukula, Yanadi and Sugali or Lambada live mainly in the plain areas outside the Scheduled Areas.

The problem of land alienation among Adivasi societies has remained un-resolved for more than a century. Adivasi economy in Andhra Pradesh before the advent of the British was relatively self-sufficient. Forests and agricultural activities on such lands were their survival sources. The entry of the Colonial State in essence fixed norms of privatization of public properties and created levels of various agrarian classes consisting of non-tribal migrant peasants, contract tenants and other non-tribal agricultural labourers. This resulted in the tribals being suppressed, pushed to impoverishment and decade by decade increase in the number of land less Adivasis.

Within the Scheduled Areas of both Telangana and Andhra regions the land was entirely under

the occupation of different Tribal communities. The area was an inaccessible tract of land covered by forests and hills. These tribal communities lived by shifting cultivation and by gathering whatever produce that was available. The non-tribals who arrived in these areas in the late 19th Century and early 20th Century found the tribals an easy prey for their exploitative schemes.

The non-tribals began by lending money to the tribal communities. Land was taken as security for the loans extended to the tribals. The rates of interest charged ranged between 25 to 50 percent and in certain cases as high as 100 percent. The tribals who were traditionally honest, simple and gullible fell easily into the traps laid by the non-tribals. Money lenders kept an arbitrary record of repayments made by the tribals and whatever entries were made in the books by them were implicitly believed by the tribals. The tribals were not aware that when produce was sold to the non-tribals, they were using a larger weight and a smaller weight was being applied for selling outside goods to the tribals. The indebtedness of the tribals had taken the form of bonded labour in many cases. The debt could never be discharged by the tribals. The money lenders continued to be in occupation of most of the lands and the tribals became their serfs. The non-tribals also forcibly occupied some of the lands. The tribals were ignorant and they were not aware that they could go and report to the concerned authorities about the contravention of the land laws protecting their

rights. The non-tribals have been taking full advantage of their ignorance and continue to exploit them.

7.2 Early struggles

There were several rebellious movements in the Scheduled areas against the oppression by the money lenders and rapacious landlords. The ignorance of tribals of legal proceedings enabled traders from the low lands to make unfair contracts with them. And when these contracts were not fulfilled according to the traders' own interpretations they would file suits against the tribals and obtain *ex parte* decrees and thereby misappropriate as much property as they could lay hands on.

This kind of exploitation of tribals was a cause for many disturbances such as Rampa rebellion in East Godavari around 1879. The Agency Tracts Land Transfer Act 1917 came in to being in response to a series of unrests in the tribal areas of Andhra Pradesh culminating in the Lagarai unrest. The Act prohibits the transfer of lands between hill tribes and non-tribals without prior consent from the Agent to Govt. or any other prescribed officer.

As a result of alienation of tribal land and forest reservation rules in comparatively recent times too – 1940s- tribals in Adilabad district rebelled under the leadership of Tribal Komram Bhim. In contrast to the administration of adjoining provinces of British India, the Govt. of Hyderabad State had not provided for any special privileges for tribal communities protecting their landed interest. The non-tribal settlers managed to obtain title deeds for the occupied lands which once belonged to tribals. Large extents of lands which had been cultivated on Sivai Jamabandhi tenure lying fallow at the

time of demarcation was included in the reserved forest area. The policy of clearing large tracts of forest area of all human habitations including old, established villages inhabited for many generations led to armed resistance. Prof. Haiemendorf the Austrian born English Anthropologist was invited by the Nizam's Government to study the reasons for the unrest among the tribals.

The struggle ultimately resulted in promulgation of an act known as Tribal Areas Regulation 1356 Fasali (1946 A.D). This Regulation empowered the Government to make such rules as may appear to them to be necessary or expedient for the better administration of any notified tribal area in respect of tribals and of their relation with non-tribals. The substance of this regulation was incorporated in the Tribal Areas Regulation 1359 Fasali (1949 AD) and the rules giving effect to its provisions were issued by the Revenue Department under the title Notified Tribal Area Rules 1359 Fasali on 16.11.1949.

The most important provision of this regulation is that no court of law or revenue authority shall have any jurisdiction in any Notified Tribal Area in any dispute relating to land, house or house site occupied, claimed, rented or possessed by any tribal or from which any tribal may have been evicted whether by process of law or otherwise during a period of one year preceding the notification of such an area as a Notified Tribal Area.

After the Constitution of India came in to existence the provisions of the Fifth Schedule of the Constitution was made applicable to the Scheduled areas of Andhra Pradesh. The Governor was empowered to make regulations or amend or repeal any law to provide peace

and good governance to the Scheduled Areas. Exercising the powers conferred under Fifth Schedule of the Constitution the Governor promulgated Andhra Pradesh Scheduled Area Land Transfer Regulations 1 of 59 partially repealing the earlier Agency Tracts Land Transfer Act 1917. This regulation came into force with effect from 4.3.1959. The Tribal Area Regulation 1359 Fasali (1949AD) was repealed in 1963 and was replaced by A.P. Scheduled Area Land Transfer Regulations 1 of 59 which came in to force on 1.12.63.

Although protective Land Transfer Regulations had been in force, it was observed by several committees that the non-tribals were able to find ways and means to circumvent the provisions of Land Transfer Regulation 1 of 1959 by entering into benami transactions and other clandestine contracts with the unsophisticated tribals. The excessive exploitative conditions induced by external interventions, the ineffectiveness of the Government response in the prevention of tribal land alienation and restoration of alienated tribal lands and the ineffectiveness of legislations triggered the Naxalite movement in Srikakulam region from 1968-70. All the uprisings were defensive movements. They were the last resort of Tribals driven to despair by encroachments by outsiders on their lands and economic resources. The Srikakulam Naxalite movement again drew the attention of the State. The State then felt that “preventing the new non-tribals from settling down in the Scheduled area would be absolutely necessary to create conditions for peace and to maintain it. If the alienations are permitted to the non-tribals there is a danger of large-scale exploitation by the new non-tribals again with the result peace will be disturbed in that area”.

It was only with a view to maintain peace and to govern the area effectively that Regulation 1 of 1970 was passed by the Governor. This regulation while providing for the protection of tribal rights also ensured that a non-tribal who validly acquired the title would not be disturbed stipulating at the he would not be allowed to sell his land to a non-tribal so that new entrants to the area would be curtailed.

7.3 Land transfer laws during British rule

During the British rule the Agency Tracts Interest and Land Transfer Act 1917 (Act of 1917) came to be passed with the object of limiting the rate of interest and to check the transfer of lands in the Agency Tracts in Ganjam, Vizagapatnam and Godavari Districts.

As per the Act any transfer of immovable property situated within the Agency Tracts by a member of a hill tribe shall be absolutely null and void unless made in favour of another member of a hill tribe, or with the previous consent in writing of the Agent or of any other prescribed officer.

7.4 Governance and land transfer laws in the post independent era

With the advent of the Constitution, in exercise of power conferred under Vth Schedule to the Constitution of India, the President of India issued an order in 1950 declaring specified areas therein to be scheduled areas within the State. The relevant Article in the Constitution of India for the purpose of present discussion is Article 244 which is as follows:

- The provisions 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).
- The Governor may make regulations for the peace and good government of any area in a State, which is for the time being a Scheduled Area.
- In particular and without prejudice to the generality of the foregoing power, such regulations may- prohibit or restrict the transfer of land by or among members of the Scheduled Tribes and in such area;
- Regulate the allotment of land to members of the Scheduled Tribes in such areas;
- Regulate the carrying on of business as moneylender by persons who lend money to members of the Scheduled Tribes in such areas.
- All regulations made under this paragraph shall be submitted to the President forthwith and until assented to by him, shall have no effect.
- If there is Tribes Advisory Council for the State, no regulation shall be made under this paragraph unless the Governor making the regulation has consulted such council. Therefore, the Governor may make a regulation for the peace and good Government of a scheduled area in a state.
- Such Regulation can be made by the Governor after consulting the Tribes Advisory Council of the State if one is existing.
- Such regulation will have effect when President assented to the same.

7.5 Land transfer regulations 1 of 59

Exercising the above power conferred by para (5) of Fifth Schedule, the Governor issued the A.P Scheduled Area Land Transfer Regulation, 1959 (Regulation 1 of 1959) which came into force on 4-3-1959. This was made to regulate the transfer of lands in the scheduled areas of East Godavari, West Godavari, Visakhapatnam and Srikakulam. The said regulation was amended by regulation II of 1963 by including, within the meaning of Agency Tracts, the areas in the Districts of Adilabad, Warangal, Khammam and Mahaboobnagar.

As per the provisions of Regulation 1 of 1959 any transfer of immovable property situated in the Agency Tracts by a member of a Scheduled Tribe, shall be absolutely null and void unless made in favour of any other member of a Scheduled Tribe or a registered society composed solely of members of the Scheduled Tribes, or with the previous sanction of the State Government, or subject to rules made in this behalf, with the previous consent in writing of the Agent or of any prescribed officer.

- a) Where a transfer of immovable property is made in contravention of sub-section (1), the Agent the Agency Divisional Officer or any other prescribed officer may, on application by any one interested, or on information given in writing by a public servant or suo motu decree ejectment against any person in possession of the property claiming under the transfer, after due notice to him in the manner prescribed and may restore it to the transferor or his heirs.
- b) If the transferor or his heirs are not willing to take back the property or where their whereabouts are not known, the Agent, the

Agency Divisional Officer or prescribed officer, as the case may be, may order the assignment or sale of the property to any other member of a Scheduled tribe or a registered society as defined in clause (f) of section 2 of the Madras Co-operative Societies Act, 1932 Madras Act otherwise dispose of it, as if it was a property at the disposal of the State Government.”

7.6 Land Transfer Regulations 1 of 70

The provisions of Land Transfer Regulations 1 of 59 were amended by Regulation 1 of 1970. As per the amended provisions of law any transfer of immovable property situated in the Agency tracts by a person, whether or not such person is a member of a scheduled Tribe, shall be absolutely null and void, unless such transfer is made in favour of person, who is a member of a Scheduled Tribe or a society registered or deemed to be registered under the Andhra Pradesh Co-operative Societies Act, 1964 (Act 7 of 1964) which is composed solely of members of the scheduled tribes.

Until the contrary is proved, any immovable property situated in the Agency tracts and in the possession of a person who is not a member of Scheduled Tribe, shall be presumed to have been acquired by such person or his predecessor in possession through a transfer made to him by a member of a Scheduled Tribe.

Where a person intending to sell his land is not able to effect such sale, by reason of the fact that no member of a Scheduled Tribe is willing to purchase the land on the terms offered by such person, then such person may apply to the

Agent, the Agency Divisional Officer or any other prescribed officer for the acquisition of such land by the State Government, and the Agent, Agency Divisional Officer or any other prescribed officer, as the case may be, may by order, take over such land on payment of compensation in accordance with the principles specified in Section 10 of the Andhra Pradesh Ceiling on Agricultural Holdings Act, 1961 (Act X of 1961), and such land shall thereupon vest in the State Government free from all encumbrances and shall be disposed of in favour of members of the Scheduled Tribes or a society registered or deemed to be registered under the Andhra Pradesh Co-operative Societies Act, 1964 (Act 7 of 1964) composed solely of members of the Scheduled Tribes or in such other manner and subject to such conditions as may be prescribed;

Therefore, under the amended provisions, any transfer by a person is prohibited unless it is in favour of a tribal or a society solely composed of members of scheduled tribe. Clause (b) of Section 3(1), which was substituted by Regulation 1 of 1970 raised a presumption that the property situated in Agency Tracts in possession of a non-tribal shall be presumed to have been acquired by such a person or his predecessor-in-possession through a transfer made to him by a member of scheduled tribe.

In other words, if any non-tribal is in possession of the property situated in Agency Tracts, it is presumed that he or his predecessors acquired the same through a transfer made to him by a member of scheduled tribe. Of course, this is a

refutable presumption. However, sub-section 2(a) of Section 3 of the Regulation was not touched by the amendments made by regulation 1 of 70, which is to the effect that the Agent, the Agency Divisional Officer or any other prescribed Officer may on an application by any one interested, or on information given in writing by a public servant or suo motu decree ejectment against a person in possession under a void transfer and may restore it to the transferor or his heirs.

7.7 Situation analysis

The situation of land alienation has been analyzed in the scheduled areas of three districts. This analysis underscores the influx of non-tribal population, land alienation situation and the ineffectiveness of the implementation of the Tribal Protective Land Laws.

7.7.1 Agency Mandals (West Godavari District)

The Agency area in West Godavari District consists 101 villages spread over of three mandals: 1. Polavaram, 2. Buttaigudem and 3. Jeelugumilli.

7.7.1.1 Population

We can easily note that the non-tribal population in these Scheduled Areas is higher than the tribal population. The unchecked migration of non-tribals to tribal areas has limited the tribals' access to resources. The influx is changing the character of Fifth Schedule of the Constitution. In West Godavari District in the year 1905 the non-tribals population in the entire Scheduled Areas was only 5 percent. It has now has gone up to 57.9 percent.

Table 7.1 Tribal and non-tribal population details in agency area of West Godavari District

S.No.	Name of the Mandal	Scheduled Tribes	Non Tribals	Total
1.	Polavaram	10,085	31,579	41,664
2.	Buttaigudem	27,841	18,648	46,489
3.	Jeelugumilli	6,701	18,664	25,365
	Total	44,627	68,891	113,518

7.7.1.2 Lands

Table 7.2. Types of lands and extends (acres) in the agency area of West Godavari District

1.	Polavaram Mandal	Government Wet Government Dry A.W.D Poramboke Net	-- 11,790.25 2,324.74 3,157.94 17,272.93
2.	Buttaigudem Mandal	Government Wet Government Dry A.W.D. Poramboke Net	2,204.72 37,236.32 11,090.53 7334.53 57,866.49
3.	Jeelugumilli Mandal	Government Wet Government Dry A.W.D Poramboke Net	-- 25,790.83 2,104.78 2,136.38 30,031.99
	Total		105171.41

(A.W.D= Assessed Waste Dry)

7.7.1.3 Land holdings

(A) Patta Lands

The table below indicates the status of patta lands held by the Tribals and those of Non-tribals in the Agency area.

Table 7.3 Nature of tribal and non-tribal land holdings

S.No.	Category	Wet	Dry	Total
1.	Tribals	541.35	53,129.45	53,670.80
2.	Non-tribals	1,663.37	21,687.95	23,351.32
	Total	2,204.72	74,817.4	77,022.12

The data shows that the extent of wetlands in the tribal holdings is comparatively less than the land holdings of non tribals. The position is reversed with respect to dry lands. The lands that are valuable have drastically changed hands. The data also shows the gravity of the situation of tribal land alienation in the agency areas of West Godavari District.

(B) Government Lands

7,140 tribal beneficiaries were given assignment pattas for an extent of 15,852. The table shows the status as on July 2004:

Table 7.4 Governments lands under control of tribals

S.No.	Name of the Mandal	No.of villages	No.of beneficiaries	Extent (Ac.Cts.)
1.	Buttaigudem	51	3,486	6,837.15
2.	Polavaram	17	1,063	2,099.96
3.	Jeelugumilli	29	2,591	6,915.41
	Total	97	7,140	15,852.52

As per the reports by 1st April, 2004, 6692 tribals were assigned land to an extent of 15060.03 over a period of time. During the review of actual possession of assignees it was noticed that tribals now hold only an extent of 13813.79 acres and the number of tribals who hold such land are only 6167. That means around 1246.24 acres of assigned land have not been put in to possession of tribal beneficiaries or that they have lost possession of the land.

7.7.1.4 Case study

Vuka Surya Chandram is a tribal from Darbhagudem revenue village in Jeelugumilli mandal. Assignment patta for an extent of 4 acres covered by S. Nos 21/1,256/1,254 was granted to him in the year 2003. The revenue authorities did not show the actual boundaries of the patta land and induct him into possession. The tribal says that he himself identified the land with the support of others and has been cultivating the land. However, MRO, Jeelugumilli directed the Police on 18-8-06 to give protection to the non-tribal namely Dasari Gangamma, saying that an order was passed by the High Court in a case held between two other non-tribals. The police intervened and warned the tribals not to enter the lands. Similar orders were issued against five other tribals who were also assignees of Government Land (10 acres) in the same village. All the six tribals went to Jeelugumilli Police station and showed the Assignment Pattas issued by MRO and appraised the officials of the situation. The police told that they were help less as the MRO, Jeelugumilli issued orders for police protection to non tribals. As there was no other alternative all the six members had to file a Writ Petition challenging the Police Protection Orders. The matter is pending in court!

7.7.1.5 The result of the cases under land Transfer Regulations

The table below gives the details of cases disposed of after enquiry by the Spl. Dy. Collector, (Tribal Welfare) K.R.Puram who is an enquiry officer under Land Transfer Regulations 1 of 59 as amended by 1 of 70 Regulations.

Table 7.5 The outcome of legal interventions through courts in agency area of West Godavari District

Cases detected from inception to 31 st July, 2004		Cases detected during August 2004		Cases disposed from inception to 31-8-2004					
				Total		In favour of S.Ts		In favour of non-tribals	
Nos.	Extent.	Nos.	Extent.	Nos.	Extent.	Nos.	Extent.	Nos.	Extent.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
10,916	55,049	5	23	10,873	54,692	2,394	9,848	5,105	29,575

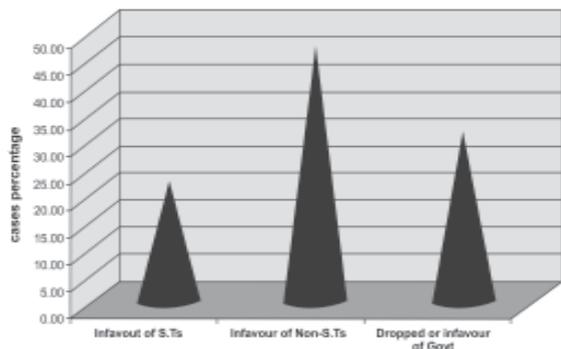
The success rate in favour of the tribals is just 22.01 %. Tribals were able to get back only 18 % of the alienated lands. Where as in the case of non tribals the success rate is 46.95 %. They were able to retain 54.07 % of the land alienated tribal lands. The remaining cases were either dropped or decided in favour of the Government!

7.7.1.6 Non tribals land title questioned

During the year 1995-97 tribals of Agency mandals of West Godavari District have again succeeded in drawing the attention of the State by raising the land issues. A section of the tribals were equipped with knowledge and skills to understand the land records. They were able to

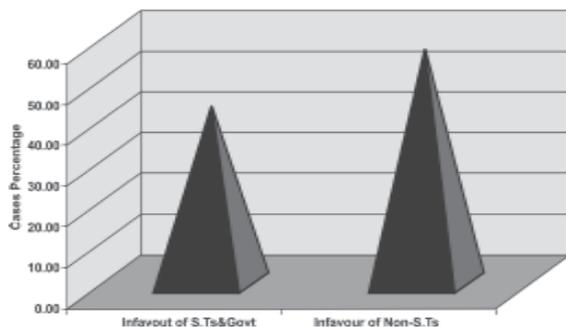
Graph 7.1

Cases disposed from inception to 31-8-2004 in West Godavari



Graph 7.2

No. of Cases given judgement infavour of S.Ts & Non-S.Ts in East Godavari upto 30th June 2002



share this knowledge with other tribals. Tribal villagers noticed that while in the records the lands were in the name of tribals, non-tribals were in actual possession and enjoyment of the same lands. This knowledge triggered a land movement which resulted in State level officials agreeing to convene a meeting to settle all outstanding issues. Further the land issues of West Godavari district came under the consideration of A.P. High Court through WP C.C. No 1381 /1997 in Payam Gangamma and Vasudha Mistra and others. The High Court always supportive of the interest of non-tribals.

7.7.2 Agency mandals in East Godavari District

The Rampachodavaram agency area of East Godavari district consists of 7 mandals with 550 villages and breakup is as follows:

Government Revenue Villages : 128

Estate Villages : 21

Mutta Villages : 394

Mokasa Villages : 7

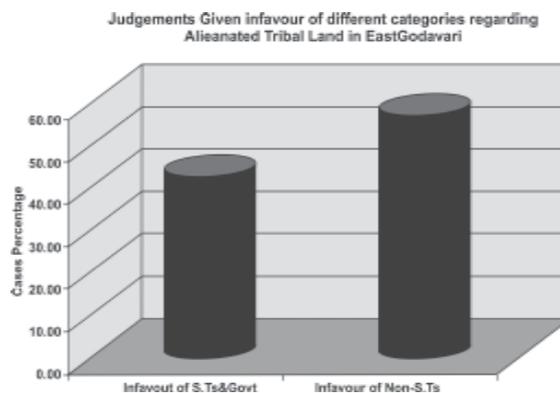
The government villages were surveyed and settled in 1902 and again in 1932. However over the years large extents of land in these areas have passed into hands of non-tribals. In the a major extent of nearly 20000 hectares is a subject of dispute. In respect of Government villages total patta land is 64487 hectares of which non tribals are holding pattas for 21,816 hectares, while about 18,000 hectares is under dispute.

The data shows that tribals were able to succeed in only 41 % of the cases disposed of where as non-tribals success rate is 59%. Tribals were able to get back only 36% of the total land under dispute while non-tribals retained 64% of the lands in their possession.

The Protective Land Transfer Regulations 1 of 70 prohibits transfer of lands not only between tribals and non-tribals but also among the non-tribals in the scheduled areas of Andhra Pradesh. In spite of this law the tribal land alienation is still rampant. The steps being taken by the

enforcing authorities in implementing the tribal protective land laws are in sufficient and ineffective. Therefore the out come of restoring land to tribals through legal mechanisms has not reached the desired or required level.

Graph 7.3



Graph 7.4

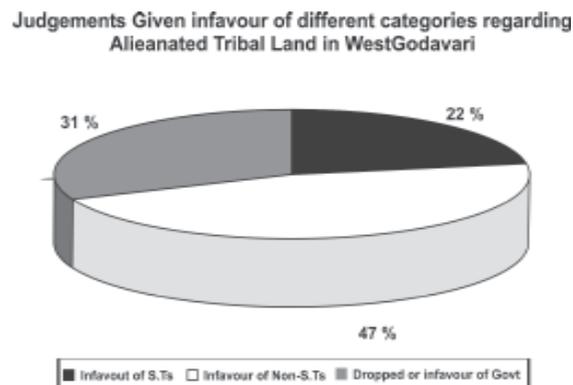


Table 7.6 The outcome of legal interventions through courts in agency area of East Godavari District

Total No. of cases initiated upto 30 th June 2002	Total No. of cases initiated upto 30 th June 2002	Total No. of cases disposed off	Total extent of land in acres	Total No. of cases disposed in favour tribals and Govt.	Total extent in Acres	Total No of cases decided infavour of NT's	Total extent of land in Acres
7222	43452.00	6949	42168	2909	15047.00	4040	27021.00

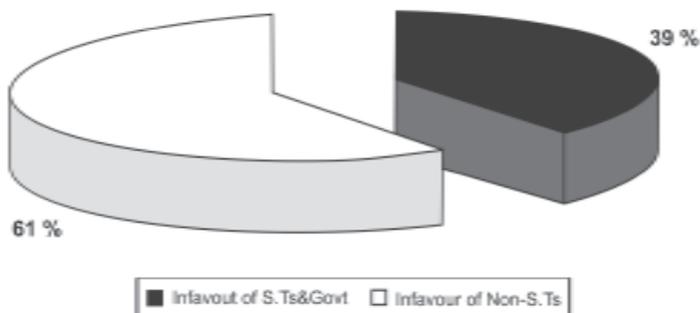
7.7.3 Agency Mandals in Khammam District

The Khammam District is covered by 4 Revenue Divisions. Out of 4, three divisions i.e Kothagudem, Polvoncha and Bhadrachalam are fully Scheduled Areas while in Khammam Division 6 villages in two Mandals are within the Scheduled Areas of the District.

As per the details available by the year 1995, the total extent of land is 7,71,604.93 acres in the agency areas of Khammam district. An extent of 4,07,368.33 acres are under the control of non-tribals. That means 52.79 % of the total land is held by non-tribals in the scheduled areas of the district. The table below gives details of the landholdings pattern in some mandals. Even a cursory look at it will indicate the gravity of the situation of land alienation in the district.

Graph 7.5

Judgements Given infavour of different categories regarding Alienated Tribal Land in Khammam by August 2004



Graph 7.6

Total Number of Cases decided infavour of S.Ts & non-S.Ts in Khammam by August 2004

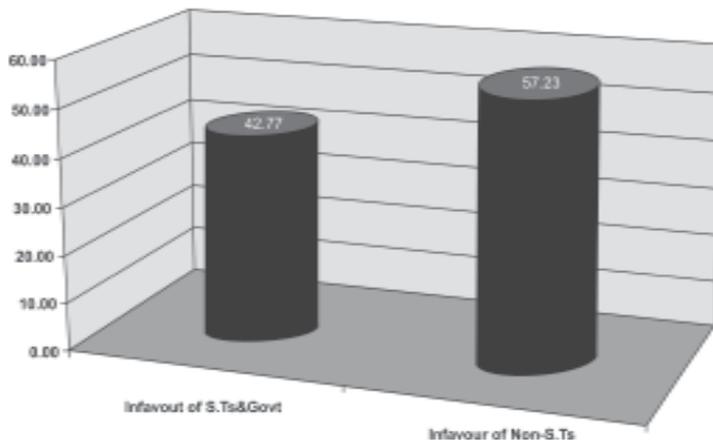


Table 7.7 The extent of cultivable lands under control of tribals and non-tribals in few mandals of Khammam District

S. No.	Name of the Mandal	Land under cultivation of Tribals (Acres)	Land under cultivation of Non Tribals (Acres)
1.	Polvoncha	8640.00	17,080.00
2.	Manuguru	7,904.37	8,504.24
3.	Kamepalli	7,535.17	30,738.26
4.	Garla	1,158.10	13,597.30
5.	Enkur	4,215.00	6,4156.00
6.	Chandrugonda	13,372.12	26,753.23
7.	Julurupadu	13,972.22	19,207.10
8.	Kothagudem	9,348.00	18,295.00
	Total	66,144.98	1,40,590.13

The data reveals that in 8 mandals non-tribals control 68 % of the total lands available while only 32% is held by tribals.

Table 7.8 The outcome of legal interventions through courts in agency area of Khammam District

Total No. of cases	Total extent (Ac)	Total No. of Cases Disposed	Total Extent In Acres	Total No. of cases decided in favour of ST	Total Extent of Land in Acres	Total No of Cases Decided In favour of Non Tribals	Total Extent of land In Acres
30743	118307.01	29709	113356.01	12706	44024.10	17003	69331.31

Success rate of the cases decided is about 43 % in favour of tribals, while it is about 57 % in the case of non-tribals. Tribals got back 39% of the total alienated tribal land through legal process while the non-tribals could retain 61 % of the disputed lands.

7.8 Scrutiny of land cases decided in favour of non-tribals

To understand the reasons being shown in the orders issued by inquiry officer under Land Transfer Regulations 1 of 59 as amended by 1 of 70 who is a Special Deputy Collector (T.W) in land cases filed by tribals or representatives seeking the restoration of alienated lands from the possession of non tribals a scrutiny of orders issued by SDC of Rampachodavaram, East Godavari District is taken as a sample.

Table 7.9 Sample studies of land cases filed in one year in East Godavari District

Total Number of cases filed in the year 2000	Number of cases decided in favour of Tribals	Number of cases decided in favour of Non Tribals	Number of cases decided in favour of Govt.
135	36	82	17

Out of the total 82 cases decided infavour of non-tribals 30 cases were taken as sample to understand the reasons shown by the Special Deputy Collector allowing the claims in favour of non-tribals. The sample of cases covered is more than one third of the total cases decided in favour of non-tribals.

Table 7.10 Scrutiny of orders (30) given infavour of non-tribals in land cases

S.No.	LTRPNo.	Village/Mandal	S.No.	Extent in Ac	Reasons shown in the orders given infavour of non-tribals.
1.	8/2000	Pedaramanayyapeta Devipatnam	471/2	4.76	Mistake of fact.
2.	11/2000	Patharamavaram Gangavaram	45	8.50	Settlement Patta granted in favour of non-tribal under settlement Regulation.
3.	12/2000	Marripalem Gangavaram	36 69 82 178/1 199/2	1.04 1.30 2.29 0.79 1.12 =6.74	Mistake of fact.
4.	14/2000	Patharamavaram Gangavaram	13/2	1.72	Transactions were held between non-tribals and LTR has no retrospective effect.
5.	15/2000	Patharamavaram Gangavaram	39/1 39/2 =6.86	1.16 5.80	Earlier orders are in favour of non-tribals and LTR has no retrospective.
6.	16/2000	Patharamavaram Gangavaram	50	9.76	The transactions were held between non-tribals.
7.	17/2000	Patha Ramavaram, Gangavaram	16/1 16/2	1.06 4.91 =5.97	Settlement Patta granted in favour of non-tribal under Settlement Regulation.
8.	18/2000	Patharamavaram Gangavaram	46/2A 46/1	8.81 9.69 =18.50	LTR has no retrospectiveeffect.
9.	22/2000	Papampeta	21/1	3.36	Land Transactions were held between non-tribals only and non violative of LTR.
10.	52/2000	Lothupalem Devipatnam	191/2 191/3	3.7 50.85	Land Transactions were held between non-tribals. LTR has no retrospective effect.
11.	54/2000	Ramuldevapuram Gangavaram	14	12.47	Earlier order is infavour of non-tribals and the transac-tions were held between non-tribals only.
12.	60/2000	Sarabhavaram Rajavommangi	51/2	4.00	The matter was decided in earlier proceedings hence attracted by the principles of resjudicata.
13.	62/2000	Rajavommangi	16/1 16/2	4.90 1.80 =6.70	Earlier orders are in favour of non-tribal hence Resjudicata.
14.	67/2000	Rayapalli Addateegala	94/1 93/2 78/1	1.20	Settlement Patta granted in favour of non-tribal under Settlement Regulations.

S.No.	LTRP No.	Village/Mandal	S.No.	Extent in Ac	Reasons shown in the orders given infavour of non-tribals.
15.	85/2000	Thimmapuram	7	4.37	On perusal of the records and village records on 4-4-2002 it is observed that the land is classified as government land i.e., road. The petitioner could not furnish the details of the actual land for which restoration is required. Hence the petitioners are directed to file a fresh petition with actual particulars of land. Therefore the petition is dropped by the court.
16.	86/2000	Thimmapuram Addateegala	5	9.50	Earlier one LTRP No. 264/81 was dismissed by the court as to the PS land
17.	97/2000	Surampalem Gangavaram	8/1 71/5 71/7	8.34 1.12 0.23 =9.79	The decision in favour of non-tribal is based on the earlier orders.
18.	101/2000	Molleru Gangavaram	129	4.65	No tribal is involved, all transactions held between non-tribals only and not violative of LTR.
19.	102/2000	Molleru Rampachodavaram	158	2.28	Non-Tribal is a Settlement Patta holder
20.	103/2000	Molleru	130	1.08	Land Transactions were held between non-tribals and LTR has no retrospective effect.
21.	104/2000	Rajupeta Gangavaram	57/7	1.46	The Non-tribal is a settlement Patta holder.
22.	105/2000	Gangavaram	57/5	5.06	Land Transactions were held between non-tribals. LTR has no retrospective effect.
23.	109/2000	Goragummi Gangavaram	5/2	1.36	Mistake of fact.
24.	110/2000	Rajavaram Gangavaram	24/1	4.15	Earlier LTR petitions were dismissed. Transactions were held between non-tribals prior to 1 of 70 Regs.
25.	128/2000	Bayanapalli	28/4	1.25	No tribal is involved, all the transactions held between non-tribals only and not violative of LTR.
26.	130/2000	Bayanapalli Gangavaram	12/2B	3.09	Non-Tribal is a settlement patta holder.
27.	131/2000	Bayyanapalli	25	5.59	No tribal is involved, all the transactions held between non-tribals only and not violative of LTR.
28.	132/2000	Bayanapalli Gangavaram	7/1	6.16	Earlier case is dismissed vide LTRP No.328/78 and Settlement Patta granted infavour Non Tribal Settlement regulation.
29.	133/2000	Bayanapalli Gangavaram	3/4	1.92	Transactions were held between non-tribals only.
30.	135/2000	Veerabhadrapuram Rampachodavaram	29/1A	7.75	Transactions were shown as held between non-tribals.

Table 7.11 Abstract of reasons given in orders of non-tribals

Mistake of fact shown as a ground	Non tribals have Settlement Patta	Transactions held between NT's and law has no Retrospective effect	Number of cases decided infavour of Govt.
4	7	14	5

1) In the cases where a mistake of fact was shown as a ground to allow the claim of the Non Tribals were verified. The tribal petitioners who have no information with regard to the Survey Numbers and the lands covered by such survey numbers, filed cases based on the information available with them. The Special Deputy Collector (T.W) instead of directing the Special Deputy Tahsildars who are appointed for the purpose of the implementation of LTR and redressal of land grievances of tribal petitioners based on physical verification, dismissed the cases of tribals holding that the records produced by non tribals and the claims of the tribal petitioners do not tally.

2) In most of the cases the orders were passed by Special Deputy Collector(SDC) observing that transactions were held between non tribals and as such the transfers were not affected by the provisions of Land Transfer Regulations 1 of 59 as amended by 1 of 70. It is true the Regulations 1of 70 prohibits transfer of lands between non-tribals only after 3-2-1970. The Land Transfer Regulations have to be given retrospective effect in order to cover the earlier transactions held between the parties with respect of lands situated in the scheduled areas. This demand has been pending with the Government since long time. The Government is not committed to plug the loop-holes in the law.

However we find the enquiry officer passing

orders without conducting proper enquiry in to the past land transactions, passing judgments holding that transactions were held between the non tribals based on one or two land transfer deeds produced by the non tribal parties in the proceedings before him. The SDC failed to see how the original non tribal seller gained access to lands situated in the scheduled areas and whether the non tribal claimants have continuous possession and enjoyment of the lands in dispute prior to the Prohibited Land Transfer Laws came in to force. In fact under the law burden is on non tribals to prove their title and possession over lands situated in the scheduled areas. On contrary the SDC passed orders in land cases observing that Tribals failed to prove their case in showing that they were in the possession of the lands in dispute at any point of time earlier and lands were transferred from them to non-tribals. The observations of the SDC are against the law and fact.

3) The other reason shown in the cases is the the principle of Resjudicata. As long as void transactions subsist the principle of resjudicata has no application. The parties in the dispute cannot plead based on this principle if they played a fraud on the constitution and the Land Transfer Regulations which emanated from the Fifth Schedule of the Constitution. However the Special Deputy Collector allowed the claim of non-tribals in the cases shown above basing on that principle. Non-tribals in support of their claims filed the earlier orders

issued in favour of them by the same authority. But the law says that if the parties are different and the emerging facts are new and distinct from the earlier proceedings the principle of resjudicata has no application. The SDC without looking in to the legal principles and conducting an elaborate enquiry in to the present land dispute disallowed the claim of the Tribal Petitioners and allowed the claim of non tribals.

- 4) Another ground shown in the orders is that the Non Tribal is a Settlement Patta holder as such his possession can not be disturbed. A.P. Scheduled Area Land Transfer Regulations are to invalidate any transfer of lands situated in the agency tracts in favour of non-tribal. In order to actualize that intention the Regulation had set up the Special Deputy Collector's (T.W) Court. Ryotwari Settlement Regulations 2 of 70 or Ryotwari Settlement Regulations 2 of 69 or other Similar Settlement Regulations were enacted to provide for the Ryotwari Settlement Patta of certain lands in the Scheduled Areas of A.P. These Regulations also enact that a non-tribal shall not be entitled to a ryotwari patta if his possession or occupation of the lands is void or illegal under the Land Transfer Regulations. The proper way to read these two Regulations is to allow both of them to operate while giving primacy to the operation of Land Transfer Regulations. Where the Regulations 1 of 59 as amended by 1 of 70 decides that possession and occupation of the non-tribal is void then that would prevail against any Ryotwari Patta that might have been granted under Ryotwari Settlement Regulations.

However the Special Deputy Collector

(T.W) in the proceedings initiated against non tribals, observed that non tribal can retain his possession of lands situated in the scheduled areas as he was granted Settlement Patta, without conducting an enquiry as to how he gained an access to such land before getting Settlement Patta. Therefore the SDC has narrowed the scope of the enquiry under the LTR and simply passed orders in favour of non-tribals based on the Settlement Patta Produced by Non Tribals in the land cases.

The Settlement Regulations on the one hand brought an end to the feudal system of administration of land but on the other hand opened the floodgates of Scheduled Areas for non-tribals to claim legal right over tribal lands.

During the survey and settlement operations under these regulations several illegalities were freely committed by the non-tribals in collusion with the lower survey and settlement officials. In the settlement Regulations 2/69 and 2/70 it had been stipulated that non-tribals had to prove eight years continuous possession prior to 1969 and 1970 and absence of any prohibited transfer as per LTR to be eligible grant of patta. However, these were openly flouted by the non-tribals.

- 1). False receipts were created from the Mutta clerks/Estates clerks showing payment of taxes,
- 2). Tribals were driven out by creating terror by organizing police raids, thus, making it convenient for the non-tribals to get the tribal lands measured in their names.
- 3). Lands with rich forest growth were

taken as pattas though they were never in occupation of the lands; obviously with an intention to get the rich timber. The cases of Jangalthota and Chintalpudi of Y.Ramavaram Mandals of East Godavari are glaring examples of this.

The specific case of Nelakota(V) of East Godavari District is very revealing. The village abuts a huge inland tank by name Ramavarapu Ava and gets irrigation water from the same. The non-tribal residents of adjacent villages especially Ramchandrapuram had dubbed the tribals as naxalites (post 1969 Srikakulam Movement period) and got police raids organized. The tribals now inform, that they had fled to the hill tops and stayed there for more than a month. This period was used by the non-tribals to get the lands surveyed and settled in their favour.

- 4). Tribal claims were never properly examined and tribals were by and large unaware of the settlement operations. By the time, tribals realized that their lands were given as pattas to the non-tribals, it was too late for appeal. As a result of these dubious measures the land holdings of the non-tribals rose from 9805 hectares before 1969 to 16789 hectares in East Godavari agency. (Protection of Tribal Lands – Neerabh K. Prasad).

7.9 Tribal land struggles

The movement of Tribals of Kondamodulu village which consists of twelve hamlets in Devipatnam Mandal of East-Godavari district

in Andhra Pradesh focused on land struggles against landlords who used to control tribal lands through illegal means. Shivaiah Patrudu, a non-tribal landlord along with his other kinfolk used to dictate terms in the agency area. The feudal lord's rule over the area was challenged by the 'Girijana Sangham' which was founded by the tribals of the area. The movement began in the year 1968 and gained momentum in July 1981-November 1982 when the tribals under aegis of the Girijana (tribal) Sangham occupied the lands controlled by the landlord and sowed seeds. Tribal movement has now gained greater confidence and has been consolidated. Having vested control over 3000 acres of land in that area it has now spread to other areas and to neighboring mandals of West Godavari District. Girijan Sangham is an outfit of C.P.I (M.L)

Post 1986 tribal areas of same Devipatnam Mandal in East Godavari district witnessed Land occupation movement by tribals with the support of A.P.Ryutu Coolie Sangham, a frontal group of CPI (M.L) New Democracy. Tribals questioned the fraudulently obtained settlement pattas of non-tribals over their lands. They occupied such lands and restrained non-tribal settlement patta holders from entering into an extent of nearly 2000 acres land.

Few NGOs like Laya, Sakthi have done considerable work in raising the tribal land question in the coastal and part of Telangana region in Andhra Pradesh through different tribal initiatives without confining only to court litigation. Tribals are capacitated to articulate their land rights issues before justice delivery mechanisms.

7.10 Tribal land issues: An over view

The problem of Tribal Land Alienation has gained significance in the context of tribal economy

because the forces of marginalization are very strong. With depletion of forest resources, diversion of water sources to the plains and scarce land resources, the tribals are alienated from their survival sources. Therefore the question of land assumes greater urgency in their struggle for survival. The high percentage (57.2) of non-tribal population in the scheduled areas demonstrates the inexorable influx of non tribals into scheduled areas. The gravity of tribal land alienation may be gauged from the percentage of land holdings of non tribals. As per reports of Department of Tribal Welfare, Government of Andhra Pradesh non-tribals are now holding more than 48% of land in scheduled areas. It is also significant to note that the number of agricultural labourers among the tribals has been increasing at an alarming pace and the rate of migration out of scheduled areas too is rapidly increasing.

The land holdings of Scheduled Tribes in the State were 7 lakh 54 thousands and covered an extent of 10 lakh 87 thousand hectares of land during the year 1995-96. Land holdings increased to 8 lakh 62 thousands covering an extent of 11 lakh 86 thousand hectares of land in 2000-01. The increase in extent of land is not in the same ratio of number of land holdings. (A report on census of land holdings 2000-01-Director of Economics and Statistics). This data shows that there is a fall of an average holding ratio from 1.44 hectares to 1.37 hectares. It indicates a phenomenon of fragmentation of land and increase of number people depending on the land.

In spite of the fact progressive tribal land transfer

regulations are in force, great injustice has been done to the tribals by denying access to the land resources which were once owned by them. Legal mechanism evolved to address the land issues in tribal areas even after independence is often delayed, prevented and diluted in its application. And the result is the large-scale dispossession of the tribals from their lands. The Supreme Court of India declared in the year 1988 that the provisions of Land Transfer Regulations are constitutionally valid. It gave a socially vibrant interpretation to the Regulations. The Supreme Court held in P.Ramireddy Vs State of Andhra Pradesh that non-tribals had very often circumvented the legislations enacted in order to protect the tribals by having recourse to benami transactions and other dubious devices. The poor, ignorant illiterate and gullible tribals have often succumbed to the viles of the economically stronger and unscrupulous non-tribals. Society cannot shut its eyes to the fact that the competition between the tribals and non-tribals takes on the character of a race between a handicapped one-legged person and an able bodied person.

Further the Supreme Court in the year 1997 in Samata Vs. state of Andhra Pradesh held that the word 'Person' in the Regulation would include both natural persons as well as juristic persons. This means the Government can also be considered as a non-tribal for the purpose of implementation of the Regulations and Government cannot transfer its land to non tribals in the scheduled areas. This liberal and wider interpretation would maximize allotment of Government Land in scheduled area to the tribals

and to make socio, economic justice assured in the Constitution a reality for the tribals. However the implementation of the legal principles by the State remains still a distant dream in the context of tribals.

During the survey and settlement period i.e., 1970-78 in the agency areas, most of the land belonging to tribals was surveyed in the name of non-tribals under Ryotwari Settlement Regulations 2 of 69, and Ryotwari Settlement Regulations 2 of 70. This helped non-tribals to get settlement pattas over the lands of tribals. Authorities under Ryotwari Settlement Regulations did not conduct proper enquiry in to land holdings of non-tribals in pursuance of the Land Transfer Regulations, at the time of granting settlement pattas. In Bhadrachalam revenue division in Kammam district as many as 8297 non-tribals managed to get settlement pattas over 29,554.16 hectares of land.

The Government of A.P. in the year 1991 directed the District Collectors in the Scheduled Areas to prefer appeals through tribals against the erroneous Settlement pattas granted infavour of non-tribals. But this memo has not been implemented.

The conflict with High Court judgments in respect of orders passed by the officers under the Settlement Regulations and orders passed by authorities under Land Transfer Regulations have caused serious hardships to the tribals in retrieving their lands lost to non tribals. Majority of the judgments of High Court of A.P says that once the Settlement Patta is granted under Ryotwari Settlement Regulations it is final and

conclusive and the authorities under tribal protective Land Transfer Regulations cannot question it. Till 1997 ruling of Supreme Court of India in Samata Vs State of A.P there was a confusion on this aspect. The Supreme Court held that the prohibition against transfer and the declaration of nullity enjoined under A.P. Scheduled Areas Land Transfer Regulations having been held to be an emanation of Fifth Schedule of the Constitution it self, the determination of invalidity declared under the provisions of Land Transfer Regulations will have to be held as overriding any contrary determination under any other Regulations. Justice Punnayya Commission has recommended in this regard that the Land Transfer Regulations must prevail over other regulations like Ryotwari Settlement Regulations.

The Revenue Authorities have even granted Assignment Pattas to non-tribals over Government Land. The High Court of A.P in 1998 struck down the G.O. 41, G.O.951 and GO951 prohibiting eviction of non-tribal Sivai Zamadars in occupation of Government Lands in the Scheduled areas and directed the authorities to evict them under Land Encroachment Act. Hence non-tribals cannot continue their possession and enjoyment of Government lands situated in the Scheduled areas. Even then the authorities still continue to allow the non-tribals to retain their possession and enjoyment of lands instead of evicting them from such lands and assigning the same to eligible tribals. In Bhadrachalam agency area of Kammam district alone non-tribals are holding more than 15 thousand acres of Government

Land in contravention of the Land Transfer Regulations 1 of 70.

On the other hand tribals have not been able to get back their lands under present Land Transfer Regulations 1 of 70 as it has no retrospective effect but has only prospective nature. This means the authorities under Land Transfer Regulations cannot interfere with the alienations effected prior to the commencement of the Regulations. The Supreme Court decided in the year 1996 that the Regulations are prospective in nature and not retrospective. So the Regulations cannot invalidate the transfers affected between the parties prior to the commencement of the Regulations.

The land resources of the Scheduled Areas are being rapidly depleted by even the Government which has the constitutional responsibility to protect the tribals. The retrieval of forest lands from the tribal holdings is one such example. About 37 thousand hectares of forest land which was under the hold of tribals in Visakha agency areas, was brought under World Bank assisted Community Forestry Project by displacing them. The process of Regularization of forest lands which are under cultivable holdings of tribals is being delayed. Not only; the tribals are being threatened with eviction. About 63 thousand tribal families are dependent on 62,948 hectares of Podu cultivation. In Adilabad District alone about 94055.78 hectares of forest lands are under occupation of tribals and cases have been booked against them for cultivating the lands. As per the reports of 31st March, 2004 of Minister for Environment and Forests (GoI) about 2,95,383 hectares of forests lands are

under encroachments both pre and post 1980. There is an unresolved boundary dispute over a stretch of 21,210 kms with regard to forest lands in Andhra Pradesh. There are forest lands dispute between forest and revenue departments on the one hand and the tribals and forest department on the other. During survey and notification of forests in tribal areas, the forest department arbitrarily fixed the reserve boundaries encircling the tribal lands and habitations.

The recently passed, The S.T and Other Traditional Forest Dwellers (Recognition of Forest Rights) 2006 Bill dilutes the tribal protective Land Transfer Regulations 1 of 70 in the State of Andhra Pradesh. The transfer of lands cannot be permitted in favour of a person other than Scheduled Tribes as per the 1 of 70 Regulations. The State is considered as a person for the purpose of implementation of 1 of 70 Regulations as such the State can not assign its land to non tribals. On the other hand forest rights bill limits the scope of recognition of the tribal rights over the forests.

The proposed Polavaram project will result in the submergence of 94,357 acres of lands situated in the Scheduled Areas, of which 29,852 acres are government poramboke lands. The Polavaram Project will submerge 3223 hectares of forest resources.

Table 7.12 Progress of implementation of LTR from 1995-2004

S.No	Item	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	Total
I	No.of cases detected	65717	60593	64378	65945	68610	68555	69599	70552	74876	608825
	Extent	276609.24	265749.16	282378.04	287841.87	301515	301266	305902	310779	329961	2662001.31
II	No.of cases disposed	52095	53385	56268	58252	59216	59400	63534	66824	63172	532146
	Extent	232894.78	236984.17	248094.86	266275	259913	260613	278385	293124	274598	2350881.81
III	Land restored to Tribals	23737	97646.16	101706.04	94208.9	23465	94302	96137	107866	31111	670179.1
IV	Balance to be restored	252872.24	168103	180672	193632.97	278050	206964	209765	202913	298850	1991822.21

(Land and the Poor – Notes of AP Economy of Rural Development)

In the context of the legal and social conditions prevailing in Tribal areas of A.P., it was but logical that the goal of restoration of tribal lands remained more as a welfare promise rather than a reality. This is clearly seen from the data on the progress of land restoration provided by the State agencies themselves.

It is doubtful, however, whether the extent of land recorded as given to the tribals had been really restored back to the tribals. The enforcing authorities failed to restore back to the tribals as per the order of the courts. Particularly in the cases where the courts ordered restoration of the land to Government by evicting non tribals in land cases, although the authorities reported the orders were implemented and compliance records shown to the courts, field investigations reveal that in many cases the restored land continued to be under the virtual control of the erstwhile non-tribal cultivators.

7.11 State attempts to dilute 1 of 70 Regulations

The State Government of Andhra Pradesh under the ruling of Telugu Desam Party made attempts twice to repeal the tribal protective Land Transfer Regulation 1 of 70 once under the leadership of N.T. Rama Rao and the other under the leadership of Chandrababunaidu. The first attempt was due to pressure from non-tribal land lords settled in the tribal regions. While the other one was part of the Globalization process. The TDP Supremo Chandrababu Naidu made serious attempts to get 1 of 70 Regulations in 2001 repealed to invite multinational companies and private agencies to exploit the mineral wealth deposits in the tribal belt. The then Government considered the judgment delivered by Supreme Court in Samatha case as a set back in their

attempts to open up the tribal area to private enterprises for mining operations. The present Congress government has succeeded in diluting the provisions of the Land Transfer Regulations 1 of 70 by taking up of massive Indiramma Housing programme in Fifth Scheduled Areas by issuing a G.O.Ms. No.15 to provide housing to non-tribals. This promotes settlements of non-tribals and further invites non-tribals' migration to tribal areas. The policy is posing a serious threat to the survival and identity of tribals in tribal protective Fifth Scheduled Areas of the State. Further the State is making attempts to overcome legal implication of 1 of 70 Regulations so that private companies can have access to mineral wealth and other natural resources in the scheduled areas. For instance the State Government has entered into an agreement with a private company Jindal to mine bauxite over vast tracts of tribal region in Visakhapatnam District. On the other hand the State is allowing Tribal societies to do mining for minor minerals in the tribal areas. Taking undue advantage of this non-tribals who have vested interests are excavating the mineral wealth in tribal areas through benami Tribal Societies. State officials remain as mute spectators to this illegal mining activity.

The State government is yet to frame rules under the A.P Panchayats Extension to Scheduled Areas (PESA) Act 7 of 1998. This act gives power to Gram Sabha or Panchayats as the case may be in Scheduled Areas to perform functions that can prevent of alienation of land in the Scheduled Areas and restore any unlawfully alienated land of a scheduled tribe. The power therefore is still un-fructuous as the panchayats are not made to gear up to do these functions.

7.12 Recommendations

1. *Legislative Changes*

1. Retrospective effect is to be given to all Land Transfer laws from 1917 onwards in Andhra Area and from 1356 Fasli in Telangana area.
2. Enforcement officers must be empowered to exercise suo moto powers under Land Transfer Regulations (LTR) in filling LTR cases without any period of limitation or constraints in the name of reasonable period to raise the land question.
3. Sec. 6A of LTR is to be extended to the officers who are disobeying the orders issued by courts or Govt. and negligent in implementing the Land Transfer Regulations. (Penal Clause)
4. The oral evidence in tribal land cases shall be given an overriding effect on any contrary documentary evidence produced by non-tribal parties.
5. To ensure implementation of PESA Act provisions with regard to prevention of tribal land alienation and restoration of alienated land, suitable changes to be made to the definition of GRAMA SABHA under PESA Act. The changes may be made in such a way that the Grama Sabha consists of all the members belonging scheduled tribes only. Rules are to be made under the PESA.
6. A Special constitutional Provision is to be made excluding the powers of Appellate or Revision authority or High Court or Supreme Court to pass interim orders suspending the operation of the orders issued infavour of tribals by the lower courts.
7. The provisions enabling filing appeals under both Land Transfer Regulations and

Settlement regulations are to be amended in order to take up afresh appeals questioning the orders issued earlier infavour of non tribals.

8. The Settlement Pattas have to be cancelled if it is found that the settlement pattadar is an absentee or non-resident landlord. Suitable amendments have to be made to the provisions of Ryotwari Settlement Regulations.
9. There must be saving clause in Scheduled Tribes and other Forest Dwellers (Forest Rights Recognition) Act 2006 saving all the existing Tribal Protective Land Laws in the Scheduled Areas of A.P

1. *Changes Proposed to Executive Directions*

1. The G.O.Ms.No.274, dated 15-6-2002 is to be modified to confer powers of Director of Survey and Settlement on Project Officer, ITDAs under Survey and Settlement Regulation 1/69, 2/69, 2/70, and 1/89.
 2. The Govt. has to notify distribution of lands in Scheduled Areas to the tribals as a Public Purpose and acquire the lands from non-tribals by invoking the provisions of Land Acquisition Act.
- ### 2. *Comprehensive Circular for Better Implementation of LTR*
1. Appeals to be preferred against the survey and settlement orders issued in favor of non-tribals after making thorough scrutiny of all such orders under respective settlement regulations.
 2. Appeals to be preferred against the orders passed by Special Deputy Collector/Agent to Govt. etc, in favor of non-tribals.

3. Updating of land records on physical verification of land and incorporate the names of actual cultivators in revenue records.
4. Computerization of court orders in respect of tribal land issues.
5. Provide access to all land records and all public documents including court orders under LTR, Settlement regulations etc., to tribals or any interested parties at ITDA level on nominal cost by maintaining public land libraries. Basic land records must be made accessible to the tribal parties at Gram Panchayat level to ensure greater and quicker access to information.
6. The judgments given by High Court of AP striking down all the G.Os protecting non-tribal Sivai Jamadars shall be implemented. (G.Os 41, 971, 951 etc.).
7. No settlement patta shall be granted to non-tribals if land is classified as Govt. land.
8. Eviction of non-tribal encroachers of Govt. land shall be carried out.
9. Enforcing authorities have to initiate cases under LTR basing on field information with regard to possession. Cases have to be initiated against non-tribal parties to the sale transactions effected after 1/70 came into force basing on the registration extracts from concerned Sub-Registrars' office. The enforcing authorities have to implement 1/70 in letter and spirit when there is a violation of such regulations.
10. All the "Pasupu Kumkuma" transactions effected between parties must be considered as a gift and implement the provisions of LTR which deals with the cases.

3. *Administrative and Monitoring Mechanisms*

1. At the State level, a committee must be set up with the representatives of Govt., and Civil Society Organizations who are experts

on tribal land issues to monitor the implementation of tribal protective land laws and give directions from time to time to the enforcing authorities.

2. At Integrated Tribal Development Agency (ITDA) level, similar committees must be set up.
3. The Special Deputy Collectors in tribal areas must be given postings after a compulsory thorough training on LTR and other relevant laws. Frequent sensitization programmes on tribal land rights have to be organized for both SDCs and other enforcing machinery.
4. Legal Cells have to be created with a panel of advocates with pro-tribal lawyers at ITDA level where there are no such legal cells to provide free legal support to tribals and also to assist Special Deputy Tahsildar or any other officers who are taking up cases on behalf of tribals.
5. ITDAs have to control the influx or infiltration of non-tribal population by taking steps in the light of LTR provisions with coordination of all licensing depts. to check the establishment of shops/enterprises, constructions for housing or for any commercial purpose.

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Chapter VIII



Land Literacy - Tool to protect tribal livelihoods

N. Sanyasi Rao

Land Literacy - Tool to protect tribal livelihoods

N. Sanyasi Rao

Summary

Land is the prime livelihood source of the tribal people in Andhra Pradesh. The average size of land held by 68.3% of tribal people is around 2.5 acres. But most of it is on hill slopes and is of poor quality. This land is being expropriated at an alarming rate due to land alienation by non tribal people further causing the tribals to move further up the hill slopes. In scheduled areas - supposedly reserved for tribal people - 48% of lands are with non-tribals. High incidence of illiteracy among the tribals, lack of knowledge on tribal laws, lack of understanding of legal entitlements & land transactions, LTR-1 of 70 Act not being applicable in tribal sub plan areas, over-dependency on the government and above all the exploitative mindset of the non-tribals have all contributed to this alarming erosion of tribal land entitlements. The reality on the ground threatens the very survival of tribal despite the stringent laws applicable in scheduled areas. The sub plan tribal (non-scheduled) areas have been recognized as an extension of scheduled area laws since the year 1980 but its approval is still pending with Govt. of India for implementation.

The tribal poverty caused by landlessness and land alienation can be tackled through imparting “Land Literacy” to tribal youth. The youth can be trained to understand the laws, government programmes so as to overcome poverty by protecting their rights and entitlements.

The involvement of Action in Rural Technology and Service (ARTS) with 28 community based organizations in Srikakulam and Vizianagaram Districts of AP has proved that Tribal poverty can be eradicated through “Land Literacy”. This essay advocates this as a policy to be followed in all tribal districts of Andhra Pradesh.

8.1. Background

The population of scheduled tribes is 4.2 million and they constitute 6.3% in Andhra Pradesh state population. The scheduled areas and tribal sub plan areas in the districts of Srikakulam, Vizangaram, Viskhapatanam, East Godavari, Westgodavari, Khamam, Warngal, Adilabad and Mahabubnagar constitutes the traditional inhabitants of about 30 tribal groups, while the other 3 groups viz, Yerukula, Yanadi, Lambada are mainly living in the plains, outside the tribal concentrated areas. The literacy rate is 17.16% and 68.3% of tribal holds only on an average 2.5 acres of land, most of which is unproductive. This leads to shifting cultivation on hill slopes.

The land of tribal people in AP is being expropriated at an alarming rate. In scheduled areas-which are supposedly reserved for tribal peoples- more than 48% of the land is now ¹legally or illegally cultivated by non-tribal people.

Many of the land transactions are unfair: the price paid is low; the land is appropriated without the

¹ Mr. N.Sanyasi Rao, Director, Action in Rural Technology and Service (ARTS),
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knowledge of the tribal people, often with the connivance of non tribal people/local authorities. Corruption in land transfers is common. Tribal people who are deprived of the fertile land in the valleys are forced to move further into the hills and grow crops on steeply sloping land that is unsuitable for cultivation.

The national government is currently formulating a national tribal policy in conformity with the panchsheel (five principles) put forward by Jawaharlal Nehru; the first Prime Minister of India.

Nehru's panchasheel

1. Tribals should be allowed to develop according to their own culture and traditions.
2. Tribals' rights in land and forest should be respected.
3. Tribal teams should be trained in administration and developmental work, without too many outsiders being inducted.
4. Tribal development should be undertaken without disturbing tribal social and cultural institutions.
5. The index of tribal development should be the quality of their life not the money spent.

Current tribal land policy in AP is inadequate to deal with the problem of tribal land alienation. Nehru's panchasheel helped to formulate the tribal policy to safe guard and protect the tribal land rights. New approaches are needed. One has to raise the awareness and skills of tribal people on land rights issues through educating young people.

8.2 Present status

Tribal people once known for their self sustained economy, is now under the threat of losing their identity and on the verge of extinction due to non tribal intrusion and exploitation, severe natural resource depletion, land alienation, displacement etc. Tribal are still living on natural resources like land and forest. The size and quality of land they possess are not sufficient for them to survive. Hence they depend upon collection of forest produce to cope up with the needs.

Though land is the major source of livelihood for the tribal, many tribals do not possess the legal titles for their lands despite their cultivating the lands for years. In some cases they possess pattas but the land is not handed over and in some cases their land is illegally occupied by the non tribal. Action in Rural Technology and Service (ARTS) focused on the problems around land rights of Tribal people in Srikakulam and Vizianagaram Districts of AP.

- ✱ Lack of awareness on Land literacy
- ✱ Lack of understanding of entitlements and land records
- ✱ Unfair Land transactions by non Tribal
- ✱ Illegal land occupations by non tribal
- ✱ Most of the tribal habitations are in sub plan areas, where LTR- 1/70 Act is not applicable
- ✱ Lack of awareness and Knowledge on Scheduled area Tribal rights
- ✱ No knowledge on application of Scheduled area laws

² Legally – non tribal people may have land as per 1935 land settlement survey.

- Dependency on Integrated Tribal Development Authority and other government departments
- Various factors contribute towards this and the unhelpful attitude of the officials make things worse for them.

8.3 The ARTS work with youth cadres on land literacy

Young people hold promise for overcoming the problem of land illiteracy. They can be trained to understand the land laws and to overcome poverty by protecting their rights over the natural resources.

In 2005-6, Action in Rural Technology and Service (ARTS) trained 45 young tribal people in Srikakulam and Vizangaram Districts on land literacy. The training covered laws on land, land records, and land survey techniques. This work was supported by Action Aid India-AP Region.

The young people helped their friends and neighbours locate and mark their land boundaries. They presented the information to the authorities, and organized other villagers to press for land rights.

This approach was highly successful:

- Around 1100 Tribal families reclaimed 1846 acres. Some tribals received pattas, including several people who had not owned land before.
- Sanghas were formed in 282 villages and two district level federations of Srikakula Adivasi Samakhya and Vizangara Adivasi Samakhya of all sanghas are being nurtured towards a sustainable people's institution.

- About 28 youth groups (Community Based Organisations) emerged to take up leadership, respond to the many tribal issues, mobilize people and negotiate with the government.
- Inputs were provided to 200 youth on land and forest rights, Panchayat raj and government schemes.
- V schedule Sadhana Committees were formed in 9 Mandals of two districts (Vizianagaram and Srikakulam Districts) and campaign was taken up to build pressure on the government.

The project also pursued other strategies:

- Nurturing of youth leadership through an intensive capacity building process
- Promoting network of CBOs to work on policy issues at District and State level
- Integrating rights of the women, children and the persons with disability as part of core activities
- Campaigning on major issues (land) by involving multiple stakeholders
- Strengthening the village level peoples institutions and federating them at Mandal, and Division levels
- Interfacing with people's institutions and government
- Capacity building for Panchayat representatives and collectivisation at division and state level .

How one young man changed the lives of 42 families

Although he is only 23, P. Challayya is making a big difference to the lives of people in Manumkonda.

His village, 19 km from Bhamini, the *mandal* headquarters in Srikakulam district in Andhra Pradesh, is home for 138 primitive Savara families. They grow millet and red gram, and work as farm labourers in other villages nearby.

Mr Challayya is an activist with Srikakula Adivasi Samakhya, a community organization based in Manumkonda. ARTS gave him training in tribal land law and land surveying.

After the training he went to the local revenue authorities and asked for a copy of the land records for the village. Using these, he identified government-owned land in the village that was not cultivated.

The project supported youth to formulate micro action plan of the village and identified landless poor communities in the village. He facilitated meetings, and mobilized 42 families to cultivate government land. He facilitated these families to submit applications to the concerned revenue authorities. The authorities refused to issue pattas to the families on the occupied land. Mr. Challyya started his struggle by facilitating dharna before revenue office and ITDA (Integrated Tribal Development Authority) office. But authorities didn't respond.

Mr. Challayya drew a map of 42 acres of uncultivable waste land by showing all the measurements indicating subdivision wise names as per F.M.B. (Field Measurement Book) with

his training experience. He submitted it to Project Officer of I.T.D.A and invited him to the village. During his visit to the village, the P.O. interacted with the people and got convinced about their need and the work done by the youth activist. He then recommended issue of pattas for them. The people got legal entitlements to 42 acres of land after one and half years struggle. "The poorest of the poor became land owners and began cultivating Red gram and Ragi".

Legal Rights can be achieved by youth

This is a case of tribal families from Viswanathapuram of GL puram mandal who struggled for legal titles for their lands for about 25 years. About 20 families belonging to Kondadora tribe have been cultivating the government land for the past 25 years. Of these, 9 families did not possess legal titles. They used to lease their lands to the local non tribal traders to grow tobacco for Rs 2000/- to Rs 4000/-. But for the past three years, after ARTS started its work on land rights, village youth were able to understand the legal implications and rights and stopped letting their lands on lease. They have spent a great deal of money on revenue staff by way of bribe to get the legal titles to their lands. It is then that two youth who were trained as land rights activists, mobilized the people and got the survey numbers from land records and made application to the concerned revenue officer for titles. This was followed by repeated reminders by the collective of the youth whenever they went to Shandy (local market). Yielding to the people's pressure concerned revenue official issued the legal titles for 17 acres. "We were able to resolve 25 years of problem within 45 days with the support of our youth who are trained by ARTS."

8.4 Policy recommendations and suggestions

The Government of AP should create a cadre of young people who can solve the land alienation and livelihoods of the tribal people by promoting “Land Literacy” to develop skills to collect land records, measuring land, and reading revenue map and sub divisions in Field Measurement Book to protect the livelihood rights of the poorest of the poor by enforcing the tribal laws in the state.

Since land is the major source of livelihood for tribal, if they possess the legal title for their land it will help the tribal people to stop the intrusion and exploitation and depletion of forest resources to improve the livelihood of the tribal people in the state. National policy should tackle the following along with “Tribal Land Literacy”:

- Provide land titles to all the tribal families in tribal sub-plan and schedule areas.
- Display land records in the panchayat office so that tribal people have access to these.
- Consider Oral evidence as valid in the absence of written records in the disposal of tribal land disputes.
- Give tribal people in forest villages entitlements (*patta*) for lands they have traditionally cultivated.
- Convert sub plan areas as V schedule as per the 1980 Tribal Commission recommendations.

- Ensure Government support for land development and soil & moisture people; if necessary implement effective R.R. Package along with constitutional safe guards.
- Provide access to public distribution system through mainstreaming the ration depots.
- Provide access to social security schemes for most vulnerable people.

ANNEXURE

GOVERNMENT OF ANDHRA PRADESH

REVENUE DEPARTMENT

(Memorandum No.3937-B1/77-1, Dated 22nd October, 1977.)

Sub.: Land - Government Land - Settlement of disputes regarding Government land - Instructions - Issued.

Government have observed that a large number of cases of violence and intimidation against Scheduled Castes, Scheduled Tribes and other weaker sections of the society arise from disputes in regard to lands particularly the occupation of Government lands.

2. While detailed instructions have already been issued stressing the necessity for taking stern action in this regard, the following further instructions are issued.

(i) All cases of request for allotment of Government land by landless poor, particularly Scheduled Castes and Scheduled Tribes should be settled without any delay by effective and decisive action at all levels.

(ii) The District Collector is authorised to take a final decision in respect of all Government land at district level. In the cases of disposal of Government land, the decision of the District Collector is final at district level and all Government departments and agencies should adhere to this.

(iii) Stays should not be granted against occupation of lands by landless poor including Scheduled Castes and Scheduled Tribes except in exceptional cases and in any such case, clear reasons have to be recorded.

(iv) In all cases of allotment of land, possession by landless poor should be invariably ensured and it should be the duty of the revenue authorities and police to place the landless poor firmly in possession. Any default in this respect will be taken as serious lapse of duty.

3. Government reiterate that firm and decisive action should be taken in all cases of land disputes in order to secure effective occupation of land by landless poor, particularly Scheduled Castes and Scheduled Tribes. Apart from enabling them to occupy the lands, necessary economic support measures should also be taken up simultaneously to enable them to develop the land.

4. The receipt of these instructions should be acknowledged.

S.V. Giri
Special Secretary to Government.

Chapter IX



Urban land and the access to poor - A case study of Hyderabad

Dr. MD. Irfan Basha

Trade unions plan agitation 19-4

Special Correspondent

HYDRABAD. Trade unions in the State on Wednesday decided to launch an agitation to force the Centre to withdraw GO on the printing of banknotes.

The decision was taken at a meeting of the representatives of various trade unions under the leadership of P. J. Chandrasekhari, general secretary, Andhra Pradesh council of the All-India Trade Union Congress (AITUC).

The meeting resolved to organise a joint convention of trade unions here on April 26 at Gandhi Bhawan and regional towns later. The convention would finalise a national agitation programme for forcing the Government to change its stand.

V. N. Bose (AITUC), Sadasu (ITUC), Ramabrahm (APF), Chandrasekhari (APF), the Andhra Pradesh State Federation and P. Madhukar of the Andhra and Clear Workers Federation were among those who attended the meeting.

SR distributes land to tribals

Minister Y. K. Rajagopal Reddy distributed 200 acres of the land to the tribals in the district of SR. He was accompanied by the Deputy Commissioner, Mr. K. Kumar and other officials.

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Urban land and the access to poor - A case study of Hyderabad

Dr. Md. Irfan Basha
Research Associate, COVA.

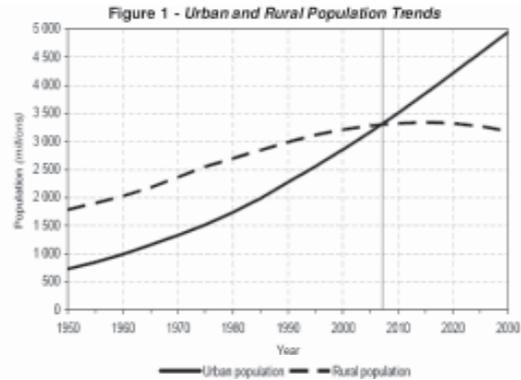
9.1 Introduction

In recent times, India, though still rated as a developing nation, has become an attractive destination for overseas investments. Earlier the advantages of a growing economy and subsequent real estate boom was localized to Class “A” cities like Delhi, Bombay, Bangalore and Chennai. However, the congestion in these cities and the general shortage of infrastructure facilities in them has driven the real estate traffic to Class “B” cities like Hyderabad. From 1.25 million in 1961 the city's population has reached to 6 million now and is likely to reach 17.7 million in 2020.

As the city has grown rapidly over the years, phenomenal developments took place. Good infrastructure and industry friendly environment of the city has helped it in tapping overseas investment. The setting up of development centres by many software

During the next year, for the first time in history, the world will tip from being predominantly rural to predominantly urban. Virtually all this population growth is taking place in towns and cities in the developing world, fuelling an unprecedented growth in slums and urban poverty. Figures show that every day 100,000 people move into a slum in the developing world - that's equivalent to one person every second. Nor are adequate measures in place to deal with the fact that this number is set to double in the next 25 years.

Source : *Cities on the brink - CARE International Report 2006*



Source : *Cities on the brink - CARE International Report 2006*

giants from India and abroad, has resulted in a lot of media attention from around the world focusing on Hyderabad. Thanks to the state government, the city has become a favoured destination for foreign investors and large corporate houses. Unfortunately, in an effort to acquire more and more land in and around Hyderabad, many companies are resorting to fraud and unethical means. Even in the just-concluded panchayat polls (July-August 2006), acquisition of farmlands for industrial development was a major issue in Ranga Reddy district.

The government in its zeal to develop the city into a tourist destination has started harbouring ambitious plans which are becoming detrimental to the poorer sections of the society.

One of the greatest challenges Hyderabad faces now is the affordable housing crisis. It is extensively reported in the media but too often overlooked. Land has long been a

central issue in the policy debate over environmental protection, natural resource management, and rural and urban development. What has been missing is a systematic exploration of the land issues from the perspective of development of the urban poor.

In India where over 28% of the population lives in urban areas, even a small amount of land gives sustenance to hundreds of poor people. The inequity in urban Andhra Pradesh is based largely around ownership of land. It strengthens the long-established feudal and caste hierarchies like no other factor. In fact access to land to the poor breaks the traditional caste, feudal barriers that prevent the poor from moving out of the most debilitating poverty. The issue of 'Development'¹ has been a critical contributor to this evolving trend on housing, shelter and the urban poor. The constitutionality that ensured every citizen the fundamental rights of livelihood, housing and shelter has now been revised, reinvented and supplanted by a legality that sees the urban poor as encroachers and a threat to civic existence.

In this context, the present paper seeks to establish that land is central to the lives of urban poor and a critical factor in poverty alleviation, and that failed rehabilitation programmes is only part of the story of inadequate access to land to the poor. That even within the existing complexities and constraints surrounding land issues, there is enough scope to facilitate access to land to the poor. Thus in the immediate rush one has

to address land and land related issues that are relevant to poor.

The following study portrays the present socio-economic conditions of the people living in a resettled area called 'Nandanavanam'. We will focus on the objectives (Policy on Rehabilitation) of the government, and the way it has been carried out (the implementation of Nandanavanam project by the government since 1997) and make the suggestions in the light of the findings.

In 1997 the government of Andhra Pradesh announced its plan to develop the entire Musi river² belt between Bapu Ghat and Himayatsagar into a Millennium park. The park envisages creation of landscapes, check dams, boating facilities, rock trails, cycle tracks and "river walks". The land was occupied by the "unauthorized" settlement and was home to over an estimated 20,000 working class families. The Nandanavanam Project officially aimed at the beautification of River Musi, will destroy the houses and livelihoods of nearly 20,000 people who have lived for 30-40 years in slums in the area affected by the project.



¹ Usha Ramanathan, *Illegality and Urban Poor*, *Economic and Political weekly*, July 22, 2006, p 3193

² Source: www.reachouthyderabad.com

The subsequent evictions in 1997 from 4 different slums (Chaderghat Darwaza,

Kamal Nagar, Musa Nagar and Shivaji Bridge area) and forced rearrangements have devastated people's lives by distancing them from their areas of work, severing off their social system and tearing down the housing and infrastructure they had built with their life's reserves. Also, the marginalized communities in the slums were targets of police atrocities and segregatory attitudes from other state agencies. The world of slum people represents the worst zones of relationship between people and the State in India.

Crores of rupees were wasted earlier in the name of the Nandanavanam project in 1997. Under the project, a central water channel was built in the Musi but the same was washed away in 2000. The project, which includes building commercial complexes, parking places and lawns, will sweep away the results of many years of struggle of the slum dwellers to achieve stable homestead. Many of them have spent the earnings of a lifetime to build houses for themselves. The housing that the government promises to provide outside the city is no compensation to their eviction.



Construction of a central channel and filling up of Musi

The slum dwellers know the plight of the earlier evacuees from Chaderghat Darwaza, Kamala Nagar, Musa Nagar, Shivaji Bridge area etc.,. In the guise of resettlement, and beautification of the city, in a matter of days, 1300 homes were demolished, without any concrete rehabilitation plan. Barely 50 per cent of those displaced were allotted plots after a year, on a barren piece of land in Nandanavanam, 25 km away from their settlements. The remaining 50 per cent were forced to take refuge on the streets along with their salvaged belongings, until they found some way out of their miserable plight. It is common knowledge if one slum is demolished and rehabilitation is not done properly, as is the case often, it will create 5 smaller slums, since the displaced do not go back to their villages. The same thing happened in 1997, when the slum dwellers were bundled in MCH vans which were used for lifting garbage in the city. They were first kept in an old dilapidated theatre for 2 days and then dumped in an area which was a private property with out the consent of the land owners. Litigation started soon as to whether they have to be rehabilitated in another area promptly or be kept there itself for some time. The slum dwellers were much in consternation as to what their plight would be. Then suddenly one evening their huts were razed to the ground by a violent fire, and by God's grace there were no casualties, but all their belongings were burnt down as they stood helpless watching their lives' savings going up in flames.

They lost all their hopes when they were provided some sheds to live their deplorable lives with out privacy, security and other basic amenities. They continued to languish

without amenities for several years, but when succour came in the form of shelter, it was only for those people who had given money to the middlemen cum leaders. Several of the deprived could not get the shelter even after years of waiting. Some others losing hope resettled themselves in other slums. A considerable number of the relocated sold their houses and moved out when they felt that they could not remain there in the midst of confusion and chaos. There were also a few unable to cope were driven to suicide.

The people who have been living on the Musi bank for over 30 years and earned their livelihood by taking up small jobs like pulling rickshaws, attending to coolie work at bus stands and railway stations, as vegetable and fruit vendors, say, evicting and rehabilitating them at far away places meant shattering their lifeline. The displaced people demand that they be rehabilitated close to their existing houses by constructing multi-storeyed complexes.

Below is the list of Slum areas near Musi, which are bound to be affected, if the programme of Beautification of Musi comes into implementation fully.

9.2 Slum areas near Musi

- 1) Petla Burge
- 2) Kalikhaber
- 3) **Chaderghat Darwaza**
- 4) **Kamal Nagar**
- 5) **Musa Nagar**
- 6) Vinayaka Veedhi
- 7) Padma Nagar
- 8) Shankar Nagar
- 9) New Shankar Nagar
- 10) Wahed Nagar
- 11) Teegalguda
- 12) Afzal Nagar
- 13) Lakshmayya Huts
- 14) Chandrayya Huts
- 15) East Prashant Nagar
- 16) Harijan Basti
- 17) Vaddera Basti
- 18) Shalivahan Nagar
- 19) Bhavani Nagar
- 20) Indira Nagar
- 21) Ganeshpuri Colony
- 22) Shastri Nagar
- 23) New Maruti Nagar
- 24) Ganesh Nagar
- 25) Satya Nagar
- 26) Prashanthi Nagar
- 27) Tulasi Ram Nagar
- 28) Annapurna Nagar
- 29) Ambedkar Nagar
- 30) Khaja Gareeb Nagar
- 31) Sanjay Gandhi Nagar
- 32) Krishna Nagar
- 33) Shanti Nagar
- 34) Vinayak Nagar
- 35) Rajendra Nagar
- 36) Ziaguda

- 37) Hyderguda
- 38) Bapu Nagar
- 39) Kishan Bagh
- 40) Hera Nagar
- 41) Mohammed Nagar
- 42) ShivajiNagar

The situation of the urban poor has always been uncertain in a happening city like Hyderabad. Slums and squatter settlements, where the urban poor find shelter are the least protected. As "intrusion" on "public land", they remain at the sufferance of the state and its agencies. When a programme of developing the city is being pushed, demolition is used as the only solution to clear the lands and disperse the poor. The violence of demolition was, for decades, tempered by a policy of resettlement, which, even when partially and imperfectly implemented, gave demolition a coating of legality.

9.3 Socio-economic characteristics of Nandanavanam population

Slum population in Nandanavanam is heterogeneous in character - with Hindus, Muslims and Christians having migrated from different neighbouring districts, a majority of those from Telangana region and some from Rayalaseema area. Languages predominantly spoken in Nandanavanam are Telugu, followed by Urdu. The area is inhabited by the poor, particularly the labour class. Apart from depriving them of their land, livelihood and resources base, displacement has also other psychological,

social and cultural consequences. They suffer from the worst deprivations in terms of physical and social amenities as well as sustainable livelihoods.

The break up of different social groups in Nandanavanam is estimated to be demographically dominated by SCs (45%), and followed by Muslims and OBCs (20% each), Tribals constitute 10% and the remaining 5% are from the other groups. These social groups are, on the whole, living peacefully among themselves. There is no exclusive single group area settled in a place closely knit in the Nandanavanam locality, and all the social groups are distributed throughout the settlement indicating the concept of unity in diversity. This type of arrangement augurs well for the prevalence of Communal harmony and peace in the neighbourhood.

9.4 Environmental conditions and health s tatus

The environmental conditions in this area are very poor and lack basic civic amenities like dust proof roads, drainage, protected water supply and street lights. There are no community toilets. With even a cursory look at the area, one can easily note what this area desperately needs. The Nandanavanam residents are confronting multi pronged problems: bad sanitation, contaminated water, unemployment, over crowding, health contingencies, floods, epidemics and fire hazards. Sustenance of healthy environment has become a difficult task. On an average two persons from each family have suffered from the dreaded epidemic Chikungunya. There is no provision of medical and health

facilities in Nandanavanam area. Even after nine years there is not a single hospital in the area. Some of the common diseases prevalent here are gastro-enteritis, dysentery, liver enlargement, malnutrition, ringworm, scabies and other skin diseases. To overcome these hazards health infrastructure has to be developed. Most of the poor do not have access to the services from health centres as they are far away from their habitation.

9.5 Education in Nandanavanam

Nandanavanam has three government primary schools. Each school caters to the needs of the displaced children from Musa Nagar, Chadarghat Darwaza and Kamala Nagar. The schools were constructed in sheds only an year after the slum dwellers were resettled there. The gap of more than one year made almost all the people send their children for petty casual labour or rag picking. Even after the schools were constructed, most of the parents did not allow their children to schools. This was not because they lacked interest in the children's education, but for other reasons. A school Teacher said that till 2004, these schools were the gathering point for the goondas as the area where the school was situated, was notorious as a place of drunken brawls and even debauchery. It was only in the year 2004, when the school staff took up the matter seriously with the higher authorities that things improved.



Sheds serving as school buildings

Table 9.1 shows the number of students and teachers in three schools

S.No	School for the Rehabilitated in Nandanavanam	No. of Teachers	Total No. of Students							
			Total	I	II	III	IV	V	VI	VII
1.	Musa Nagar Upperprimary School	7	144	20	32	25	17	22	16	12
2.	Chadarghat Darwaza Upperprimary School	4	77	15	12	14	16	20	-	-
3.	Kamala Nagar	6	91	20	15	18	25	13	-	-

These schools are constructed more or less like the sheds built for rehabilitated people. There is no proper infrastructure like benches, water facility or toilets in these schools. There are no adequate class rooms for the students. Two teachers take different classes for students in each class room. In one school where Urdu medium classes are held upto IV class, there are two teachers taking four classes in one small room simultaneously!

If we happen to visit these schools, we can observe less than half the strength of the students mentioned in the attendance registers. We can spot most of the students around the area working as child labourers or picking up waste papers, plastic bottles, small pieces of cloth etc. Almost all the students enrolled are in the category of 'below poverty line'.

9.6 Literacy in the slums in Hyderabad

As per the census 2001, the literacy rate of slum population was found to vary between 60 - 80%. Female literacy in slums varied from 52 - 73%. Table-9.2 gives the literacy status of slum population in MCH and surrounding municipalities.

Table -9.2 Literacy among slum population³

Town	Literacy Rate (2001)	Female Literacy Rate (2001)
MCH	72.5	65.94
Serilingampally	63.75	55.79
Kukatpally	72	63.48
Quthbullahpur	73.5	64.62
Alwal	80.29	72.38
Malkajgiri	75.34	67.38
Kapra	69.55	59.37
Uppal Kalan	73.05	63.14
LBNagar	63.67	53.25
Rajendranagar	60.15	51.66

Source : Census A.P.- 2001

9.7 Growth of Slums and Slum Population

Hyderabad is characterized by a significant presence of the urban poor, with a growing poverty profile. Slum settlements have multiplied over decades and the living conditions of the poor have not improved. Environmental decline, vehicular pollution, inadequate basic services and infrastructure in the poor settlements hit the poor hardest. Slums are scattered across the city and surrounding municipalities, with high population densities and the number of people inhabiting them is estimated to be around two million. It is estimated that more than half of these slums are on private land, and the rest on lands belonging to various public entities.

The squatter settlements started in Hyderabad in early fifties when the Muslim elite fled the city due to the police action⁴ leaving behind their lands and properties. The Nehruvian era of industrialisation and making Hyderabad the capital of AP state were the other events that triggered sudden growth of population, particularly of the poor. The river Musi divides Hyderabad into two economic zones, with the old city situated towards the south, housing majority of the poor. Two third of the squatter settlements are located on private lands. The average household size is 15×15 ft, and the average household occupation size is about 16 m². The average density of population in slum pockets is three times higher than the city's average⁵.

⁴ When India attained Independence from the British in 1947, a few areas remained outside the Union of India. The state of Hyderabad is one such which was integrated with rest of India by police action by Govt. of India. It became capital of AP state much later in 1956. Source: Regulatory guidelines for Urban Upgrading: Hyderabad Experience, India by Uma Adusumilli, May 2001.p.2.



Nandanavanam - "A new slum in the making"

Table 9.3 Figures for Hyderabad Urban Agglomeration⁶:

Indicator	Figures
Total population	5533640 - later revised in paper 3 to 5751780
Slum Population	1170424
Percentage of Slum population	21.15 % of total population
Total Literacy Rate	78.51 %
Slum Literacy Rate	71.50 %
Slum female Literacy Rate	63.96 %
Total Sex Ratio	938
Slum Sex ratio	942

The growth rate in population as per the Draft Revised Master Plan–2011 for the Hyderabad Development Area prepared by the HUDA in 1993, the population in 2011 is projected to be 8.6 millions. In the HUA (Hyderabad Urban Authority) area, as can be seen from Table 9.4, there are 1631 slums with an approximate population of two million which are not concentric at a particular location.

⁵ 400 persons per hectare in 1987 as against the city's average of 127 persons per hectare.

⁶ Source : The table - U in paper 2 of Census - 2001

They are spatially spread all over the HUA area, which is a cause for concern and requires appropriate strategies. Another concern is that several of them are non-notified making it difficult for the provision of infrastructure and other services on sustainable basis. Some of the slums in the MCH (Municipal Corporation of Hyderabad) area are very old established more than five decades ago and continue to suffer deprivations.

Table 9.4 Slum population in MCH surrounding Municipalities⁷

Town	Number of slums	Slum Population (2001)	% of Slum Population
MCH	1142	1411000	38.83
Serilingampally	59	73866	49.07
Kukatpally	81	19585	6.74
Quthbullahpur	77	138360	61.27
Alwal	61	62585	58.81
Malkajgiri	44	47396	27.08
Kapra	33	47064	29.57
Uppal Kalan	21	43586	36.86
LBNagar	75	23478	8.96
Rajendranagar	38	84287	58.87
Total	1631	1951207	37.47

The poor, not only dwell in slums of HUDA area but are spread in squatter and informal settlements in small groups deprived of basic services. This makes them more vulnerable to vagaries of nature and threat of eviction.

⁷ Source : HUDA Master Plan 2011, Hyderabad Vision 2020

There is no record of data on the number of such settlements and their population.

Slums are increasing in Hyderabad every year and the government does not have an effective policy to reduce the slums. About 25-30% of the population in Hyderabad (MCH area) was estimated to be staying in slums. In 1979, 455 slums were identified and by 1994 the number of slums identified and listed was 811.

Table 9.5 Growth of slums in the MCH area⁸

Year	No. of slums	Population
1962	106	120,000
1967	194	168,000
1972	282	300,000
1976	300	320,000
1977	Not given	380,000
1978	377	400,000
1979	455	408,000
1981	470	540,000
1986	662	859,000
1994	811	1,259,000

By throwing the poor on the outskirts, the policy makers are creating ghettos. It is a move that will surely have tremendous repercussions in the future. This isn't relocation but dislocation. If demolition is a must, then one should first rehabilitate them properly and then demolish. The policies seem designed not to remove poverty but the poor from the main city. Research indicates that in 30 years, every third human being on planet earth will be a slum-dweller. Mumbai

⁸ Source : Urban Community Development. List of identified slums; a report of the MCH. (A later modification to the list indicates that an estimated 1.259 million stay in 792 slums)

and Delhi by 2015 will be the second and the third most populated cities in the world. Thus slums cannot be wished away and ruthless demolition is not the solution. If authorities can address rural development and implement the Master Plan, growth of slums will decline phenomenally. Those who live in slums serve the city and are the backbone of labour force⁹.

The locus of global poverty is moving to cities, a process now recognised as the urbanization of poverty. Unprecedented urban growth in the face of increasing poverty and social inequality, and a predicted increase in the number of people living in slums mean that without concerted action on the part of the municipal authorities, national governments, and the civil society actors, the number of slum dwellers is likely to increase in most developing countries.

Categories of land and the existing potential for giving land to the poor.

The following is the list of different categories of land and the extent of their availability for the distribution to the poor. They include

1. Assigned lands
2. Ceiling lands
3. Inam lands
4. Public Sector Unit lands
5. Lands acquired for projects lying vacant.
6. Lands that come out of Survey of Ghatt numbers
7. Endowment lands
8. Wakf lands

⁹ Source : Ruzbeh N Bharucha, Author of "Yamuna Gently Weeps" in Times of India, 26th Sep. 2006, p. 8

9.8 Case Study-1

Jaipal's story

Jaipal s/o Esaiah, aged 30 came from 'Kattela mandi' in Nampalli area five years ago. He has 3 daughters aged 7, 5 and 3 respectively and a son aged 2. He was a mason, and the works he would get almost 5 days a week has been reduced to 3 or 4 days a week after his resettlement in Nandanavanam. His wife used to work as a maid earlier and she found it difficult to go to work at the same place as the area is 30 kms away from her new settlement. For Jaipal the eviction was a twofold blow – the destruction of his house and belongings as well as the loss of employment and income. As the financial condition got worsened day by day, his wife started doing manual work on daily wage basis. That too is available only for 4 days a week.

One day as Mr. Jaipal was working in a construction site, a big boulder fell on his back, and he suffered multiple injuries. His spine got permanently damaged. The contractor of the work gave him a meagre Rs 5000/- to fend for his troubles . He got admitted in Osmania General Hospital and was there for about a fortnight. During the



14 days' stay he needed to shell out as much money as demanded by the support staff of the hospital. After a fortnight the doctor discharged him from the hospital with out proper diagnosis saying that all he needed was bed rest for some more days. He returned to the shed that was his home. This only made his plight more deplorable. As days went by, the pain in his spine got more severe and now he is confined to his bed. Unable to maintain cleanliness he soon developed bed sores. Other complications too set in and today his urinary tract is severely affected and external support systems sustains him.

Whenever he goes to government hospital the authorities without even giving him a hearing discharge him promptly by giving some cheap medicine, advising him to take rest in his house. The support staff nag him for more money. As he could not walk or even sit on the bed, his legs have become numb and yellowish colour is seen on his foot. He does not have any provision for nature's call. Nor does he have any facility to bathe. The stink and foul smell makes other people residing in the same shed to throw up constantly. Some say he will not remain like this and he may attempt suicide!

Now his wife is also not working outside and her time is devoted to her husband and children. Rest of her time goes for fetching wood and for other household chores. When asked about her health, she says her husband should become normal and healthy. That is the only thing for which she prays. As there

is no help from out side she feels lonely and isolated. She expects a miracle to happen at the earliest. At times she also feels like committing suicide, but then she sees the faces of her children and lets out a sigh and presumes that there is still some hope. There is not a single government hospital in Nandanavanam even after nine years to cater to the health needs of the people.

9.9 Case Study-II

Shahnaaz Begum's Story

Shahnaaz Begum aged 33 lives a dreadful and shocking life in a shed constructed by the government way back in 1998. She with her family (her husband, three daughters and two sons) along with the other slum dwellers moved from Musa Nagar (in Malakpet) to Nandanavanam after the evictions. By the time of eviction, they had built a brick house with three rooms. In Musa Nagar, they had set up on their tiny plot a small brick home with a tin ceiling. The following is an extract from the record of our conversation with her.

Shahnaaz lives with 2 sons aged 8 and 6 in the partition number 784, a small partition, which is made by plastic waste covering a height of 6 feet. The area of the room is roughly 700 sq feet and it has no privacy.



“Hum log Jaanwaron ke beech aa gaye hain”. Shahnaaz told us, ‘Har Ek Shaqs hamara Faida Uthana Chaah raha hai’ ‘we are in the midst of animals, every one wants to exploit us’.

Shahnaaz recalls the hardships that forced her family to leave Musa Nagar and shift to Nandanavanam. “After my marriage, my late husband used to drive auto and I used to look after the domestic chores. We could afford to educate our children. Over the 20 years in Musa Nagar, we were able to save and make a house with three rooms. When finally we were able to afford food and water and a decent life, we were evicted and thrown here. Our house was demolished with only a day’s notice’ – the police told us just the day before that the demolition would begin the following morning. This hardly gave us any time to empty our house of all our belongings. We lost our pucca house and everything we had earned with our sweat and toil of 20 years.”

Even though Shahnaaz’s family has been en-titled to a larger plot in Bandlaguda area, they did not want to go to Bandlaguda area, because the area is notorious for serious crimes. She preferred Nandanavanam because her brother was also allotted the same area. For Shahnaaz, the eviction was a twofold blow – the destruction of her house and belongings as well as the loss of employment and income. Musa nagar is more than 20 km away from the settlement homes in Nandanavanam colony. It is impossible for her to commute there from so far even to visit her parent’s house.

Shahnaaz’s late husband, an auto rickshaw driver, would have needed to spend Rs 20 if

he were to live in Nandanavanam and take a bus to Chadarghat each day. The money thus earned was spent almost entirely on food. Shahnaaz would go out to collect firewood – they cannot afford to buy any other fuel. There is no privacy in and around their settlement. The eviction has broken not only Shahnaaz’s house, but her family too. Shahnaaz’s husband could not cope up mentally as the financial burden grew day by day. The authorities built some houses, but those houses were allotted to those who paid money to the ‘middlemen leaders’ and have influence in the ruling party. Some of the remaining people got houses in the second phase of construction, but as Shahnaaz’s husband did not shell out enough money, he did not get one for his family. He got terribly frustrated, and one day he committed suicide by dousing himself with petrol from his auto rickshaw and burning himself.

Another tragedy was to follow soon. Shahnaaz’s sister eloped with the brother of the local leader who practises a different religion. Shahnaaz was horrified of the outcome as she felt alone because the social and community life she had in Musa Nagar had also been disrupted. The closely-knit Muslim community has been split up and scattered around the resettlement area. In this new set-up, the neighbourhoods are mixed and Shahnaaz does not feel the same sense of affinity, cooperation and security that she shared with her previous neighbours. She decided that the plight of her grown up daughters should not be like that of her sister and resolved to send her three daughters to the city as maids. There have been several incidents of men creating trouble by

harassing and threatening women. She has been all alone in her shed for the past two years with just two sons aged 6 and 8 years. She says one person, a pujari –priest- of the local temple is harrasing her and making lewd advances to her. When she complained of his behaviour to a Local leader, the person again came to her after consuming liquor and in a fit of rage showered vulgar expletives on her and threatened her of dire consequences. She was horrified and couldnot do anything because there is no police station in Nandanavanam area. When we asked her why she has not gone to a police station she said “Woh Log kaunse achhe hain?” Shahnaaz says the police create more trouble in such cases.

Relations between the inhabitants from different areas who were resettled are also not cordial. Some women say the local goondas who do not do any work are just like parasites who live on their wives’ incomes. These local goondas harass the women no end. Women are afraid to step out of their homes after dusk, as they feel horrified at the happenings around them. When asked what is it that they want first in their area they are almost unanimous in saying that they want a police station first and then everything else like hospital, drinking water, employment etc.

The sufferings Shahnaaz and hundreds like her are undergoing are a frightening manifestation of the vulnerability forced on women – by a confluence of multiple marginal identities - as women in a patriarchal society, as migrant workers in the informal sector, as members of minority communities, as individuals whose

citizenship is contested and as those responsible for the day-to-day survival of their families in a time of rapidly shrinking economic opportunities.

9.10 The lack of access for the poor to urban land

The social inequality has historic roots and has its origins in the concentration of land in the hands of very few families and enterprises. The unjust land distribution in rural India is also mirrored in the urban setting. Escalating prices have made access and affordability of housing more difficult for the poorer sections of the society¹⁰. There should be considerable attempts by government to extend home ownership to lower income groups.

The current global backlog of housing for slum dwellers is about 925 million. When this figure is combined with the projected 1.9 billion additional urban populations, it is apparent that 2.825 billion people will need housing and urban services by 2030. The demand for housing – just to accommodate the increase in the number of households over the next 25 years – is estimated to be 877 million housing units. This implies an unprecedented growth in the demand for housing, water supply, sanitation and other urban infrastructure services. This new challenge exists in a context of already widespread poverty and inequality in cities, with millions of people living in slums without adequate basic services. Providing these services to new residents will be

¹⁰ Source : <http://www.globalurban.org>

essential if this additional population is not to be trapped in urban poverty, poor health and low productivity. It is an urban problem with significant macroeconomic consequences. We need to examine the urgent challenge of financing urban shelter development over the next generation.

There are three important points that can be mentioned here. First, the demand for affordable shelter is increasing at an extremely fast pace in the growing cities of the developing world. Second, the percentage of the urban poor in the cities of the developing world is very high and increasing. Third, the escalating costs that city life requires are high and complex. There is something terribly wrong about the inability of vast numbers of the working poor in developing countries to gain access to adequate housing. Part of the problem is the rising costs of conventional housing addressed above; but an equally important issue is the extremely low wages in the formal sector and income from other income-earning activities, particularly in the informal sector. This is why making shelter affordable to the poor also depends upon increasing the Poor's income.

9.11 Loss of the Poor's land to Neo-Zamindars (MNCs)

The new paradigm, if goes unchecked, will transfer land ownership from the hands of exploitative zamindars and serve it on a platter to manipulative MNCs. The poor and marginal farmers will become landless peasants lured by the promise of growth and

non-existent MNC jobs. The MNCs hold forth the promise of growth, investment, progress and prosperity. In truth, however, landless peasants are not employable by MNCs. Only a few white-collar jobs emerge from these transactions. Below are some of the recent examples of this growing trend:

1. In Karnataka, the Deve Gowda government¹¹, which was supposedly a pro-farmer pro-poor regime, began a move to abolish the land ceiling act, to enable MNCs to move in and acquire large tracts of land. The ceilings on land ownership were introduced to remove the bindings of the feudal pattern that used to prevail in the country. The removal of land ceiling in present-day India is tantamount to accepting that feudalism is acceptable.

2. In opposition to the rhetoric there is also the acquisition of lands in the name of national interest, the greater good. There are several actors involved in this scenario. There is the government and its many functionaries like the union ministries of environment and of social justice making various declamations and pleas, which go unheard and are ignored by the ministries of tourism, commerce, industry and mining. For instance, in Goa, commerce and tourism assault the environment as beaches are encroached, water tables ignored and crass commercialism pandered to in the name of attracting dollars.

¹¹ Source : <http://www.coama.org.co>

3. In Gujarat, the whole world has pleaded against the Narmada dam. But more people seem to relate to environmental degradation than to the fact of adivasi (tribal) livelihoods being submerged. Despite the powerful coalition of interest and groups uniting in the anti-dam movement, the “development at any cost” lobby seems to have won the battle.

4. Land alienation is taking place at a phenomenal rate, totally ignoring the fact that this is in conflict with poor people’s right to livelihood. In Bihar, tribals are fighting for their land which is being turned into firing ranges for the army to practice in. The argument: “Defence has priority.”

5. The plight of Andhra Pradesh weavers, driven to suicide, has been critically analysed in Frontline magazine (April 27, 2001). Textile policies since 1985 have sought to liberalise, modernise and privatise the industry. In fact these have succeeded in marginalising over 40 lakh handloom weavers, who used to produce over 400 crore meters of cloth every year. The crisis was precipitated by a sharp increase in yarn prices, a steep hike in the power tariff, and the concessions provided for technology upgradation, which by passed the small, traditional powerlooms. Liberalisation policies since the early 1990s have amounted to taxing the poor weavers (with higher power tariffs etc) and pampering the rich (through subsidies for power looms).

9.12 Conclusion and Suggestions:

In our study undertaken for Nandanavanam resettlement area, the residents apparently have not joined the mainstream of urban social, economic and political life as can be perceived by their attitudes while conversing with them. In contrast, the residents of the few ‘illegal’ settlements seem to be better than their counterparts in the regularized Nandanavanam settlement, both in the sense of being economically well enterprising and also socially and politically more integrated with the mainstream of urban life.

The affected people are also kept in uncertainty about who is financing the project. Official sources have said that either the World Bank or the Government of the Netherlands is the sponsoring organizations. The victims have not even been informed by whose aid they should lose their homes. The affected people and their organization, Nandanavanam Basti Samrakshna Samiti (NBSS), along with CHATRI, and others, have been registering their strong protest. People have gone to the Court, taken out rallies and sat in hunger strike. They are determined to stop the project if it means displacing them.

In spite of the current crisis, there is abundant evidence of innovative solutions developed by the NGOs in association with the slum dwellers to improve their own living habitat. Such policies offer opportunities for better improvement of livelihoods, more secure tenure, and local economic development for

the urban poor. They can transform the settlements which are characterised by disease and insecurity to upgraded, well-maintained homes, where families and communities can thrive. This transformation - from slums of misery to slums of hope - can be achievable.

We find that eradication and relocation unnecessarily destroy a large stock of housing affordable to the urban poor and the new housing provided has frequently turned out to be unaffordable. So upgrading existing slums is more effective than resettling slum dwellers and should become the normal practice in future slum initiatives. Interesting examples of “Land Sharing”¹² between the slum dwellers and the private land owners exist in Hyderabad. The process by which this concept was tried makes an interesting study. Land Sharing in the context of Hyderabad is the process by means of which the piece of land in private ownership, squatted upon for considerable number of years, is shared by the landlords and the squatters, according to the conditions agreeable to both the parties. The advantages to the landlords are immediate possession of part of the land with increased value¹³, special incentives offered by the local body for agreeing to share the land and the advantage to the slum dwellers are security of land tenure, no further eviction threats, incentive to build permanent houses, an asset for future generations and most importantly, improved social status.

Gandhikuteer was a settlement situated at a busy junction in the city. 240 families lived on 12000m² land since early thirties. Since 40s court cases were fought both between various claimants of the land ownership as well as the landlords and the slum dwellers. In 1970s a negotiation took place to acquire the land by paying compensation to the landlords by the slum dwellers, but did not finally materialise. Urban Community Development (UCD) declared Gandhikuteer as a slum in 1981 on the strength of which the slum dwellers tried to obtain land pattas. But the UCD officers felt that it was unfair to deprive the owners of the total land and hence initiated the land sharing exercise. The settlement had three distinct social groups and the stronger two connived to evict the third one in consideration of benefits offered by the landlords.

¹² Source: Uma Adusumilli, “Regulatory guidelines for urban upgrading”: Hyderabad experience, India”, May 2001, p.6.

¹³ the land now is litigation free and unencumbered

We found that the latest policy on Resettlement by the present government (Policy on resettlement and rehabilitation for project affected families, 2005 by the Government of Andhra Pradesh Hyderabad. Government of Andhra Pradesh in its Abstract on Rehabilitation and Resettlement (R&R) policy Issued G.O. Ms. No. 68 Dated 18th April, 2005) has number of lacunae in implementation of the Nandanavanam project. The following observations substantiate our claim.

- The Project Affected Families lost their houses, cattle and employment and alienated wholly or substantially from the main source of their trade, occupations and vocations.
- In the policy it is said that the PAFs shall enjoy all the constitutional benefits at new settlement also to which they were entitled, but there is no single hospital in the area till now after nearly 10 years of rehabilitation even as the people are dying with Bird flu, Chikun gunya and other diseases.
- In Dispute Redressal Mechanism (mentioned in the policy in 7b) The Resettlement & Rehabilitation Committee constituted should inter-alia include as one of its members:- a representative each from Minority community and OBCs (if they form at least 10% of the Project displaced families) should also be involved, to make them feel inclusive.
- Large number of families have moved appropriate petitions for redressal of their grievances. But the Grievance Redressal Mechanism, even though, have the power to consider and dispose of all complaints relating to resettlement and rehabilitation, is not active enough, and the aggrieved are still waiting to get justice.
- The administrator for R&R has not ensured the provision regarding the shifting of the population (Basic Amenities to be provided at resettlement center for projects -in 6.7), which belong to a particular community, that such population / families may be resettled enmasse in a compact area so that socio-culture relations (Social harmony) amongst shifted families are not disturbed.
- The Re-settlement center has also not provided the basic amenities and infrastructural facilities for Drinking water, Drainage, Electricity, Primary school Building, and access road to the resettlement site in proper time frame. Internal roads, Playground, Community center are yet to be provided. In additions to these facilities, the other community facilities which were available in the area, at the time of acquisition, should also be provided.
- The government should have ensured that the Project Displaced Families are settled preferably in group or groups as far as possible. However, it has to be ensured (mentioned in 5.9) that the PDFs may be resettled with the host community on the basis of equality and mutual understanding, consistent with the desire of each group to preserve its own identity and culture.

Further to the suggestions made above the following remarks too need serious consideration:

- For creating and constantly maintaining infrastructure a strong Administrative resource base is essential. As the Municipal Administration depend on adhoc grants, the service provision for the poor becomes a sporadic activity rather than a regular service delivery system of local government institutions.
- The infrastructure created in slums is not linked to the citywide networks as the co-ordination among various programs and institutions to address the problems in an integrated way is lacking. A major initiative has to be undertaken to move toward ecological, social, and economic sustainability in the affected areas.
- Vigorous implementation of urban planning and management policies designed to prevent the emergence of slums, along with slum-upgrading and a commitment on the part of governments is needed to reduce poverty. The core of the efforts has to improve the environmental habitability of slums and enhance economically productive activities.
- Slum formation is closely linked to economic cycles, trends in national income distribution, and in more recent years, to national economic development policies. The report finds that the cyclical nature of capitalism, increased demand for skilled versus unskilled labour, and the negative effects of globalisation - in particular, economic booms that ratchet up inequality and distribute new wealth unevenly - contribute to the enormous growth of slums.
- Slum development is fuelled by a combination of rapid rural-to-urban migration, spiralling urban poverty, the inability of the urban poor to access affordable land for housing and insecure land tenure. We need to advocate a more comprehensive approach to addressing the issue of employment for slum dwellers and the urban poor in general.
- “Improving the effectiveness of slum policies can be achieved by fully involving the urban poor and those traditionally responsible for providing slum housing,” says Mrs. Anna Kajumulo Tibaijuka, Executive Director of UN-HABITAT. “But this will require more inclusive urban policies on the part of the public sector which must be made more accountable for the supply of urban public goods and services to all.”
- In addition, the quality of urban governance should play a central role in the eradication of poverty and slums, and the creation of prosperous, more liveable cities. “For slum policies to be successful, the kind of apathy and lack of political will that has characterized both national and local levels of government in many countries in recent decades needs to be reversed,”
- It has been realized that an effective way to tackle poverty and to enable the slum population to improve the quality of life is through social mobilization of underprivileged people, especially into Self Help Groups. We need to build up confidence and mutual support for women

striving for social change by establishing a forum in which women can critically analyze their situation and devise collective strategies to solve their problems. SHGs improve the role of women as critical agents of change, as women need to be viewed not only as beneficiaries or as persons engaged in economic activities but as active participants in the process of development and change. The government has to commit itself proactively to elaborate new strategies for action.

- While people get impoverished and barred from the mainstream and the state decides to respond to the question of slums through instant demolitions and ineffective resettlements, minor coverage of slum dwellers in a media guided society has helped lessen the public outcry against the widespread human rights violations involved in the processes. In the case of Nandanavanam, official concepts of beauty and development hastened the processes of oppressive exclusion and eclipsed the commitments laid out in the democratic frame works for protecting the rights of the people.

To conclude, we welcome the move to beautify the Musi, but we urge the Government to ensure that the project does not end up displacing poor families living close to the river. Current evidence suggests that globalisation in its present form has not always worked in favour of the urban poor and has, in fact, exacerbated their social and economic exclusion in some countries. We also want that the displaced people be rehabilitated close to their existing houses by constructing multi-storeyed complexes. A

major initiative has to be undertaken to move toward ecological, social, and economic sustainability in the urban areas of Andhra Pradesh. The adoption of collaborative planning called shared decision making in the settlement area are to be the basis of conflict resolution. Institutional innovation and coordination and capacity building are key components; collaborative planning is an effective forum within which public education, discussion, debate, and consensus can be integrated; workers displaced by the agreements should be offered alternative employment or retraining; and all interested stakeholders should be involved from the beginning to the end such planning process to promote success.

What we found in our present study in Nandanavanam is that the official thinking is not sympathetic to the kinds of concerns stated above. There is no empathy for the sufferings of the project-affected people, no real sense of repentance or guilt at large-scale displacements, and no real yearning to find solutions. On the other hand, there is a craving to get ahead with ‘developmental’ projects and impatience with anyone who raises inconvenient concerns. The displacement (where unavoidable) must take place with the free, prior, informed consent of the people concerned. The people likely to be affected must be taken into confidence and provided with the fullest information about the contemplated project from the earliest stages. As soon as a broad project concept is available, a public hearing must be held. The people of the area must be participants in the decision-making, and must accept the rationale of the displacement. Forced displacement must be avoided. This

principle of 'free, prior, informed consent' is clearly unacceptable to the Government. It did not figure in the 2003 Policy and it is not there in the 2006 draft. Governments may talk about 'consultation' and 'participation' but it goes against the grain for them to give people a role in decision-making.

We need to catalyze the up-gradation of slums by means of a number of related initiatives. These included the development of a livelihood strategy, land use plans, and local planning processes that are aimed at balancing social, economic, and environmental interests; coordinate programs within and between governments; and introduce a high level of public participation to make the implementation programme successful.

The experience of implementing rehabilitation programmes clearly brings out the need for an integrated response to deal with the problems of the urban poor. We also note that programmes for the rehabilitation of the poor need to focus on particularly vulnerable groups among them, like women and children, disabled and destitute, and the aged. This will not be possible without greater political will and an increased commitment of resources.

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Annexure:

Legislation, Regulations, and Programs/ Schemes Related to housing for the Urban Poor in Hyderabad

Legislation

The only Act enacted in the State related to slums is the Andhra Pradesh Slum Improvement (Acquisition of Land) Act, 1956. The provisions of the Act were enforced in the State with effect from August, 1962.

The Act was primarily aimed at facilitating the government to acquire the land on which slums were located so as to undertake public works in these areas designed to improve these areas.

Under section 3(1) of this Act the government may by notification in the Andhra Pradesh Gazette declare an area to be a slum area if it is satisfied that such area is or may be a source of danger to public health, safety or convenience of its neighbourhood by reason of it being low lying, unsanitary, squalid or otherwise.

Under section 3 (2) of the Act the government may acquire the land in such 'notified slums by publishing in the Andhra Pradesh Gazette a notice to the effect that they have decided to acquire it in pursuance of this section.

The implementing agencies of the Slum Improvement Scheme as per the Act were nominated as follows:

- 1) In the Municipal Areas: Director of Municipal Administration
- 2) In the Municipal Corporation Area : Commissioner of Municipal Corporation of Hyderabad

Programs and Schemes of MCH- in chronological order since 1960

- 1961: Banned - granting of pattas¹⁴ for government land within 10 miles radius of the limits of MCH. (G.O. Ms. No.1122, Revenue dept., dated 29-6-1961)
- 1967: The Urban Community Development (UCD) Project in MCH was sanctioned as a Government of India (GOI) Centrally Sponsored Scheme in one ward with a population of 50,000. The contribution of fund for the project was in the ratio of 2: 1: 1 by the Centre, State and the MCH respectively. (G.O. Ms. No.583, MA., dated 20-9-1967)
- 1969: The UCD Scheme was transferred to the State sector funding and the funding was contributed half by the State and half by the MCH.
- 1974: Two more UCD projects sanctioned under State funding.
- 1976: UNICEF funding for UCD schemes (along with the State and MCH funds)
- 1976: Slum improvement and slum housing were included as part of the UCD program, with a view to improve their living conditions and help them to construct pucca houses with loans from banks/HUDCO on plots / land holdings when pattas were assigned to them. (G.O. Ms. No.88, Housing, dated 26-10-1976 and G.O. Ms. No.526, MA, dated 18-11-1976)
- 1979: 'Weaker Sections Housing Scheme' was started. The Andhra Pradesh State Housing Corporation Limited was established to formulate, promote and execute housing schemes for the weaker sections of the society in the State.

¹⁴ Pattas are leasehold rights granted for utilisation of a parcel of land for a specific purpose and period.

- 1980: 50 slums were listed as 'objectionable' –to be shifted to new locations where minimum infrastructure was to be provided and building of houses facilitated. The ban on granting pattas as per the 1961 G.O. was removed. All eligiblesquatters / encroachers on government land were to be given pattas if in unobjectionable slums and were allotted alternative sites if occupying objectionable slums. Each encroacher was to be given upto 50 sq. m. of land and if occupation of land was more than 50 sq. m. the market value was to be collected for the portion in excess of 50 sq. m. (G.O. Ms. No.3250, Revenue (L) dept., dated 24-7-1980)
- 1981: Of the 50 slums classified as 'objectionable', 30 were reclassified as 'Unobjectionable and one previously 'unobjectionable' slum was reclassified as 'objectionable'. (G.O. Ms. No.1520, Revenue (L) dept., dated 01-10-1981)
- 1981: UCD proposed to construct (under the Habitat Slum Housing Program) 10,000 houses in slum areas by obtaining loans from HUDCO. In the first phase it was proposed to build 3955 houses in 26 schemes by taking a loan through the Andhra Pradesh State Housing Board with a State Government guarantee. (G.O. Ms. No.268, MA., dated 01-10-1981)
- 1981-'83: The Hyderabad Slum Improvement Project Phase –I was initiated by the MCH with a proposal to develop 228 slums in two years with its own funds. However, due to paucity of funds, only sporadic development of amenities could be taken up in 156 slums at about one-fourth of the budget originally proposed.
- 1981-'83 : Out of 455 notified slums, 142 were covered under the (EIS) Environmental Improvement Scheme (a five year plan activity, that is - budgeted and funded under the five year plans). The scheme envisaged the involvement and participation of the local people.
- 1983-1989: The Hyderabad Slum Improvement Project Phase –II was taken up for the improvement of 210 slums. This time the financial outlay was enhanced due to the assistance from the Overseas Development Agency, United Kingdom.
- 1983: Under the Permanent Housing Program, permanent houses were to be built in place of the 'hutment's' scheme being implemented in the 'sites and services' programs until then.
- 1989-1996: The Hyderabad Slum Improvement Project Phase –III was taken up for the improvement of 300 slums. The per family expenditure norm adopted under this phase was Rs.4000/- and in addition to physical infrastructure the development programs covered socio-economic as well as health activities. This phase also received financial sanction and assistance from the Overseas Development Agency, United Kingdom
- 1989: Establishment of the Andhra Pradesh State Urban Development and Housing Corporation (APSUDHC) to cater to the development of urban areas with a special emphasis on housing in the slums and other areas occupied by the poorer sections of the society. The APSUDHC was to implement in the urban areas, the State Government's programs of providing shelter to the weaker sections of the society, viz. :

- 1) Urban Permanent Housing Program (UPHP) and
- 2) Shelter Upgradation and Scheme for Housing (SHASU)
(G.O. Ms. No.98, MA., dated 03-3-1989)
- 1993: Under the EWS housing scheme (started in 1981) undertaken by the MCH, 13,128 units were grounded in 95 slum areas, of which 10,000 houses were completed in all aspects. This housing program was transferred to the Collectorate, Hyderabad. The District Collector who is the Executive Director of the district level office of the Andhra Pradesh State Urban Development and Housing Corporation was made incharge of the implementation of the program including planning, execution and monitoring of the program.
- 1997: The Andhra Pradesh State Housing Corporation Limited (APSHCL) becomes the apex agency for all public schemes for the weaker sections. The **Andhra Pradesh State Urban Development and Housing Corporation's** activities and programs are transferred to the APSHCL.
- 1998: A new category of dwelling unit named 'Township House' is introduced by the APSHCL. The cost ceiling for such 'Township Houses' is specified as Rs.50,000. This represents the net cost of a 24 sq.m.(plinth area) tenement completed in all respects, in a multi-storeyed building including the cost of land, and the floor space including common facilities such as the staircase and the corridor.
- 1998: 'Policy Guidelines for Weaker Sections Housing in Urban Areas' identified certain problems such as selection of genuine beneficiaries; unnecessary interference by middle men; frequent sale of assigned house sites: low level of beneficiary participation; scarcity of funds to provide civic amenities; inadequate unit cost specifications for purposes of grant of loan; etc. and established an 'Empowered Committees' at the district level which shall co-ordinate and monitor all the schemes in the respective districts in such a manner so as to overcome the identified problems.
- 1999: Relaxation of norms to expedite housing scheme in Hyderabad City. Wherever shelter upgradation programs are taken up in existing slums, to enable such schemes, particularly where reorganization of plots is resisted, the modified minimum plot size of 24 sq.m. has been permitted. The width of the internal roads also may be modified to the extent necessary instead of the otherwise minimum specified (6 m.) as long as it is motorable. Also the layout open spaces may be reduced to 5% instead of the stipulated 10%.
- 2001: 3,30,050 houses have been constructed by the Andhra Pradesh State Housing Corporation Limited so far under the urban housing program. Out of these 18,025 houses were built in Hyderabad. This figure excludes the 13,128 dwelling units built by the UCD, before the APSHCL.
- As per revised guidelines, houses are being allotted in the name of woman beneficiaries, wherever feasible.

Chapter X



Land Reforms in Andhra Pradesh - Time for a fresh dialogue and a new approach

Karuna Vakati Aakella

Appeal

Land surrender: State readies for action

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Land Reforms in Andhra Pradesh - Time for a fresh dialogue and a new approach

-Karuna Vakati Aakella

10.1 Introduction

For over three decades, Andhra Pradesh actively pursued land reform. Following Independence, the State's new leadership recognized the importance of access to land to rural livelihoods and the pressing need to put agricultural land in the hands of the poor. In an effort to address the injustices of the past and build a foundation for a more equitable future for the rural poor, Andhra Pradesh enacted a series of laws, including legislation abolishing intermediary interests in land, land ceiling acts, and laws restricting tenancy relationships and the alienation of land of the poor.

More than fifty years have passed since most of those laws were enacted, and the initial enthusiasm and hope that fueled those land reform measures has almost disappeared. Despite some well-intentioned efforts and highly dedicated people, implementation of the reforming laws suffered from lack of capacity and resources and became mired in bureaucratic detail with powerful vested interests having a field day. The Revenue machinery's non-land portfolio has swelled, weakening its focus and effectiveness on land issues. Panchayat secretaries, often with no prior experience in village governance or land matters, have replaced the traditional village revenue officials. Mandal Revenue Officers and Revenue Divisional Officers are diverted from substantive work to administrative matters. Archaic methods of

survey are still in use. Programs are vulnerable to corruption and self-dealing, and land distribution schemes have stalled. Official files grow in number and size, and land cases stagnate in the courts. In desperation, some programmes exaggerate their results. Competent people abandon projects and sincere officials are transferred. In the last fifteen to twenty years' work on land reform has over a period virtually come to a stand still. All this is to one undeniable result – too little land is securely in the hands of the poor. Recent initiatives of the state Government present an opportunity for renewed work on land reforms and may yet breathe new life into the agenda.

This paper argues that to cover substantive ground and achieve the objective of secure land rights to every poor family in the state there is a need for a new approach as against the old rhetoric and approach to land reforms and that the land reform dialogue must become more nuanced to cover wide ranging topics and the administration becomes more professional in its implementation for us to ensure land in the hands of every poor family in the state.

10.2 The status of land reform in Andhra Pradesh

As in most states, land reform in Andhra Pradesh focused on three main areas: abolition of intermediaries, tenancy reform, and the imposition of land ceilings. Results

of the reforming legislation in Andhra Pradesh were typical of many states. The series of laws abolishing intermediaries were considered effective within their terms, but the effort was not enough in itself to alter the inequitable pattern of land ownership and balance of power in the rural areas. The restrictions on tenancy imposed separately in the Andhra and Telangana areas resulted in approximately 107,000 tenants receiving ownership rights to almost 600,000 acres. The land ceiling law gave another 582,319 acres to over 540,344 beneficiaries. State government statistics report 647,344 households benefiting from these land reform laws, which amounts to one percent of all rural households in Andhra Pradesh.¹ An additional percentage of households benefited from wasteland distribution programmes. As of March 2002, the State had distributed 4,202,000 acres of assignable government land to eligible beneficiaries.²

While important, these achievements are almost imperceptible in a state the size of Andhra Pradesh. And even the modest numbers of reported land reform beneficiaries are suspect: the beneficiaries counted for purposes of the reports have not necessarily received secure access to and control of the assigned land. These limited (and sometimes questionable) beneficiary numbers and the problematic implementation of land ceilings and tenancy reforms are evidence of the failure of land reform in Andhra Pradesh.

10.3 Opportunity for revival of the land reforms agenda

In the last two years the present Government has, by distributing over two lakh acres of land and by constituting a land committee headed by Sri Koneru Ranga Rao in the aftermath of talks with the naxalites, fuelled, albeit faint, hope for revival of the land reforms agenda.

In this context, three developments in the recent past are noteworthy. One is the submission of the land committee report to the Government. Though not exhaustive, the report covers substantive ground on the various gaps and lacunae in land legislations and makes practical and immediately operational recommendations on addressing it. The recommendations made by the land committee have been endorsed in general by the administration and accepted across board by the various political parties, unions and civil society organizations.

The other has been the clear message sent across by the top political leadership, that government assigned lands alienated or in the hands of the rich and the powerful would be resumed and reassigned to the poor. These developments present the current revenue administration and others an opportunity and sufficient reason (if one was needed) for pressing ahead on the land reforms agenda. The third significant development is the work being done on resolving the land issues of the poor in the flagship poverty alleviation program of the Department of Rural Development, the Indira Kranthi Patham. Land Managers, Paralegals, legal coordinators – all youth, all from the families of the marginalized are beginning to address the land issues of the poor in a fundamental

manner. Still in the initial stages this effort brings in a fresh approach to resolving intractable issues and also the vast social capital that the Department is operating with, in its' wake.

These developments present the current revenue administration and others an opportunity and sufficient reason (if one was needed) for pressing ahead on the land reforms agenda

10.4 Time for a new approach and a fresh dialogue

This time around if a definitive agenda is to be achieved then both the administration and the civil society organizations must reflect on their past efforts and strategy and rework on the same.

For too long now the debate on land reforms has been monopolized by the single rhetoric of the rich and the powerful grabbing of lands of the poor or failure of the land ceiling Act and failure of land reforms has been viewed as failure of addressing the above issues. While both the above issues are true and need to be addressed the preoccupation of the land reforms dialogue with these issues has been at the cost of a more nuanced one covering wide ranging issues of land which if addressed would bring in substantially more extents of lands into the hands of the poor.

More specifically, seventeen odd lakh acres of land was intended to be taken over by the Government under Ceiling Surplus Act. However, till date about five lakh odd acres

have been taken. And few lakh acres are in litigation in courts. Apart from this gap (which would be about 10 lakh acres) and lands in possession of the ineligible (a few lakh acres) there are many types of lands under various legislations (Inam lands, Tenancy, Settlements, Endowments etc) which would form the substantial part of the 45 lakh acres distributed but which are not in the hands of the poor. Because of an absence of a dialogue or pressure these issues have not been addressed. In addition to this, there are lakhs of acres of private lands that the poor are leasing in. A better bargaining power for them could and should be negotiated. In the state, the poor are in possession of lakhs of acres of lands bought through plain paper transactions (Sada-Bainama) but are not recognized as legal owners as the sale deeds are not registered despite opportunities given by the Government in different periods. While this is a failure of the administration, it is also in equal measure failure of the civil society organizations and others who have not educated the poor or initiated a dialogue with the administration for a better manner of implementation. The steady dispossession of the tribals from their lands - so much so that nearly half the lands in the tribal areas is in possession of the non tribals - is in significant measure due to the court orders which are questionable on intent and flimsy on matters of law. Sometimes, all it takes is a two line order to dispossess a tribal from his land . Yet except for a few individuals, there has been no systematic effort in filing appeals and mounting a strong

¹ The calculation is based on the 2001 Census rural population figure for A.P. of 55,223,944.

² ANNUAL REPORT, 2002-2003, at Annexure XL. This number differs slightly from the CCLA data in Table 1. Table 1 may include land that is not classified as wasteland. Wasteland distribution figures do not notes the number of households benefiting.

defence in higher courts of law. Even today there are thousands of cases with sufficient grounds for appeal in favor of the tribal which lie unattended to across the state. This surely is an exercise the civil society could engage in.

There are several such issues, which require an academic debate based on knowledge and experience of reality on ground. Only then would there be a meaningful modification of policy and a step forward.

Further the implementation of land reforms must move away from person dependent and highly subjective interpretation and dispensation to place it on a neutral impersonal platform with a set of standard procedures, adequate skills and appropriate technology for addressing the various types of land issues. This would mean that the land reform agenda would be continued to be implemented regardless of presence or absence of a particular person as it happens presently. For instance, virtually in every district, thousands of acres of land in the Forest- Revenue boundary is under dispute for several decades. Both because of lack of intention and application, except in pockets where sincere officials worked, this issue has remained unaddressed. Even where attempts have been made to resolve these issues much head way could not be made since with the chain method of survey only a few acres of land could be surveyed every day and in view of thousands of acres of land to be resolved and too few surveyors this method was never going to work. As a result today tens of thousands of poor (mostly tribal) who have

settled in the border areas are subject to uncertainty and exploitation by unscrupulous elements for years on end with no solution in sight. A solution to this issue would be to work out on a pilot basis (a few thousand acres of land under dispute) using modern technology (like the DGPS) time taken for surveying say a thousand acres of land. From this the manpower and financial resources and time schedules required to survey the disputed lands could be worked out. Outsourcing the survey work under overall supervision of the Department of Survey would ensure that there is no extra burden placed on the overworked and understaffed Department. Further use of modern technology would substantially reduce the time taken for survey. The state would allocate the budget required for the activity and with an MOU signed by the three departments, the forest, revenue and survey officials would be on board at various levels with clearly delineated responsibilities and the exercise of resolution, by survey, of the forest revenue border disputes for the whole state would be rolled out. Such an exercise would be systematic, professional in approach instead of passion or person dependent and at the end of which substantial results would be achieved. Similarly, for every type of land issue (big and small) standard procedures could be developed.

The old approaches – ceiling surplus land distribution or tenancy reform schemes have not proved feasible or even relevant in most

settings. These approaches have left behind thousands of acres of land issues unresolved. There is a need to understand the types of available and potentially available land, the nature of current land uses and possession, and the existing relationships, if any, between the categories of land and beneficiaries of land reform

A multi-faceted, flexible, decentralized strategy must be designed by taking into account the land-related circumstances unique to each setting and tailoring programmers to take advantage of specific opportunities.

10.5 Conclusion

Andhra Pradesh stands at a crossroads. The State can stay its current course, and allow the rural poor's secure access to land to fade from the State's priority agenda. The State will continue to invest in agriculture, irrigation, and land development activities but without land, the poor will have little chance to benefit significantly and will instead be left with non-land-based livelihood activities, which have had only spotty and limited success. Absent secure land tenure, the labor and efforts of the poor will have a reduced chance of leading to enhanced livelihoods and empowerment. In the end, the State will fail to meet the basic needs of the rural poor in any sustainable fashion.

10.6 The Road ahead

The land reform that began in earnest in Andhra Pradesh threatens to end in a whimper. Abandonment of land reform - whether by inattention or by design - will result in incalculable economic, social, and human losses. Recent developments have demonstrated that the promise of land reform can be resuscitated and the rural poor provided with secure land ownership. With constructive partnerships across board the dream of every poor person in the state owning land can be translated into a reality. Given the tools of the present day, settling for anything less at this point is indefensible.

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ABBREVIATIONS

A.P.ROR	: Andhra Pradesh Record of Rights	DDP	: Desert Development Programme
AFLCS	: Arjun Field Labour Cooperative Society	DoA	: Department of Agriculture,
AIKS	: All India Kisan Sabha	DPAP	: Drought Prone Areas Programme
AP	: Andhra Pradesh	DPAP	: District Poverty Alleviation Programme
APGS	: Andhra Pradesh Girijan Sangham	DRBC	: Dalitha Ryhthu Bhooporata Committe
APPESA	: Andhra Pradesh Panchayats Extension to Scheduled Areas	DRDA	: District Rural Development Agency
APRA	: Andhra Provincial Ryots' Association	DRDA	: District Rural Development Agency
APSALTR	: Andhra Pradesh Scheduled Area Land Transfer Regulations	DRO	: District Revenue Officer
BC	: Backward Class	DWMA	: District Water Management Agency
BJP	: Bharatiya Janata Party	EAS	: Employment Assurance Scheme
BPKS	: Bengal Provincial Kisan Sabha	EGS	: Employment Guarantee Scheme
BPKS	: Bihar Provincial Kisan Sabha	EPI	: Exparte Permanent Injunction
BSP	: Bahujan Samaj Party	FFC	: Fact Finding Committee
BYB	: Bhoodan Yagna Board	GO	: Government Order
CIG	: Common Interest Groups	GOAP	: Government of Andhra Pradesh
CLDP	: Comprehensive Land Development Programme	HC	: High Court
CPI	: Communist Party of India	HUDA	: Hyderabad Urban Development Authority
CPI(M)	: Communist Party of India – Marxist	ILP	: Independent Labour Party
Cr.P.C	: Crime Police Case	INC	: Indian National Congress
CSO	: Civil Society Organisations	IRD	: Integrated Rural Development
CSP	: Congress Socialist Party :	IRDP	: Integrated Rural Development Programme
D.F.O.	: District Forest Officer	ITDA	: Integrated Tribal Development Agency
D.K.Patta	: Dharakastu Patta	IWDP	: Integrated Water Development Programme1
DBF	: Dalit Bahujana Front	JC	: Joint Collector
DBSU	: Dalit Bahujan Shramik Union	JSP	: Janapada Seva Parishad
DC	: Depressed Class	KZDV	: Kadapa Zilla Dalita Vedika
		LRAT	: Land Reforms Appellate Tribunal

LTR	: Land Transfer Regulations	SDC	: Special Deputy Collector
LTRP	: Land Transfer Regulations Petitions	SFDA	: Small Farmer Development Agency
MCH	: Municipal Corporation of Hyderabad	ST	: Schedule Tribes
MOU	: Memorandum of Understanding	TBC	: <i>Taluka Bhooporata Committee</i>
MRO	: Mandal Revenue Officer	TDP	: Telugu Desam Party
N.S.P	: Nagarjuna Sagar Project	TMC	: Three Member Committee
NCDHR	: National Campaigning for Dalit Human Rights	U.P.	: Uttar Pradesh
NDF	: National Dalit Front	UNO	: United Nations Organizations
NFWP	: National Food for Work Programme	WP	: Writ Petition
NGOs	: Non-Governmental Organisations	WPP.	: Workers and Peasants Party
NREP	: National Rural Employment Programme		
NREP	: National Rural Employment Programme		
NSS	: National Sample Survey		
OBC	: Other Backward Castes		
OC	: Other Castes		
PACS	: Primary Agricultural Cooperative Society		
PAFs	: Project Affected Families		
PMC	: Peoples Monitoring Committee		
PMC	: Peoples Monitoring Committee		
PoA	: Prevention Of Atrocities		
Rc	: Record		
RDO	: Revenue Divisional Officer		
RIDF	: Rural Infrastructure Development Fund		
RIDF	: Rural Infrastructure Development Fund		
RLEGP	: Rural Landless Employment Guarantee Programme		
RPI	: Republican Party of India		
S.No	: Survey Number		
SC	: Supreme Court		
SCs	: Scheduled Castes		

Rekindling Hope ?

Access, Retention and Development of LAND A Dalit Perspective.

This second report from AP Social Watch is a collaborative venture by individual researchers and mass organizations. It takes a close look at distant history and the immediate present to understand why the dalits have remained without access and secure tenure to land despite being the daughters and sons of the soil. The study is on the one hand an inquiry into the land reform policies and its implementation by the state and on the other an appraisal of the role played by dominant sections of society with respect to Dalits' access to land.

We hope this report becomes an advocacy tool for those who work with the marginalized to help them access, retain and develop land and a handy resource book for the activists in the field.

Andhra Pradesh Social Watch (AP Social Watch) is a broad based platform of NGOs, Community Based Organizations, Academics and other Individuals committed to the cause of building a more humane society where the rights and entitlements of every one especially those of the marginalized are protected and promoted and where no one is excluded from the processes and benefits of development. More particularly the AP Social Watch is committed to monitoring and ensuring that there is convergence of stated policies and implementation of the same by the government.

Andhra Pradesh Social Watch
Hyderabad

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