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LAND GOVERNANCE ASSESSMENT FRAMEWORK ANDHRA PRADESH

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**FINAL REPORT
2014**

**PREPARED BY
STATE COORDINATOR & TEAM OF EXPERT INVESTIGATORS**

WITH THE INSTITUTIONAL SUPPORT OF



HYDERABAD

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The origin of this study is the request by the State Governments of Jharkhand, Odisha, West Bengal, Karnataka, and Andhra Pradesh, by way of the Department of Land Resources, Ministry of Rural Development, Government of India, to the World Bank for support in undertaking an independent land governance assessment using the LGAF approach in 2012. A similar request was made by the State Government of Bihar in 2013. In each of the participating states, a well reputed local institution was selected to undertake the State-level Coordination of the LGAF, which was CGG for Andhra Pradesh. CGG selected a State coordinator and a team of State experts to undertake the assessment in consultation with a nodal officer assigned by the State government.

LGAF implementation is in a number of discrete steps that are overseen by the State coordinator as will be explained in this report. The six State institutions and LGAF teams are supported by the *Technical Advisory Group (TAG)*, a highly qualified and capable team of nationally recognized experts each covering one of the LGAF thematic areas. The TAG provided backstopping and quality assurance for the entire LGAF exercise. The LGAF process and TAG are coordinated by the TAG secretariat, hosted by CSD, the Center for Sustainable Development, in Delhi. CSD coordinated also the work with DoLR and The World Bank that has provided financial support and methodological guidance on the use of the LGAF instrument.

--- LGAF TEAM

EXECUTIVE SUMMARY

“Land is the foundation on which the entire edifice of development is built”. In Andhra Pradesh the way that land is governed is important for sustainable development. Land also has significant social, cultural and economic implications and emotional attachment to millions of people who depend on agriculture for their livelihood. With the burgeoning population, pressure on land is increasing. Its proper use is also of much relevance for industrialisation and urbanisation strategies and for managing the ecological bio-diversity, as well as for equitable access and conferment of rights and their protection.

This synthesis presents the findings of a self-assessment of land governance by experts and other specialist from the State of Andhra Pradesh. Following an introduction to the methodology and context of the State it presents the results for key land governance topics. This synthesis ends with a list of issues which require urgent policy intervention that area also summarised in the policy matrix. Although this analysis was prepared before the division of the former State of Andhra Pradesh, the overall conclusions are still pertinent.

1 Land governance Assessment framework

The Land Governance Assessment Framework (LGAF) is participatory, evidence driven instrument for scoring the current status of land governance at the country or State level. The LGAF framework is constructed around nine distinct areas that have each been assessed by State experts who pulled together available data and other information. The Framework is composed of 27 land governance indicators that are broken down into a total of 116 “dimensions” with pre-coded statements (on a scale from A to D). Dimensions were ranked based on actual conditions prevailing in the state and the resulting scorecard is implemented in the annex. LGAF implementation in Andhra Pradesh started in September 2013. The report was validated in June 2014 for both States. The process involved the CCLA of the state and Nodal Officers representing relevant Departments providing. The LGAF team was headed by Shri Sripad Bhalerao, IAS (retd), former Spl Chief Secretary to the Government, who led a team of 9 State level Expert Investigators (EIs)¹, while over 50 specialist from a range of background participated in the nine panels. Institutional facilitation was provided by the Centre for Good Governance, Hyderabad.

2 Findings

The next sections discuss land governance from the following angles: (i) Land Rights Recognition (ii) Rights to Forest and Common Lands & Rural Land Use Regulations (iii) Urban Land Use Planning and Development (iv) Public Land Management (v) Transfer of Public Land to Private Use (vi) Public Provision of Land Information: Registry and Cadastre (vii) Land Valuation and Taxation (viii) Dispute Resolution. It ends with a review of Institutional Arrangements and Policies.

2.1 Land Rights Recognition

The existing legal framework in the state is very comprehensive. Land reforms undertaken after independence led to the abolition of Intermediaries, tenancy Reforms², ceilings on land holdings, distribution of government lands and waste lands to rural landless poor. Implementation is lagging. For example for the ceiling act, out of 3.37 lakh ha of land declared as surplus, 2.34 Lakh ha of land has been distributed to 5.41 lakh beneficiaries, but implementation is still not complete due to pendency of cases in the courts and many exemptions were given, or the law was circumvented the

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² The AP (Telangana Area) Tenancy and Agricultural Land Act, 1950: (Act XXI of 1951); The AP (Andhra Area) Tenancy Act, 1956; The Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973

law. Although tribal lands are legally protected from transfer to non-tribals since colonial times³, these laws are not enforced. It was observed that more than 48 % of lands in these scheduled areas are hold by non-tribals in 2014. Further the rights given to tribal *thandas*, community *pattas* given to *Vana Samrakshana Samitis* have no legal recognition.

Legal restrictions on land leases are routinely neglected. Despite the availability of Tenancy Acts in the State, only oral and informal leases are taking place. A large number of tenants are not recorded on ROR, affecting also their access to credit, input subsidy, crop insurance. Of the 22 lakh tenant farmers, 5.10 lakh were issued LECs in 2011-12. The abolition of land revenues has adversely affected rights of tenants. Landlords are not ready to give formal lease of the land due to the insecurity of their ownership rights. Moreover, although a large numbers of tenants are in possession of their lands, the names of the former owners are still shown as *pattadars* in the records⁴. These *SaadaBainama* cases (tenants who bought lands about 30-40 years ago, are cultivating but the related ROR was not registered in their names (12-15 lakh farmers).

Land is classified into communal land or common property resource; public lands or government lands and privately owned lands which include lands held by religious and charitable institutions, cooperatives and companies. The categories of tenure rights are (1) owners under the above Acts and other Land Ceiling Laws, (2) cultivators under Acts like the Estate Abolition, *Jagir* Abolition, *Inam* Abolition, Tenancy, Homestead. (3) beneficiaries of land grants under the Assignment Policy of the State for agricultural lands and house sites, and (4) Tenure rights of women under the Land Purchase Scheme of the State.

There are provisions to recognise long term possession of Government lands. Under the AP Assignment (POT) ACT,1972/7 the long term possessors of land known as the '*shivaijamadars*' can be assigned *pattas* (titles) to the land parcel under possession. This is true for all the lands categorised under Government lands and ceiling surplus lands. For *Inam* lands long term possession is recognised under the *Inam* Abolition Act wherein the concerned authority (presently RDO) settles the land in favour of occupant of the land provided he is the legal heir of the original *Inamdar* or has bought it from a legal heir of the original *Inamdar*.

In AP, about 75.40 lakh acres of public lands have been distributed, mostly to 39.30 lakh landless poor, and an estimated 2.2 million households were given homestead rights. However, the majority of beneficiaries of government' lands grant assignment or distribution) are not in the possession of these lands⁵ and which requires proactive enforcement. Regarding womens' rights, the government of AP, while distributing lands in government schemes, decided to issue *pattas* of lands or house sites in the name of women but only 50-70 percent of such grants are effectively recorded in the name of women. Slum dwellers have no legal recognition of tenure even when they are provided with facilities by projects and local bodies, which *de facto* informally recognise their occupancy.

The legal framework recognises and protects the individual rights on rural land for over 90% of the rural population and records are maintained by the land revenue administration. In AP, as elsewhere in India, there is no system of conclusive titles. Records are issued on a presumptive basis, and when land transactions take place it is up to the purchaser to establish the authenticity of the documents

³ The Agency Tracts Interest and Land Transfer Act, 1917 protect the interests of tribals in the agency areas and prohibits the transfer of lands between tribals and non-tribals without any prior consent from the Government or any other prescribed officer. The Tribal Areas Regulation, Fasli 1356 enacted in 1946 entrusted all tribal land disputes to tribal *Panchayats*. The AP Scheduled Areas Land Transfer Regulation (APSA LTR) Act of 1959, prescribes that tribal lands should not be transferred to non-tribals and has a provision for retrieval of tribal lands illegally acquired by the non-tribals before 1959. The AP Scheduled Areas *Ryotwari* Settlement Regulation 1970 made provisions for *Ryotwari* settlements for certain lands in the scheduled areas of Andhra region by issuing *Ryotwari Pattas* with the alienable rights to the cultivators in estates and *Ryotwari* areas. The other important legislations are The Andhra Pradesh Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979 (Regulation issued under Fifth Scheduled of the Constitution by Governor of Andhra Pradesh), Andhra Pradesh Panchayat Raj (Amendment Act), 1998 - popularly known as (Panchayat Extension to Scheduled Areas or the PESA Act of AP Act, Andhra Pradesh Minor Forest Produce (Regulation of Trade) Act,1971,Wildlife Protection Act, 1972 (GoI Act).

⁴ KRR Committee based on a sample survey

⁵ Sample survey by the Koneru Ranga Rao Committee (KRR) Committee

and rights emanating from them. This “burden of proof” puts strain on the citizen and often leads to avoidable litigation.

Rural land was surveyed and mapped in 1920 and should have been resurveyed every 30 years, but this did not happen. Information on maps no longer reflects ground reality in many cases. The situation for urban land records is much worse. Records are scattered and there is no integration of these sources, resulting in a deficient protection of rights. No cadaster exists for urban land and most urban land maps have not been updated since the 1920. Recent Town surveys were undertaken in only 30 out of 130 cities, all in Andhra Region. Detailed Town survey was done only in a few Municipalities in the State. The last survey of Hyderabad was done in 1966-70 and around half to two-thirds of individual urban land is formally recorded and mapped.

Women are subjected to discrimination and inequality in having access to land. Though the position of Women has improved they are the major sufferers in land disputes. Studies found that 7% of plots are owned by women and 34% of ROR but plot size is small; 6% of inherited lands and 77% of assigned lands is in the names of wives, but recording their names in the land registers is yet to improve substantially; Around 52% of property transactions were registered in the names of women in 2013, but the total holding could be marginal.

2.2 Right to Forest and Common Lands & Rural Land Use Regulations

Forest legislation differs between Andhra and Telengana. The AP Forest Act, 1967 provides for clear identification of forest areas with “well-known or readily intelligible boundaries, such as roads, rivers, bridges and the like” and has a provision for recognition of some user rights, as has the Wild Life Protection Act. Community’s rights over forests are formally recognized as per FRA, 2006, but only some rights over collection of Minor Forest Products (MFP) are really protected.

Notified forests covers 23% of the total area of AP, with about two-third in scheduled tribe areas. Nearly 79% of all forest area was declared as Reserve Forests, but for the remaining 30 lakh acres (21%) the settlement process is not completed. This situation causes conflict between forest dwellers and forest department officials. Under the Forest Rights Act (FRA), community rights were conferred on *Vana Samrakshana Samiti (VSS)* instead of *Gram Sabha*, but even these rights were not recorded in forest records.

Community lands comprise forests, grazing lands, burial and cremation grounds. Group rights or collective tenures can be recorded but the procedure is neither clear nor affordable, which leads to hardships. Village commons are treated as government/public lands with access rights governed by custom or conventions, but these rights are not recorded formally. Customary land tenure rights exist for Government *Poramboke* lands which cannot be assigned or alienated. However, under pressure of demand for land government has relaxed the ban on alienating *Porambokes* and distributed them to landless poor or auctioned fishing rights, creating friction with customary users.

A series of regulations restrict rural land transferability and serve public purpose. Some are also enforced, eg., ban on conversion of agriculture land into fish tanks for environmental reasons, restrictions on conversion of agricultural land for non-agricultural purposes etc to protect farmland. Enforcement is becoming more stringent as a result of various directions from Courts (setting up of Coastal Zone Regulatory Authority), setting up of Committees at district and state level to permit conversions / change of land use. Most of the changes in land use are complied with by the destined use, however the mechanism to monitor this needs to be strengthened. It is assumed that more than 70% of the land that has had a change in land use assignment in the past 3 years has been developed to its destined use.

Land use plans exist only for urban land use. There are no meaningful rural land use policies or formal rural land use plans. Villages, *Gram Panchayats* / Directorate of Town and Country Planning

give permission for housing and conversion for other non-agriculture purposes on an ad-hoc basis. Most of the more small-scale rural land use changes by individuals for housing, industry occur in villages close to urban areas and are recorded in supplementary register and updated in village Permanent Register. For large-scale change of rural land use, public consultation under EIA is an obligation, but not always conducted with the transparency needed.

2.3 Urban Land Use

The number of Urban Agglomerations/towns recorded in 2011 in AP is 260 (58 Urban Agglomerations formed with 61 Statutory Towns & 90 Census Towns and 64 Statutory Towns & 138 Census Towns independently accounting for the 353 towns in different urban classes). Master Plans, General Town Planning Schemes, Zonal Development Plans or Detailed Town Planning Schemes, Area Development Plans and Road Development Plans are prepared under the Andhra Pradesh Town Planning Act, 1920, Andhra Pradesh Urban Areas (Development) Act, 1975 and the Hyderabad Metropolitan Development Authority Act, 2008. There is also no single comprehensive policy document for disaster preparedness in the urban areas.

Information on planned urban expansion and infrastructure development is publicly available through the gazette and on the website, with calls for objections. Although public input is sought for preparing and amending land use plans, the process is unclear and reports are not publicly accessible. Despite this hierarchy of regional/detailed land use plans, the practice of urban development is ad-hoc with infrastructure provided some time after urbanization. Master plans have not delivered and 90% of urban land use is estimated being misused, particularly around metropolitan regions of AP. Political forces play a role also. Despite many examples of good urban land management practices in AP, there is immense scope for learning from best practices elsewhere and adopting innovative techniques.

Restrictions and regulations on land use exist, but enforcement is deficient in the metropolitan regions, such as with respect to the required buffer zones between industrial zones and other land uses. Other challenges are unavailability of land for industrial housing in areas demarcated for industrial purposes.

AP is actively pursuing housing policy for the poor and middle income groups, resulting in a number of housing schemes throughout the state. There is still a shortage of dwelling units and the schemes are not sufficient given the many needs and growing demand. A related strategy is the granting of house-sites pattas to the landless poor in the rural and urban areas on government lands. Government even acquired private lands for house-sites. The poor were also given loans and subsidies for construction of dwelling units. So far 87.13 lakh number of beneficiary families have been given house-sites and houses.

The proportion of formal housing is about 70% – 75% and improving housing planning and promoting apartment culture. Common property under condominiums is recognized and the law has clear provisions for management and publicity of relevant records that are followed in practice. Rights of common property are recorded while granting permissions and transfers of ownership of the individual property in common housing such as staircases, corridors, etc. Requirements for a building permit are technically justified, take 3 months affordable but only partly complied with. The cost ranges from 5% to 7% of land cost.

The share of slum households is 36% (2011). As far as informal tenure, the policy for slum free city provides for regularization of the land rights and provision for services to the existing informal occupants⁶. Requirements for formalizing housing in urban areas are clear, straight-forward, and

⁶ Chapter 3 of the AP Slum (Identification, Redevelopment, Rehabilitation and Promotion) Act, 2010 provides for protection of tenural rights of slum dwellers.

affordable but are not implemented consistently nor in a transparent manner also due to pressure from a large migrant population, and lack of adequate resources for infrastructure.

Granting of tenure rights is constrained also by legal disputes but many ULB informally recognize their occupation by providing all civic amenities. However, there is pressure on ULB to sell public lands and raise revenues, while evicting squatters if any. There is also pressure to regularize informal housing that are encroachment of public land and the government has announced from time to time regularization policies, but elites tend to benefit and not the landless poor.

2.4 Public Land Management

All public lands are government lands and property of the State, but not all government lands are accessible and available for public use, such as *Porambokes* or *Wakf* lands. As per the Andhra Pradesh Land Encroachment Act, 1905, commons are included in the village Permanent Register with survey numbers and can be assigned only on specific order of Government to individual / organizations. Most public lands were mapped but not demarcated, and survey maps not updated. Mutations are not identified and recorded properly and the land registry is not updated. There is no database to access all essential information on neither public lands nor their allocation to private interests.

The revenue department is in the process of updating the records for public lands and identified 180 types of common, community and public lands. There is no single database available in public domain so far to access all essential information with respect to transfers such as its area, location, the private parties involved, financial terms etc on public land allocation to private interests. Pursuant to the recommendations of the Koneru Ranga Rao Land Committee, the government land inventory has been made public on the websites by 7 District Collectors so far. However, public lands are in the purview of a range of different Departments and agencies.

Government is the custodian and care-taker of public lands with management and administration being vested with different government departments and agencies. The management responsibility for different types of public land is unambiguously assigned but this is not always consistent with objectives of equity and efficiency. Institutions are not always properly equipped for their tasks.

Sale, lease, assignment are the instruments used by government for transfer and alienation. Out of the land that has been expropriated in the past 3 years only 30-50% has been transferred to its destined use. The AP Land Management Authority under chairmanship of Chief Commissioner of Land Administration (CCLA), has been resuming lands which are not being used for the specified purposes. Moreover, government lands have been assigned, alienated, and leased out without bearing in mind the interest of various stake-holders, who have rights to access and use of such public lands and common property resources. This has raised a lot of controversy in recent times and invited judicial intervention. Other management decisions on transfers may be discretionary and questions relating to transparency are often raised in Courts. The state is using existing legislating, the AP Land Grabbing (Prohibition) Act, 1982, to addresses disputes concerning land grabbing and which stipulates time limit for disposal of such cases in an expeditious manner.

A systematic process exist for compensation of those affected of land acquisition (but not by changes in land use), although not fully in line with international standards. Compensation, in kind or in cash, is paid also for some unrecorded rights such as possession, and occupation etc but not for unrecorded user rights (which may include grazing, access, gathering forest products etc.). Compensation payments can be delayed and around 50% of expropriated land owners receive compensation within one year. Causes of delay are referral to Courts. This is the only forum available for affected persons to dispute expropriation or valuation, but is also costly and time consuming. A first instance decision has been reached for less than 30% of the complaints about acquisition lodged during the last 3 years. These are some pre-emptive actions to get enhanced compensation such as sell or purchase of small holdings with an assumption of increased valuation

on land acquisition, conversion of agricultural lands for residential or commercial purpose and sold at higher prices, erecting structures, planting of orchards, digging bore wells, to appreciate the value of land etc.

2.5 Transfer of Public Land for Private Purposes

The AP Industrial Infrastructure Corporation Limited (APIIC) is entrusted with land acquisition and Resurvey & Resettlement activities, for industrial parks and SEZ's. Land is also acquired for dams and mines and areas are significant. In the urban periphery of Hyderabad 90,000 ha were diverted (2006). Over 50% of expropriated land (2011-2013) is used for private purposes. Policy is in place for selecting investments to maximise economic; socio-cultural and environmental impacts, but implementation is weak. There are lacunae also in the information provided by the investors that would enable rigorous evaluation of proposed investments. The establishment of infrastructure likes airports, ports, roads and railways, industrial hubs resulted in the alienation of large tracts of Govt / Public land for private purposes.

The state can acquire land by invoking the powers of the 'eminent domain' and using emergency provisions, but which have been misused. A performance audit report of 409 cases allocated between 2006 and 2011 concluded that the process used was neither transparent nor consistent, arbitrary manner and found irregularities with pricing. Rules and stipulations have been violated and land is transferred at nominal prices, while there are also cases of land accumulation by the private sector actors. There is increased public scrutiny and interventions of Courts have increased accountability on the part of private parties to utilize transferred lands for destined use. As a result of activism by civil society in AP there has been more recognition of the need for land transfers being transparent and done in a participatory manner. Over the last three years there also has been reduction in the quantum of transfer of public land primarily due to Public Interest Litigations in courts and activism by civil society representatives.

Policy instructions are to transact public land at market prices, but land has been transacted in 60 cases (11498 acre) also in nominal prices stemming from government's perception of what constitutes public good. There is no collection of public leases fees and only promptness during the period of renewal of leases. Policy also stipulated that allotment of public land for commercial purpose should also ensure that sufficient employment and skill up-gradation of local people is part of the investment plan, but which is not monitored or enforced. There are cases of very limited value capture by government with investors making substantial profits out of the transaction.

There is a clear identification and mapping of public bodies engaged in transfer of public land to investors and they share the information related to transfer and are monitored. However, monitoring of contracts itself and compliance with contractual obligations is relatively weak in the state. Action against non-compliance is possible, however, and any dispute regarding non-compliance is dealt with under the terms and conditions of the contract example arbitration.

There is no system of disclosure regarding concessions given or on benefit sharing agreement and disclosure occurs only when matters are raised in the assembly or revealed during audit or court directions are given in PIL's. There is also little third-party monitoring of investors' compliance with safeguards and mechanisms to quickly and effectively ensure adherence are virtually non-existent.

2.6 Land Information Management – Registry and Cadastre

Over 90% of agricultural land parcels have an ROR and 1,51,32,291 pattadar pass books were distributed and 88,7% have unique numbers. ROR are digitalized and are accessible via Mee-Seva centres by paying a fixed fee. However ROR were not verified and updated before digitalization and can be incorrect (estimated for about 30% of ROR). Village maps were not updated since their creation in the 1920s and only 49% of the originals are in good condition.

The “Jamabandi” that used to be undertaken annually by a district level senior officer to verify and approve all village revenue records was ended when following the abolition of land revenues. The departments in charge of maintaining land records (Survey Department, Revenue Department, and Registration Department) have no shared computerized data base and function in stand-alone mode. Registration of a transaction does not result automatically in updating of related records. It is Bhu Bharati (2005) that is bringing together all land administration tasks (Survey Department, immovable property registration, Land Record maintenance, property tax and layout record maintenance of local bodies); procedures were re-engineered to allow for auto updating. However, Bhu Bharati is still limited to one district and upscaling is delayed by legal and administrative challenges

For recording of rights there are clear timelines for every step and notices are issued to the affected parties by the *Tahsildar* who on a given due date proceeds to the site of the land parcel and conducts a public enquiry and satisfies himself/herself with the veracity of the claim in the application both on record and in terms of the physical possession of the land before he/she issues proceedings for the record of rights. However, even a non-holder of land can undertake registration because the registration process does not warrant an examination of title. Fraudulent, duplicate and overlapping land titles are wide spread, and cause conflicts. Vexatious litigations are being used for grabbing public and private land

The official fee is fixed, but whether the total cost is 1% or higher depends on the efficacy and the personal integrity of the official functionary concerned. Private encumbrances can be recorded at the request of interested parties but is not done in a consistent and reliable manner.

Information in records and on map do often not reflect current ground reality. Survey sub division of land parcel does not happen concurrently with the division of a land parcel either through sale of a part of land or through inheritance. There is a long queue for survey subdivision work and the process for priority setting is opaque. In AP time-consuming survey methods are used (chain survey method introduced during colonial times; use of GPS, DGPS etc. is only on an experimental basis and not yet formally introduced). Field map books are mostly in the district Head Quarters; online submission of subdivisions is not possible. The long waitlist for survey sub division creates opportunities for unofficial fees and intermediaries. In 2013, pendency for individual survey is 23%.

Moreover, it is estimated that about 30% of sale transactions are carried out through a plain paper transaction and are not recorded in registries. High stamp duty and registration charges discourage formal registration of transactions, increasing incidences of litigations and tenure insecurity.

Scanning of the title record (*Adangal / Pahani*) is completed, but not the graphical record i.e., the parcel map and the village map. The Registration Department keeps land transaction records in the form of deeds executed on stamp paper (sale, purchase, gift), which are now also computerized. An integrated computerized database is not available for the three departments charged with maintaining land records. Urban Local bodies keep computerised property registers (that are incomplete), primarily for collection of taxes.

The records in the registry can be searched by both the right holder name and parcel. The government provides copies or extracts of documents recording rights in property to citizens through the computerised *mee seva* centres. Only documents which require local enquiry to be done by *tahsildar* are not immediately available, and it may take about two weeks. These copies or extracts of ROR documents can be obtained by anyone who pays the formal fee.

2.7 Land Valuation and Taxation

Property tax is levied by all Municipalities and Municipal Corporations and is one of their main sources of revenue. AP also has a vacant land tax within the ULB limits, and tax on land conversion (10% from agric to non-agric). The 21823 panchayat / rural local bodies have direct taxes and transferred revenues like house tax, land cess, water cess, stamp duties adds on. Criteria were introduced to calculate the tax liability (Location, Nature of use, Plinth area, Type of construction, Age of building) to improve efficiency, transparency, and reduced complaints, but valuation is still done often on an adhoc basis and not synchronized to market values.

Taxation and valuation policies in the State were regarded by the panels as prepared on an ad-hoc basis, and used only to increase revenues of the government and not as incentive to promote certain types of landuse.

The Municipal Acts, the constitutions and executive instructions provide for exemptions, but are not always transparent nor applied in a consistent manner. Exemptions seem not to be based on equity or efficiency arguments or applied in a transparent and consistent manner.

Tax collection has been observed to be prompt and efficient in Hyderabad and more than 80% of assessed land/property taxes are collected. The same cannot be stated for the other municipalities in the erstwhile State and collection efficiencies differ across cities.

2.8 Dispute Resolution

Land related disputes relate to title; identity of the land; boundaries; inheritance/succession; community rights; grant of *patta* rights etc. Improper and defective land records caused 2% of rural land disputes, 5% of urban and 28% of semi urban areas land cases. It is estimated that more than 50% of court cases are related to land disputes.

There are various formal forums for dispute resolution like civil courts; special tribunals/revenue courts constituted under the Special Enactments and in erstwhile undivided Andhra Pradesh, there was a clear assignment of responsibilities. Explicit rules are in place for shifting cases from one instance to the other to minimise the scope for forum shopping. Informal dispute resolution systems are encouraged, but the decisions reached have no formal recognition. There is discussion regarding compulsory introduction of *Lok Adalat* system in every adjudication process relating to land.

There is a large pendency of cases in Courts, While the Supreme Court has issued directions regarding disposal of cases within 3 years, final resolution could well take decades. First instance decision has been reached for less than 30% of the complaints about expropriation lodged during the last 3 years. The majority of the legal disputes are pending at higher forums at the state level. Causes mentioned include vacancy in appointments of judge and internal organization of courts

More simple cases relating to land boundary disputes or recording of pattadars could be quickly disposed off through a different expeditious and cost-effective process, and have sittings of revenue courts in the field area outside court rooms (circuit courts). It was also observed that Officers sitting on courts should have legal knowledge and expertise, on land laws and also the personal laws which govern succession and inheritance.

2.9 Institutional and Policy Framework

Archaic pieces of legislation continue to govern many of the land transactions; overlap and restrictions create frictions and cause legal disputes. A single land code which covers all aspects of land administration is lacking.

Primarily there are four departments in the state (Revenue Department, Survey & Settlement Department, Registration & Stamps Department and the Municipal Administration & Urban Development Departments) that handle information and transactions about land. In addition there are a host of other institutions/departments who deal also with land as the base for their programmes and functions: Departments of Forests, Tribal Welfare, Panchayat Raj & Rural Development, Housing, Industries and Commerce, Infrastructure and others. There is no overlap in administration of land-related responsibilities between the different levels of administration and government but coordination and sharing of information is inadequate, in particular around public land, among the multiplicity of agencies connected with land.

In the state, there is a system of periodical reporting of land related issues in the legislature, as well as before standing committee during budget sessions, however, land issues are not monitored and tracked in a systematic way. The panel felt that though formal land institutions report on land policy implementation but this does not allow meaningful tracking of progress across different areas.

The Revenue Department maintains ownership and possession records (pahani/adangal, RoR, khatauni etc.) pertaining mainly to collection of land revenue. The Survey Department maintains graphical records (village maps/tippons/FMBs) and textual records (sethwar/diglott, RSR register). In situations that can entail conflicts of interest or are sensitive to abuse (Eg. Transfers of land rights), there is a clear separation in the roles of policy formulation, implementation and arbitration. There could be marginal overlaps of agencies dealing with the land.

Performance of the Revenue Despite many initiatives and pilots to improve the cadastre and registry, human resources and physical capital investment are sufficient only to maintain medium level service standards. The department has suffered due to inadequate staff, use of staff for other non-revenue tasks, paucity of financial resources, non-induction of new technology in surveys, settlement. The under-resourced land administration machinery cannot cope with the speed of change. The evolution towards an effective land management system is yet to take place. Land administrators have too many other tasks and verification procedures are not applied because of the volume of ROR applications. Political interference in posting of revenue officials also affects effectiveness.

In 2003, 14% of households had no land at all and 53% households a homestead only. An important welfare policy of GoAP is therefore assigning public lands for house sites to weaker sections of society (SC, ST, BC, other minorities etc.). All public lands acquired under the ceilings act and as bhudan lands tend to be reassigned to the eligible poor. Most land legislations enacted have a pro-poor and equity oriented. However, the implementation of these laws is ineffective and incomplete. Existing land policies incorporate some ecology and environmental principles but these are not monitored regularly and in a meaningful way. Further the implementation of land policy is not fully costed and there are inadequacies in at least one or the other areas of budget, resources or institutional capacity.

Institutionally, there is no unified comprehensive state-wide policy for land, but there exists individual department policies. There is a need for setting up separate state-wide body with Chief Secretary as the head to formulate land policies and ensure implementation.

Policy recommendation – see policy matrix in next page

Andhra and Telangana POLICY MATRIX

Issues	Recommendations	Responsible	Monitoring indicator
<p>1. Rural land records are not updated regularly and lack spatial reference; Not all rights are recorded Tenure rights are secure for owners, cultivators and beneficiaries of land grant assignments. Regarding documented evidence of tenure, over 90% of agricultural land parcels have an ROR; 1,51,32,291 pattadar pass books were distributed and 88,7% have unique numbers. ROR are digitalized and are accessible via Mee-Seva centres by paying a fixed fee. However ROR were not verified and updated before digitalization and can be incorrect (estimated for about 30% of ROR). Village maps were not updated since their creation in the 1920s and only 49% of the originals are in good condition. All maps have been scanned. Parcels without ROR are awaiting resurvey following purchase, inheritance or gift. In 2013, pendency for individual survey is 23%. In AP time-consuming survey methods are used (chain survey method introduced during colonial times; use of GPS, DGPS etc. is only on an experimental basis and not yet formally introduced). Field map books are mostly in the district Head Quarters; online submission of subdivisions is not possible. The long waitlist for survey sub division creates opportunities for unofficial fees and intermediaries. Despite the tenancy acts a large number of tenants are not recorded on ROR, affecting also their access to credit, input subsidy, crop insurance. Of the 22 lakh tenant farmers, 5.10 lakh were issued LECs in 2011-12. The abolition of land revenues has adversely affected rights of tenants and for the <i>SaadaBainama</i> cases (tenants who bought lands about 30-40 years ago, are cultivating but the related ROR was not registered in their names (12-15 lakh farmers).</p>	<p>1.1 Identify cost-effective ways to expedite and complete verification & updating textual records based on ground reality in rural areas; pilot and test the use of additional new technologies. Implement based on priority cases/ areas. Develop a comprehensive program to accomplish this in a specified and realistic time frame. 1.2 Develop and implement financially sustainable and efficient mechanisms for continued updating of digitalized textual and spatial records for agricultural land, rural homestead land, urban lands and public lands. 1.3 Assess the resource requirements for record maintenance, verification and resurvey 1.4 Make all land records related services available at the village level. Involve Gram Sabhas in survey operations and for ground truth; devolve mutations in undisputed cases 1.5 Consider reintroduction of (nominal) land revenue on agriculture land, with tax receipts being used as proof of occupation.</p>	<p>Revenue authorities Local rural government bodies</p>	<p>% of records verified and updated % of records identified on maps % of area mapped with land holder identified % of area mapped with land holder identified having documentation of tenure (gender disaggregated)</p>

<p>2. Urban land records are lacking for most properties. Many constructions are in violation with urban regulations.</p> <p>No cadaster exists for urban land and most urban land maps have not been updated since the 1920. Recent Town surveys were undertaken in only 30 out of 130 cities, all in Andhra Region. The town survey for the twin cities in Telangana region dates from 1966-70.</p> <p>Building permit requisite mechanisms exist and are justifiable but costs are 5-8% of land costs. Non-compliance is frequent, while action against violators is sporadic</p>	<p>2.1 Identify and pilot cost-effective ways of surveying, verification and updating textual and spatial records based on ground reality in urban areas. Use existing information as much as possible. Establish and complete a common spatial data infrastructure</p> <p>2.2 Design financially sustainable and efficient mechanisms for maintenance and continued updating of textual and spatial records by urban bodies</p> <p>2.3 Make ULB responsible for managing rural lands that have been merged with cities</p> <p>2.4 Define workflows and responsibilities for urban land management, records maintenance, building permits and monitoring/enforcement, re-engineer where needed</p> <p>2.5 Review costs of building permits;</p> <p>2.6 Review laws and systems in place for formalization of unauthorised constructions, ensure compliance with plan regulations and building by-laws</p>	<p>Urban Local Bodies Revenue Authorities</p>	<p>% of area mapped with land holder identified having documentation of tenure (gender disaggregated)</p>
<p>3 Records are not updated automatically and not all transactions are registered. There is much fraud around transactions.</p> <p>High stamp duty and registration charges discourage formal registration of transactions, increasing incidences of litigations and tenure insecurity.</p> <p>Even a non-holder of land can undertake registration because the registration process does not warrant an examination of title. Fraudulent, duplicate and overlapping land titles are wide spread, and cause conflicts. Vexatious litigations are being used for grabbing public and private land</p> <p>The“Jamabandi” that used to be undertaken annually by a district level senior officer to verify and approve all village</p>	<p>3.1 Review and update Bhu Bharati; and design approach to overcome legal and administrative constraints to enable roll out. Develop e-governance with citizens and surveyors having opportunity to apply for registration and uploading of documents through web based application.</p> <p>3.2 Establish an integrated Land Information System (LIS) that is publicly accessible, based on Mee seva, for all concerned Departments.</p> <p>3.3 Reduce the stamp duty on partitions and mutations to improve the access by reducing the cost to the beneficiaries.</p>	<p>Revenue Authorities Local bodies</p>	<p>Ratio of textual to spatial records Ratio of Registered vs. mutated transactions</p>

<p>revenue records was ended when following the abolition of land revenues. The departments in charge of maintaining land records (Survey Department, Revenue Department, and Registration Department) have no shared computerized data base and function in stand-alone mode. Registration of a transaction does not result automatically in updating of related records.</p> <p>It is Bhu Bharati (2005) that is bringing together all land administration tasks (Survey Department, immovable property registration, Land Record maintenance, property tax and layout record maintenance of local bodies); procedures were re-engineered to allow for auto updating. However, Bhu Bharati is still limited to one district and upscaling is delayed by legal and administrative challenges Private and relevant public encumbrances are recorded and available at Mee-Seva Centers and website, but consistency and reliability lack</p>	<p>3.4 Introduce appropriate regulatory measures to ensure that the landholder whose name is entered in the land records alone is authorized to undertake a registered transaction. Design strategy to encourage reliable registration of all transactions and encumbrances.</p>		
<p>4. legal and administrative opportunities to enhance women’s access to land are not used sufficiently Women are subjected to discrimination and inequality in having access to land. Though the position of Women has improved they are the major sufferers in land disputes. Studies found that 7% of plots are owned by women and 34% of ROR but plot size is small; 6% of inherited lands and 77% of assigned lands is in the names of wives, but recording their names in the land registers is yet to improve substantially; Around 52% of property transactions were registered in the names of women in 2013, but the total holding could be marginal.</p>	<p>4.1 Review effectiveness existing policies and explore opportunities for amendments to enhance women’s access to land</p> <p>4.2 Continue monitoring gender related parameter to track of progress with respect to women land rights.</p> <p>4.3 Review land disputes involving women and design approaches to prioritise their settlement</p>	<p>Revenue dept.</p>	<p>Share of ROR held by women Share of records issued to women (Share of women holding land?)</p>
<p>5. Strengthen effectiveness of public land redistribution for eligible poor and the actual possession for granted public land</p> <p>In 2003, 14% of households had no land at all and 53% households a homestead only. An important welfare policy</p>	<p>5.1 Review efficiency and effectiveness of policies on land distribution and the balance between demands for equity, growth/ investments and ecology; Identify available land for redistribution and the number of land- or homeless to benefit.</p>	<p>.revenue dept.</p>	<p>% of area mapped with land holder identified having documentation of tenure (gender disaggregated) % land less ness/</p>

<p>of GoAP is therefore assigning public lands for house sites to weaker sections of society (SC, ST, BC, other minorities etc.). All public lands acquired under the ceilings act and as bhudan lands tend to be reassigned to the eligible poor Total agricultural land assigned is 75.40 lakh acres distributed to 39.30 lakh beneficiaries; For house sites 3.93 lakh acres was distributed to 87.13 lakh families. However the majority of those having lands assigned are not in the possession of the beneficiaries. Regularization is done sporadically in a campaign mode. GoAP has announced from time to time regularization of encroachments on public lands, but elites tend to benefit and not the landless poor.</p>	<p>5.2 Ensure systematic dovetailing of land distribution to the poor with the Land Development Programs to facilitate that these lands become productive asset. 5.3 Develop effective steps to ensure effective possession and use of land that has been redistributed to eligible marginal groups 5.4 Monitoring of compliance with conditions of land grant allocation and confiscation of granted land which has not been utilized for the purpose specified at the time of grant. 5.5 Review policy of regularization of unauthorized constructions and balance between equity and discouraging unauthorized occupation of the government land</p>		<p>homestead less</p>
<p>6. Lack of clarity in assignment of institutional responsibility for forest land prevents assigning ownership, preventing dispute and sustainable use There is lack of clarity on legal recognition of forests, 21% of forest area (about 30 lakh acres) is without completion of settlement process leading to conflicts with forest officials and punishments. Disputes also occur over classifying ancestral lands as protected forests and ambiguity over boundaries. There is a mismatch between land records and the reality on the ground. For the about 180 types of common lands, rights are generally recognized at the local level, but not recorded (revenue nor forests dept). Where commons are included in village Permanent Register with survey numbers, these are not updated. Encroachment is frequent, but not monitored. Some encroachments have even been regularized. About 75% of ST depend on forest, pasture or water bodies; laws exist to prohibit transfer to non-tribal and for</p>	<p>6.1 Comprehensive identification, settlement or reclassification (e.g. Chechu enclosures), survey and boundary demarcation of forests, community lands in forests (including tribal thandas), other common land, pastures and other non-forest common pool resources); 6.2 Record and map all community and individual rights recognized under FRA,2006 in the records of Forest department and revenue department 6.3 Clarify policy for protection, management and use of forests and commons and capacity requirements / gaps. Define responsibilities, and workflows involved in forest /CPR land management and assignment of ownership rights, clarify overlapping jurisdictions between the forest and revenue departments and re-engineer where possible; 6.4 Synchronize records maintenance between</p>	<p>Forestry department; tribal welfare dept. revenue dept.</p>	<p>% of land mapped identified as CPR/public land + management responsibilities clearly identified (CPR or not)</p>

<p>restoration, but are not very effective. No budget was allocated. For the 72,000 cases related to land transfer regulations (LTR) 33,000 were declared in favor of non-tribals. Under the FRA, out of 4,12,880 claims filed (24,68,092 acres) only 1,71,520 claims for an extent of 14,60,878 acres were disposed of and titled. Upto 2.42 lakh claims of tribals (10.08 lakh acres) are not decided (2013). Not a single title was recorded in the adangal ROR (Andhra) / pahani ROR (telangana), but in a separate, redundant register which may lead to litigation. Most Presidents of Gram Panchayats in ST areas are not aware of the rights of Gram Sabhas under PESA and did thus not claim rights over Minor Forest Products. Pasture lands availability has reduced due to land assignment policies. There is no rural land use policy or rezoning plan and no monitoring of land use changes.</p>	<p>Forest Department and revenue Department; Resolve boundary disputes between forest department, revenue department and local stakeholders in a time bound manner; Consider maintenance and protection of village commons by Gram panchayat</p> <p>6.5 Review low number of approved community claims, community rights under VSS, and increase Gram Sabhas awareness on formalizing groups rights under the Forest Rights Act, 2006 and exert ownership rights also on NFP (e.g. beedi/ tendu leaves)</p> <p>6.6 Monitor encroachment of non-forest village commons</p>		
<p>7. Urban development and expansion is unplanned; informal tenure regularization can promote encroachment.</p> <p>Master plans have not delivered and 90% of urban land use is estimated being misused, particularly around metropolitan regions of AP. Political forces play a role also. Despite many examples of good urban land management practices in AP, there is immense scope for learning from best practices elsewhere and adopting innovative techniques. There is a shortage of dwelling units. The delivery of housing schemes for the poor and middle income groups is lagging.</p> <p>The share of slum households is 36% (2011). Granting of tenure rights is constrained by legal disputes but many ULB informally recognize their occupation by providing all civic amenities. However, there is pressure on ULB to sell public lands and raise revenues, while evicting squatters if any.</p>	<p>7.1 Review existing urban planning practice and streamline urban planning implementation; ensure planning of buffer zones around industrial areas</p> <p>7.2 Develop and maintain databases that allow for routine and effective monitoring of land use restrictions</p> <p>7.3 Review assignment of responsibilities and coordination across institutions; Review and assess the resource requirements for town planning; urban development and design strategy to address capacity constraints;</p> <p>7.4 Systematic review of housing schemes and causes for delays; Assessments of housing stock with tenure types and develop workable plan for providing low-cost housing</p>	<p>ULB, revenue department</p>	<p>% of urban land with claimant identified/ documented evidence</p>
<p>8. Public lands are not protected nor managed</p>	<p>9.1 Identify, survey, verify and prepare records</p>		<p>Share of land in different</p>

<p>effectively; Transfer of public land to private investors does not always serve growth and contribute to inequity and conflict</p> <p>Public lands are not defined and demarcated, and survey maps not updated. Mutations are not identified and recorded properly and the land registry is not updated. There is no database to access all essential information on neither public lands nor their allocation to private interests. Public lands are under the domain of various Departments and agencies, but coordination is weak. The AP Industrial Infrastructure Corporation Limited (APIIC) is entrusted with land acquisition and R & R activities, for industrial parks and SEZ's. Land is also acquired for dams and mines and areas are significant. In the urban periphery of Hyderabad 90,000 ha were diverted (2006). Over 50% of expropriated land (2011-2013) is used for private purposes. The state can acquire land by invoking the powers of the 'eminent domain' and using emergency provisions, but which have been misused. Rules and stipulations have been violated and land is transferred at nominal prices, while there are also cases of land accumulation by the private sector actors,</p> <p>Transparency in acquisition decisions and fairness of acquisition (setting market value for compensation; delay in payment) are lacking in practice. Courts are the only forum available for affected persons but are costly and time consuming. However, interventions of Courts and increased public scrutiny results in greater accountability on the part of private parties</p> <p>.</p>	<p>for remaining public lands – involving local communities; record also rights of users.</p> <p>9.2 Monitor and identify encroachments and start of litigations to recover and restore of Govt lands fraudulently settled</p> <p>9.3 Establish unified system for public land possessed by different State / Central Government Departments and Public Sector Corporations. Create web portal to make this information on available to the public; Also create displays at the village revenue office /GP level on the particularities of government lands;</p> <p>9.4 Consider making public key information for public land allocations (the locality and area of the land allocations, the parties involved and the financial terms of the allocation (lease/rent payment), which also allows follow-up:</p> <p>9.5 Develop clear policy for various types of public lands protection, management and their disposal and from local to central level, also in view of future public requirement for government land; assign responsibilities for implementation and monitoring</p> <p>9.6 Review and streamline responsibilities and procedures for public lands and assess resource requirements for every department having public land and legal responsibility for safeguarding public property, improve coordination.</p> <p>9.7 Develop comprehensive State Land Use and zoning policy for rural and urban land. Identify viable land for distribution to poor and industrial areas, and plan for buffer zones</p>	<p>categories mapped with ownership and use rights clearly assigned</p> <p>No. disputes filed over land acquisition</p>
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	<p>around industrial areas.</p> <p>9.8 Introduce Joint Inspection of lands by the Requisitioning Department and the LAO before preparing land plans for placing requisition to prevent problems like over ownership, tenure, measurements, areas, land value, structures on the land and their value, crops and likely damages to the crops in order to reduce dispute and delays,</p> <p>9.9 Invite competition when diverting public land to encourage optimal use and maximize contribution to public good</p> <p>9.10 Develop mechanism to monitor whether land acquired and transferred is actually used for the destined use. Consider publication of cases of violations should be placed on public website.</p> <p>9.11 Review Rehabilitation and Resettlement policy to compensate appropriately the loss of rights, homes and identity of displaced families land. Review GOAP and executive instructions on compensation; issue a codified compendium of instructions to standardize procedures for guidance of the Land Acquisition Officers.</p> <p>9.12 Design strategies to ensure timely decisions regarding complaints about acquisition (process, compensation)</p>		
<p>9. Improve tax collection and adjust land valuation procedures to reflect real values Property tax is levied by all Municipalities and Municipal Corporations and is one of their main sources of revenue. AP also has a vacant land tax within the ULB limits, and tax on land conversion (10% from agric to non-agric). The 21823 panchayat /Rural local bodies have direct taxes and</p>	<p>10.1 Review effectiveness tax legislation and amendments (like NALA)</p> <p>10.2 Review cost to government of exemption of taxes</p> <p>10.3 Identify and publicize revenue potential vs. actual collection for all major cities and rural bodies;</p>	<p>ULB, town planning sept.</p>	<p>% Property tax collection/potential by municipalities</p>

<p>transferred revenues like house tax, land cess, water cess, stamp duties adds on.</p> <p>The Municipal Acts, the constitutions and executive instructions provide for exemptions, but are not always transparent nor applied in a consistent manner.</p> <p>Criteria were introduced to calculate the tax liability (Location, Nature of use, Plinth area, Type of construction, Age of building) to improve efficiency, transparency, and reduced complaints, but valuation is still done often on an adhoc basis and not synchronized to market values.</p> <p>More than 80% of assessed land/property taxes are collected. Collection efficiencies differ across cities.</p>	<p>10.4 Review system and frequency for revisions of valuations and pilot alternative methods for estimating property values</p>		
<p>10. Enhance effectiveness of dispute resolution mechanisms and develop monitoring capacity</p> <p>Improper and defective land records caused 2% of rural land disputes, 5% of urban and 28% of semi urban areas. It is estimated that more than 50% of court cases are related to land disputes</p> <p>There is a large pendency of cases in Courts, While the Supreme Court has issued directions regarding disposal of cases within 3 years, final resolution could well take decades. First instance decision has been reached for less than 30% of the complaints about expropriation lodged during the last 3 years. The majority of the legal disputes are pending at higher forums at the state level</p> <p>Causes are vacancy in appointments of judge and internal organization of courts</p> <p>More simple cases relating to land boundary disputes or recording of pattadars could be quickly disposed off through a different expeditious and cost-effective process, and have sittings of revenue courts in the field area outside court rooms. (circuit courts); Officers sitting on courts should have legal knowledge and expertise, on land laws and also the personal laws which govern succession and inheritance</p>	<p>10.1 Develop a scheme for categorization/recording of categories of disputes for all courts and instances; Include separate category for land-related cases in the data base of pending court cases for monitoring.</p> <p>10.2 Review causes for slow disposal and streamline procedures, identify legislative/regulatory bottlenecks,; and steps in case management towards more speedy disposal of cases, and differentiate between cases</p> <p>10.3 Fix by law time limits for disposal of cases at every level, to be monitored by the high court.</p> <p>10.4 Review possibilities to enhance capacity and efficiency of system, including special revenue tribunals; compulsorily use of Lok Adalat in every adjudication process; establishment of Nyaya Panchayat system, while using the services of retired judges and local advocates; state level Land Tribunal to adjudicate land disputes. The experience of</p>	<p>Courts</p>	<p>For various courts/ instances & categories of disputes</p> <ul style="list-style-type: none"> - Level of pending land related disputes - No. of cases treated; - Length

	<p>Bihar needs to be studied.</p> <p>11 Consider encouraging decentralisation and delegation of powers to Gram Panchayats in settling the land disputes</p> <p>12 Expeditiously settle all the residuary work relating to abolition of intermediaries and cases under LTR while providing legal aid to tribals to defend their claims.</p> <p>13 Increase awareness amongst the poor on laws and Legal assistance programme for land disputes</p>		
<p>11. Revision of Legislative and institutional framework to eliminate outdated and ineffective parts, and update specific sections; Improve institutional coordination, efficiency and effectiveness</p> <p>Archaic pieces of legislation continue to govern many of the land transactions; overlap and restrictions create frictions and cause legal disputes. A single land code which covers all aspects of land administration is lacking.</p> <p>A system of periodical reporting on land related issues exists in the legislature, and before standing committee during budget sessions, but land issues are not monitored and tracked in a proper way</p> <p>The many agencies involved in land management have inadequate horizontal coordination. The under-resourced land administration machinery cannot cope with the speed of change. The evolution towards an effective land management system is yet to take place. Land administrators have too many other tasks and verification procedures are not applied because of the volume of ROR applications. Political interference in posting of revenue officials also affects effectiveness.</p>	<p>11.1 Review legislation related to land administration Consider creating a comprehensive single land code, including also land titling. Following the bifurcation of the state, the field conditions have become more homogenous which may facilitate, such a harmonization process</p> <p>11.2 Entrust land administration to a single dedicated agency that performs all land record maintenance functions</p> <p>11.3 Review and reengineer processes (based on Bhu Bharati experience); pilot the technologies, ; review staffing; and improve skills to enhance performance and disposal, particularly at lower levels;</p> <p>11.4 Put in place decision support tools and consider using the Results Framework Document (RFD),make use of monitoring data from land information systems</p>		

1 INTRODUCTION

“Land is the foundation on which the entire edifice of development is built”. In India land is an important resource and has significant social, cultural and economic implications and emotional attachment to millions of people who depend on agriculture for their livelihood. With the burgeoning population, pressure on land is increasing, as it is not just resourcefulness for agriculture alone but has relevance for industrialisation, urbanisation and for managing the ecological bio-diversity.

Land in Andhra Pradesh can be broadly classified into communal land or common property resource; public lands or government lands and privately owned lands which include lands held by religious and charitable institutions, cooperatives and companies. Land governance in the state encompasses not only its conservation, proper use and equitable access for sustainable development but also conferment of rights and the protection of such rights.

Governance is considered as the foundation for economic, social and environmental development. To address the Millennium Development Goals (MDG's) and sustainable development (SD) challenges there is a need to plan for efficient and equitable use of natural resources. Land being an important natural resource and input for productive activities, income generation and wealth creation its governance plays a crucial role in promoting sustainable and equitable development.

Worldwide Land governance is not just an economic issue but emerged as a major social and political issue. Increasingly land governance is attracting the attention of global leaders in the context of ecology and environmental protection. Inclusive policies for development need to take land as key resource for development. In countries like India it has cultural and psychological significance too as land is closely linked to cultural practices and social relations in major part of India.

Because of its importance land issues are often contentious and play a major role in power relations and evolution of social structure. Hence if land governance is sound, efficient and effective overall delivery of development can be improved. In recent years land related issues particularly land allocation and acquisition for public and private uses have attracted public

attention and scrutiny due to large scale unplanned transactions involving government machinery and political leaders. In this context attempts to improve land governance through proper analysis and participatory discussion to bring in reforms in the existing policy framework is the need of the hour. Land Governance Assessment Framework (LGAF) is an attempt to address this need.

LGAF is a tool designed by the World Bank in collaboration with national governments and other partners with the objective of finding out where policies and practices regarding land governance stand in various countries (in our case state). This tool helps to make assessment of land governance as it exists at both the policy and practice levels. It analyses policy and framework gaps with a view to formulate better policy and institutional framework and fix priorities and monitor the implementation over short term, medium term and long term..

2 METHODOLOGY

The LGAF is a diagnostic tool to evaluate land policies and practices in a country. This exercise is undertaken through a participatory approach and is guided by discussion by a State team interanally backed with state and non-state held data, and a consultation process with experts, bureaucracy and stakeholders to analyse policy and practices. This enabled undertaking a comprehensive analysis of the entire land sector. The various issues concerning land governance have been analysed under nine thematic panels such as :-

1. **Land Rights Recognition** – This panel broadly deals with all types of land rights including their protection and enforcement, particularly user rights, ownership rights, customary rights, community and individual rights.
2. **Rights to forest and common land & rural land use regulation**- This deals with identification and protection of rights in forests, common lands and indigenous group rights, multiple rights in the usage of land and sub-soil, land-records, mapping and registrations of transfers of land rights etc.
3. **Urban Land Use, Planning and Development**—as the name suggests it covers issues of effective and efficient usage of urban land; on restrictions of land use, urban land use plans; whether the process of urban planning is transparent and acknowledges and protects existing rights; and how participatory is the planning process etc.
4. **Public Land Management**- deals with issues relating to management of public lands and its use, including recording and access to information relating to public lands.
5. **Transfer of large tracts of public land to private investors**- This panel deals with the extent of transfers of public land to private investors and whether transfers are done in an open and transparent manner, and whether transfers address equity concerns. The panel also looks at whether benefits from these transactions are available to the public and whether process of transfer is participatory. It looks at the social, cultural and environmental concerns and its impact and if this is adequately recognized and protected. Publica availability of the said information is also dealt with.
6. **Public Provision of Land Information** – deals with the issue of whether land information is in the public domain, easily accessible and affordable; whether there is recording of land transactions through registry, and whether registration process is expeditious, cost effective and accessible,;whether the registry is searchable by

public. It also deals with whether there is a system to detect and discourage and prohibit informal payments etc.

7. **Land taxation and valuation**–It deals with the process of land valuation; public access of the same; and whether valuation and taxation exemption is transparent and justified; efficiency & effectiveness of tax collection both for urban and rural land.
8. **Dispute Resolution**– whether there is clear assignment of responsibility for settlement of disputes and whether redressal of disputes is easily and cost effectively accessible. It also analyses whether there are any informal channels of dispute resolution and their legal recognition, efficiency and effectiveness of the dispute resolution process. This is attempted through an assessment of the proportion of land related cases before courts and tribunals and the delays in adjudication.
9. **Institutional Arrangement & Policies**- this panel attempts to study whether there is any conflict of interest, and overlap between different agencies dealing with land; whether there is broad sharing of information. It seeks to find out whether there are minimum overlaps of jurisdiction. Whether there is participation of all stakeholders in formulation and implementation of land policies and regulations; whether the policies address equity and poverty reduction goals as well as ecological and environmental concerns; further it seeks to find out the process of implementation and attempts to identify structural and institutional deficiencies in implementation. It also seeks to find out whether land policies address disaster risks etc.

In each of these panels there are various dimensions for which scoring was given. The task of scoring on various dimensions is done through a consultative process involving experts, officials of the government, representatives of stakeholders and the scoring is done based on evidence of available data as well as knowledge and experience of the participants in the discussion and consultation process. The primary goal of the exercise has been to reach at a consensus scoring.

Land being a State subject, the preparation of LGAF at state level is coordinated by a State Coordinator. The responsibility of engaging and supervising the team of specialists was also the responsibility of the State Coordinator.

Methodology adopted in the State:

The institutional partner for LGAF exercise in the state is the Centre for Good Governance (CGG), which has the overall responsibility to prepare the state report. The CGG identified and engaged the services of a State Coordinator (SC) and through the State Coordinator, a team of Expert Investigators (EIs), one for each of the nine panels.

Departments dealing with land in the state were approached to identify Nodal Officers who could give/collect/share information pertaining to land and its management within their domain. All the major departments were involved and they identified their Nodal officers. Meetings were held, at the Chief Commissioner of Land Administration(CCLA) office, GoAP level and at CGG between September 2013 and February 2014 to appraise the Departments and collect information from the Nodal Officers.

With the data made available, the EIs prepared background notes that were vetted by the State Coordinator and shared with the Technical Advisory Group (TAG) for comments. Based on expert comments, the notes were revisited and updations were made in the light of comments made by TAG members.

The background notes for each panel along with dimension scoring were placed for discussions to an invited group of panellists comprising of experts, interested groups and stakeholders for further deliberation. Issues based on available data, experience and knowledge were thoroughly deliberated, available information was critically analysed, fresh data and evidences from several quarters – academics, civil society, legal professionals, grassroot level officials &workers of NGO's, interest groups was gathered and the scoring of the various dimensions was revised where necessary.

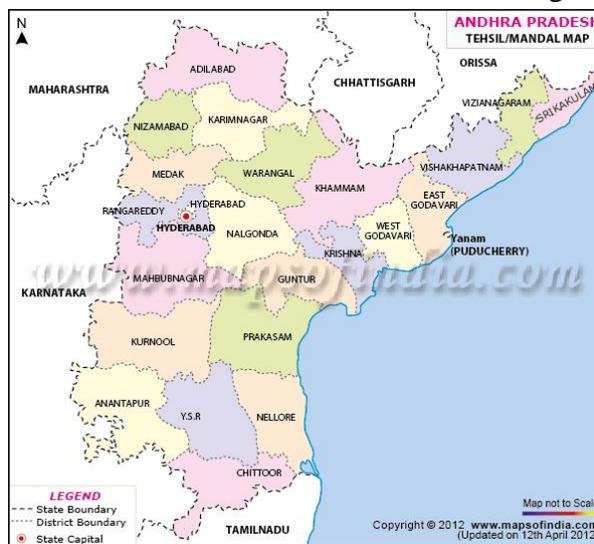
The present state report is a product of an extensive and detailed study that has gone through a process of scrutiny at different levels and with inputs/information from academic and government sources.

3 GENERAL CONTEXT OF THE STATE

The State of Andhra Pradesh⁷ is situated in the southern part of the Indian peninsula having a population of 846.66 lakhs as per the provisional census of 2011. It was the fourth largest state in area with 275,045 sq. km and was the fifth largest population terms.

About 563.12 lakh population in the State i.e., 66% of the population are based in the rural areas and the other 283.54 lakhs i.e., 33% reside in the urban areas.

The State of Andhra Pradesh state comprised of 23 districts⁸, 10 of which are in the Telangana region (including Hyderabad), 4 in the Rayalaseema region and the remaining 9 in the Coastal area generally known as the Circars (area that came under the Madras Presidency under the British). Now the Telangana region comprising of 9 districts and Hyderabad have been formed into a new state of Telangana which has come into being from 2nd June 2014.



A majority of the rural population, male and female are dependent on agriculture as a major source of income and livelihood. This includes the vast population of tribals who depend on forests and forest produce. The Scheduled Tribe population in the state constitute 6.6 % of the total population and Scheduled Caste is 16.2% (2001).

Land in the state

The total land area in the state⁹ is 2,75,045 sq kms. Dependence of majority population on land and land related occupations is large. Out of 348.94 lakhs of total workers in the state, 216.92 (62%) are agricultural workers and the remaining non-agricultural workers. Though agriculture continues to employ more than 75 percent of the rural workforce, the state has seen a significant shift away from the agriculture sector in favor of services sector resulting in falling share of agriculture in the GSDP from 25 percent in 2004-05 to just 19 percent in 2011-12. Agriculture has shown a growth of just 5 percent over last five years, which further drops to 3.9 percent if only the crop and horticulture output is considered. The growth in

⁷ Pre-bifurcation Census 2011

⁸ In August 2013, at the time of commencement of this project and towards major part of its implementation

⁹ Ibid

livestock sub sector at 6.7 percent increases the overall growth rate for agriculture sector. The growth rate would be even lower for the small and marginal farmers that constitute 81 percent of the operational holdings and 47 percent of the output as these small and marginal farmers who typically have low access to extension services, quality inputs like improved seeds and institutional credit. The problems for these farmers are also compounded by the very low share of income accruing from non-farm sources (less than 20 percent).

Land Tenure in Andhra Pradesh

Historically a country is identified by the land and territory it owns and controls and all land belongs to the State. It exercises all sovereign rights on the land. Rulers, Maharaja's of erstwhile kingdoms had sovereign rights of the State vested in them. They had absolute right to determine who could possess/hold land. Now In modern constitutional republic, the sovereign powers of the state vest in different organs of the state.

Land tenures are described generally as the relationship between man and land. Tenure rights are granted by law, by the State. Laws thence determine the nature and extent of rights that are granted to persons - to possess, use and control and transfer these rights granted under the laws. In the present day, land can be owned, possessed, used and transferred including the right of inheritance as granted by the law. However, the overarching right of the State over land still holds good.

In Andhra Pradesh different types of tenures existed. These tenures could be broadly classified as intermediary tenures and ryotwari tenures. Historically the rulers granted rights to certain intermediaries such as the zamindars, jagirdars, watandars, inamdars etc to allot lands to peasants and to collect taxes in the form of land revenue and irrigation fees. These intermediaries were created as the rulers did not have the wherewithal to directly engage with peasants. The creation of such intermediaries led to exploitation of the peasants by the appointed intermediaries. This became one of the trigger points for struggles for self rule during pre-independence times. At the time of the independence movement, land reforms or more particularly the abolition of the intermediaries became an integral part of the agenda for freedom struggle. Immediately after independence and the creation of states, the first set of land reforms measures were undertaken with the abolition of the intermediary tenures and also reforms in the tenancies relating to agriculture.

As early as 1858 when the British crown took over the territories which were administered by the East India Company and after the experience of severe famines in many parts of the country, the British administration introduced the ryotwari system. Under this system the peasants were given cultivation rights on the lands they were enjoying and the collection of land taxes was directly undertaken by the government. Under the ryotwari system, the ryots were brought in direct contact with the government. Land settlement was done after detailed surveys and mapping of lands and those cultivating the lands were given pattas i.e. right to possess, enjoy and transfer the lands given to them. While preparing the records and during the settlement process lands of different categories were created. Lands given to individuals were called as patta lands, while those that were not settled were called as government lands/common lands/public lands. Lands were set apart for different communal purposes for use of the community as a whole such as forests, grazing lands, burial and cremation grounds etc. However some enlightened rulers did establish the ryotwari system and even in the British held territories ryotwari system was introduced (Sir Thomas Munro).

Post-independence the government's policies focussed on undertaking various land reforms measures which included *inter alia*;

1. Abolition of Intermediaries : As large tracts of land were held by intermediaries laws were enacted to abolish such intermediaries and giving land rights to the cultivators who were cultivating the lands given to them by the intermediaries. The major laws enacted were, were the **AP Estate (Abolition and Conversion into Ryotwari) Act, 1948, the Jagir Abolition Act, Inams Abolition Act.** These were the most effective and beneficial legislations. As per statistics available, about 3.63 lakh ha of land was distributed among 3.4 lakh beneficiaries who became pattedars with all the attendant rights. However, while the major work of settlement has been completed, still some residual work remains to be finished particularly the final settlement of cases pending before revenue and civil courts.

2. Tenancy Reforms : The next set of reforms undertaken were relating to tenancy. In the Telangana area, **The AP (Telangana Area) Tenancy and Agricultural Land Act, 1950:** (Act XXI of 1951) was enacted under which tenancy was abolished. Those who were cultivating lands were classified as ordinary tenants, protected tenants, protected tenants with ownership rights. The number of persons recorded as protected tenants is about 3.3 lakhs¹⁰. In

¹⁰Implementation of Land Reforms A Review by the Land Reforms Implementation Committee of the National Development Council, Planning Commission, Government of India, New Delhi, August, 1966: Report submitted by Shri Ameer Raza, Joint Secretary, Planning Commission on implementation of Land Reforms in Andhra Pradesh

the Andhra area, in 1956, **The AP (Andhra Area) Tenancy Act, 1956** was enacted with an object to protect the peasant rights from unjust eviction, to regulate the fair rent payable, to prescribe minimum period of agricultural leases and to provide a right of first preference to the tenant in purchasing the land. Another important right provided to the tenant is that if the land owner fails to cultivate the land resumed personally within a period of one year from the date of such resumption or having discontinued cultivation for a period of not less than one year within a period of six years, such land shall be restored to the tenants by the Special Officer on application made by the tenants.

The implementation of the tenancy laws has been quite dismal. The laws gave a number of exemptions and land owners resorted to devious methods to circumvent the tenancy legislations. Leasing of land to tenants continues to be rampant despite ban/regulation and the tenants continue to be deprived of their rights. The tenancy laws have pushed tenancy underground and the phenomenon of concealed tenancy, reverse tenancy exists. The tenants do not find their names in the village land records and therefore do not get benefits of crop-loans, loan waiver schemes, subsidies, crop-insurance and ex-gratias for crop losses after natural calamities. As per a survey undertaken by the Andhra Pradesh Agricultural Workers Union (quoted in the KRR Committee report), the extent of informal/oral tenancies is as large as 100%, implying disconnect between protected tenancy laws and the actual practices, in both Telangana and Andhra areas. The government of AP brought in a legislation called the Licenced Cultivators Act, 2011 under which tenants were given rights and facilities to get crop loans, insurance etc and presently 4.23 lakh people were given certificates. However, presently new problems have cropped up and the numbers have come down drastically. Overall one might venture to comment that tenancy legislations have failed not only in AP but also in other states.

3. Imposition of ceilings on land holdings : In order to bring about equity and distributive justice, and remove the skewed land holding pattern in the state and to curtail large land holdings, **The Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973** was enacted to impose ceiling on land holdings of a person or family of not more than 5 members which is fixed as 4.05-10.08 ha for wet land and 14-16 ha of dry land. As per the Act beyond this stipulated limit no person or family shall hold land. Persons holding lands above the ceiling limit had to surrender the surplus land and this surplus land was distributed to landless poor for agriculture, housing etc. After this Act came into being in the state, out of

3.37 lakh ha of land declared as surplus, 2.34 Lakh ha of land has been distributed to 5.41 lakh beneficiaries. The implementation of the land ceiling law is still not complete due to pendency of cases in the courts. The government could not also get the estimated surplus land as too many exemptions were given under the law and land holders also adopted devious methods to circumvent the law.

4. Distribution of government lands, waste lands to rural landless poor: As a welfare measure, the government also undertook distribution of government lands to the landless poor. AP has been the largest distributor of government lands to the rural poor. About 75.40 lakh acres of land has been distributed to the 39.30 lakh landless poor. The state has even converted certain unobjectionable government ‘poramboke’ lands into assessed waste lands and assigned to eligible sivoijamaidars (landless poor persons who have been cultivating these lands for over a good deal of time uninterruptedly), duly entitling them to the piece of land they cultivate. Depending on the need and demand of the eligible sivoijamaidars, cultivating unobjectionable ‘Unassessed’ waste lands are also being converted into ‘Assessed waste’ lands and assigned to those who are cultivating, enabling them to access loans, subsidies and other help extended by the Government. They are given Pattadar passbooks and title deeds along with Tippons and the Field Measurement Sheets, duly marking them as ‘**Assigned and not transferable**’, as an instrument useful for borrowing loans from government financial institutions.

The government also assigned lands to freedom fighters, political sufferers, ex-servicemen, sports persons, widows of policemen who died in anti-naxal operations and also to various other categories of persons both for agriculture and for housing. The government also enacted the The Andhra Pradesh Assigned Lands (Prohibition of Transfers Act), 1977 to prohibit the transfer of assigned lands by the beneficiaries. All land transfers were declared null and void and the transferred lands were restored to 43,000 original assignees. Under the Bhoodan Movement land owners voluntarily donated land and the bhoodan yagna board was setup. About 1.10 lakh acres of the donated lands have been distributed to the poor.

The government enacted another legislation by the name of **Andhra Pradesh Occupants of Homesteads (Conferment of Ownership) Act**, in 1976 which prohibited eviction of an occupant of a homestead who is in occupation of a dwelling house as on 14-8-75 unless the land owner proves that the dwelling house was built at his expense and the occupant is a

tenant. The occupant of homestead shall become the owner of homestead and dwelling house subject to the extent that homestead shall not exceed five cents, and the right conferred is heritable but not alienable. Under this Act 2.2 million households¹¹ were given homestead rights in Andhra Pradesh.

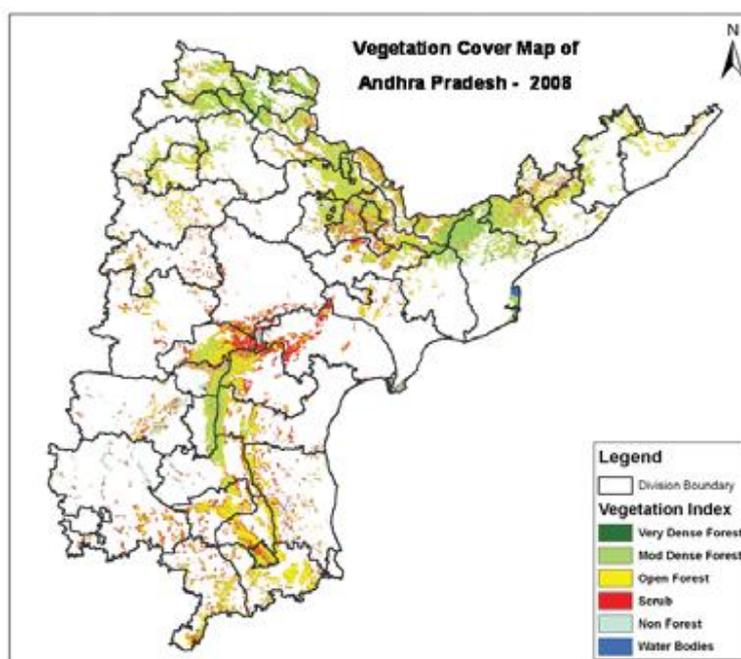
Successive governments embarked on massive programmes to give house-sites pattas to the landless poor in the rural and urban areas. Pattas for housing were given on government lands and also where government lands were not available private lands were also acquired for house-sites. The poor were also given loans and subsidies for construction of dwelling units. So far 87.13 lakh number of beneficiary families have been given house-sites and houses.

In order to empower women and grant them property rights, the government amended the Hindu Succession Act in 1986 to make women coparceners in Hindu joint family with equal property rights. The government made a policy to assign lands and house-sites in the name of women only. It launched a scheme of land purchase for the Scheduled Caste and Scheduled Tribes and the title to these lands were given to women. Rural poor who were in occupation of government lands (as encroachers) were also given pattas as part of land regularization scheme provided the occupation is not objectionable. This scheme was also extended to urban areas.

Forests and Related Rights:

The total notified forest area of Andhra Pradesh is 63,814 Sq.Km, which is 23.2 % of the geographical area. The Reserved forests are 50,478.63 SqKms (79.10%), Protected forests are 12,365.34 sq. km. (19.38%) and Un-classed forests constitute 969.76 Sq. Km. (1.52%) of the total forest area.(APFD,2009).

¹¹ Hanstad, Tim, Land Rights Legal Aid and Women's Empowerment in India: Experience & Lessons, World Bank Land Property Conference, April 2011



The Scheduled area in the state extends to nine districts namely Srikakulam, Vijayanagaram, Visakhapatnam, East Godavari, West Godavari, Khammam, Warangal, Adilabad and Mahboobnagar. Nearly 66% of the forests are located in these scheduled areas and 31 out of 35 Scheduled Tribes mostly live in Scheduled areas. The Scheduled Tribe population in Andhra Pradesh as per 2011 Census is 59.18 lakhs and 60% of them are living in scheduled areas dependent on forests in varying degrees.

Administration of Andhra Pradesh forests has two historical backgrounds. The forests in Andhra and Rayalaseema areas, which were part of erstwhile British regime, were governed by Madras Forest Act, 1882 (which later on became The Andhra Pradesh (Andhra Area), Forest Act 1882) while the forests in Telangana area which was part of Nizam's Dominions were administered by Hyderabad Forest Act, 1322 Fasli (which later on became Andhra Pradesh (Telangana Area) Forest Act, 1355 F). The Andhra Pradesh Forest Act, 1967 came into force from 15.04.1967 after repealing both these Acts. It relates to the protection and management of forests in the state of Andhra Pradesh.

With regard to the tenure rights of Scheduled Tribes there were two major laws that were enacted in AP before independence. The first law is the **Agency Tracts Interest and Land Transfer Act, 1917** to protect the interests of tribals in the agency areas. The Act prohibits the transfer of lands between tribals and non-tribals without any prior consent from the Government or any other prescribed officer. The second one is the **Tribal Areas**

Regulation, Fasli 1356 enacted in 1946 which entrusted all tribal land disputes to tribal Panchayats.

Besides on the provisions under Fifth Schedule of Constitution, the State government has enacted special laws. The **AP Scheduled Areas Land Transfer Regulation (APSALTR) Act in 1959**, prescribes that tribal lands should not be transferred to non-tribals and also has a provision for retrieval of tribal lands illegally acquired by the non-tribals before 1959. The APSALTR Act 1959 became effective from 4th March 1959 in Andhra area and from 1st December 1963 in Telangana region. No rights were granted to the Tribals in the Forest in the Scheduled Area under the Estates Abolition Act, 1948, *Mahals* Regulation 1969 and *Muttas* Regulation 1969 since the land covered under this Act & Regulations is not a Ryoti land. **The AP Scheduled Areas Ryotwari Settlement Regulation 1970** made provisions for *Ryotwari* settlements for certain lands in the scheduled areas of Andhra region by issuing *Ryotwari Pattas* with the alienable rights to the cultivators in estates and *Ryotwari* areas. **PESA Act of 1996**, at the central level, was enacted with an objective of recognizing and empowering the rights of scheduled tribes in Scheduled Areas.

Public Land Management in Andhra Pradesh

Within the State, all public lands are government lands, but all government lands are not public lands, accessible and available for public use. As per Section 2 (I) and (2) of the AP land Encroachment Act 1995, public roads, streets, lanes and paths, (punthas, kalidaari), Bandibaata (cart track), Dandubaata (way for marchers of army), bridges, ditches, dykes and fences on or beside the same, the bed of the sea, harbors and creeks below high water mark, the mangroves (Mada forests) and of the rivers, streams, nalaas, lakes and tanks and all canals and water courses and all standing and flowing water and all lands situated are the property of the government including railway lands and land in port limits. Even all public roads and streets vested in local authority are deemed to be the property of the Government.

It has been found that in Andhra Pradesh about 180 types/categories of public, common, community lands have been mentioned in various records. The management of these public lands vest with different government departments and agencies which are expected to administer these lands. While the government is a custodian and care-taker of public lands, governments have been treating these public lands as government property and not as property of the state. Government lands including public lands have been assigned, alienated,

leased out without bearing in mind the interest of various stake-holders who have rights to access and use such public lands and common property resources. This has raised a lot of controversy in recent times and invited judicial intervention.

Instances have also come to notice of lease/transfer of certain common property resources such as lakes, water tanks, grazing grounds, burial grounds etc by government and also the inaction of the government in not protecting these common property resources, inviting strong action and strictures from the judiciary. In AP we also have land grabbing court which deals with grabbing of government and private lands by un-scrupulous elements and the tribunal has done notable work. All the above interventions taken by the Government are in conformity with the directive principles of the state policy enshrined in the constitution, to ensure respectable living to the landless poor citizens and socially, educationally and economically weaker sections with dignity.

Urban Land Use, Development and Planning

In Andhra Pradesh the total number of Urban Agglomerations/towns recorded in 2011 is 260 (58 Urban Agglomerations formed with 61 Statutory Towns & 90 Census Towns and 64 Statutory Towns & 138 Census Towns independently accounting for the 353 towns in different urban classes). Plans for urban development in Andhra Pradesh are in the form of Master Plans or General Town Planning Schemes, Zonal Development Plans or Detailed Town Planning Schemes, Area Development Plans and Road Development Plans prepared under the Andhra Pradesh Urban Areas (Development) Act, 1975 and Andhra Pradesh Town Planning Act, 1920. Detailed analysis is given under Panel 3.

Land Records- Survey & Settlement & Mapping: Land records are prepared after detailed cadastral survey of land and preparation of maps and recording the enjoyment of different types of tenures are the basis for a sound land governance system. The present system of Land Revenue Administration in Andhra Pradesh had been introduced by the British more than two hundred years ago in the Circar areas and in Telangana area after independence has not changed much in terms of the administrative structure and the records that are maintained.

The basic annual land record known as *pahani* in Telangana area and *Adangal* in Andhra and Rayalseema areas of the state are maintained by the Village Revenue Officer. The changes in

the land record are done by the Tahsildar who is the Mandal Revenue officer after following due process of enquiry. There is an annual event called the 'Jamabandi' where all the village revenue records are verified and approved by a district level senior officer. Other important components of the land records are the Field / Parcel map, the Village Map, the Record of Rights / Village accounts and the Register of Transactions maintained by the Sub-Registry. In AP the Record of Rights (ROR) Act deals with the maintenance and updation of the record of rights in land. Pattedar passbooks have been issued to landholders and this passbook is necessary to be produced for land transactions, obtaining loans and for recording of charges, encumbrances on land. An attempt has also been made to scan and preserve the old land records and reconstruct the dilapidated and non-existent records. The non-availability and periodic updation of land records is a major issue to be tackled for improvement in land governance. This aspect has been dealt with in detail under panel 6.

Land Taxation

The government has abolished land revenue on agriculture land. This was done as a welfare measure for the agriculturalists. Therefore there is no taxation on agriculture land. However there is a law which provides for collection of fee where agriculture land is converted for non-agriculture use. This is a one-time fee to be paid at the time of making application for change of land use. System of land valuation is in vogue for the purposes of collecting stamp duty and registration charges for registration of land transactions. For agriculture lands, land valuation registers are maintained and this valuation acts as a basic value for land transactions including land acquisition. These basic values are revised (upwards) from time-to-time and there is no fixed periodicity of revision. Upward revision is done basically as a means of resource mobilization by the government.

The land taxation and valuation scenario in AP has undergone several changes since the formation of the state. These changes were undertaken as a result of new demands which were generated by the changing economy.

The various Acts concerning the property taxation in the state of AP are:

1. A.P. Municipalities Act, 1965.
2. Hyderabad Municipal Corporation Act, 1955.
3. Hyderabad Metropolitan Development Act, 2008.
4. A.P. Urban Areas (Development) Act, 1975.
5. A.P. Agricultural Land (Conversion to Non Agricultural Purposes) Act, 2006.

6. A.P. Town Planning Act, 1920.
7. And the Government Orders issued from time to time.

In the State, the rate of taxation is fixed by a council and the rates shall not exceed 25 percent of annual rent for Residential buildings, and 33 percent of annual rent for Non-residential buildings. Such a system of valuation for taxation had many problems in it. Land taxation and valuation has been dealt with under Panel 7.

Dispute Resolution

Within the State, mechanisms have been put in place and several measures have been taken to tackle the rising disputes regarding land conflicts. A special court under Land Grabbing (Prohibition) Act, 1982 was constituted in the year 1988. The Special Court consists of former High Court Judge and other judicial and revenue members who are normally drawn from retired district judges and retired civil servants. In 2004, a Legal Assistance Program for Land was also designed under world Bank assisted SERP to provide effective legal support to the poor in fighting on land related rights. In the past two decades or so the subject of land acquisition has generated considerable concern and debate not only throughout the country but in the state of AP as well. For the purpose of industrialisation, infrastructure, housing etc the government has resorted to acquire private lands and make it available for these sectors. Bulk of the lands acquired were agricultural lands belonging to small and marginal as well as poor agriculturists.

Lands were acquired under the Land Acquisition Act 1894. Large scale acquisitions have displaced the agriculturists from their livelihood and even though compensation is paid, this compensation was grossly inadequate to provide relief and rehabilitate the displaced persons. Displacement has occurred on a very large scale in the construction of irrigation projects, industrial zones etc. Apart from displacement, other issues involved relate to non-payment of compensation in time, delays in courts of cases relating to quantum and entitlement of compensation etc. In order to expedite acquisition process and ensure adequate compensation the government of AP set up committees at district levels and also at the state level to go for consent awards. This mechanism has proved quite successful and has avoided litigation in many cases.

Institutional Arrangements:

Primarily there are four departments in the State which deal exclusively on matters relating to land viz. Revenue Department, Survey & Settlement Department, Registration & Stamps Department and the Municipal Administration & Urban Development Departments that handle information and transactions about land. In addition there are a host of other institutions/departments who deal with land as the base for their programmes and functions. These are Departments of Forests, Tribal Welfare, Panchayat Raj & Rural Development, Housing, Industries and Commerce, Infrastructure and others.

During the pre-independence period the state had been ruled by the British and the Nizam in different regions namely the Coastal region and Telangana respectively which had their imprint on the administration. When the state of Andhra Pradesh was formed an Integrated Board of Revenue was also formed that inherited functions and powers of Hyderabad Board. However in the year 1977 the Board of Revenue was replaced by Commissioners in consonance with A.P. Board of Revenue (Replacement by Commissioners) Act, 1977. In the year 1999 Commissioner Land Revenue was re-designated as Chief Commissioner of Land Administration (CCLA).

At the district level the collector is the head of the district administration. A joint collector looks after most of the revenue department and land administration matters. At the sub-division level we have the Revenue Divisional Officers (RDO's). Earlier there used to be Tehsils/Taluks under Tehsildars. These Tehsils/Taluks were abolished and in their place Mandals were created. In each mandal there is a mandal revenue officer (MRO) (now called as tehsildar). The Tehsildar is assisted by deputy tehsildars. Earlier there used to be firkas under revenue inspectors. Now these firkas as an administrative unit do not exist.

At the village level we used to have village officers called as karnams (in the circar and rayalseema) and patwaris in Telangana. They used to maintain land records and revenue records. Each village also had a village munsif (circars & rayalseema) and mali and police patels in Telangana. These village officer posts were hereditary. They were abolished later and number of experiments were made in the village officer setup. Presently we have village revenue officer who discharges a number of functions related to the village including land records.

At the state level we have the revenue department which deals with land matters and every other department has to consult the revenue department whenever land issues are involved. Other departments dealing with lands under their jurisdiction have functionaries at the HOD level, regional level, district level and mandal level with clear cut powers and authority. The local bodies such as municipalities, Gram Panchayats fall under the overall control of the state level departments and the HOD's.

4 PANEL CONTEXT & ASSESSMENT

4.1 Land Rights Recognition

4.1.1 Panel specific context

The British superimposed the traditionally existing land system with their rules and customs and broadly three types of land revenue systems were introduced in British India. Those systems were *Zamindari* system (followed in the Andhra Area) / the *Jagirdari* system (followed in the Telangana area), *Ryotwari* system (followed again in part Andhra area) / the *Diwani* system (followed in Telangana area) and the *Mahalwari* system. The *Ryotwari* system was introduced in the Madras Presidency in 1802 in which the individual Ryots (cultivators) were declared as the proprietors of the land and had the right over the land to cultivate, sell or mortgage or transfer as long as land revenue payments were made directly to the Collectors. This system prevailed in South India which accounted for about 38% of total cultivated area. This system resembled the *Moghuls* revenue system where in the proprietary rights of the cultivators had been recognized. In addition, the *Inamdari* system (Feudal title) prevailed in which title was given to a person who received land as gift for the extraordinary work rendered to the kingdom or ruler¹².

The *Zamindari* system was abolished under **AP Estate (Abolition and Conversion in Ryotwari) Act, 1948** and the lands were converted into *Ryotwari* systems. This was the first law that provided and granted individual rights by repealing the permanent settlements, acquisition of rights of landlords of permanently settled ones and other estates in Andhra area and grant of *Ryotwari* Pattas to actual cultivators by introducing *Ryotwari* settlements. Under **AP (Telangana Area) Jagir Abolition Regulation, 1949**, the Jagirs in Telangana area were abolished and rights were given to ryots.

The *Inamdari* system was abolished through **Andhra Pradesh (Telangana Area) Inam Abolition Act, 1955** and **Andhra Pradesh Inams (Abolition and Conversion into Ryotwari) Act 1956** and the pattas were issued to the individuals who cultivated *Inam* lands. As per an assessment made by the Koneru Ranga Rao Committee in 2006 about 3.63 lakh ha of land was distributed among 3.4 lakh beneficiaries. However still thousands of acres of lands are said to be unsettled in the entire Telangana area¹³.

¹² The Law Reports: Indian appeals: Being Case in the Priny Council as Appeal from the East Indies

¹³ Koneru Ranga Rao Land Committee Report, 2006 Commissioned by Govt. of AP, India

A few new laws were enacted to protect the individual rights of the Ryots. Important among these are: **The AP (Telangana Area) Tenancy and Agricultural Land Act, 1950:** (Act XXI of 1951). This law which was enacted by the Hyderabad Government before the formation of the State of Andhra Pradesh is a comprehensive measure containing provisions for fixation of maximum rent, security of tenure, purchase of ownership by protected tenants, ceiling on holdings and consolidation of holdings and prevention of fragmentation. By a subsequent amendment, provisions regarding consolidation of holdings and prevention of fragmentation were omitted from this Act and incorporated in two separate Acts i.e., Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956 and Andhra Pradesh Ceiling on Agricultural Holdings Act, 1961. This Act came into existence w.e.f 1.6.1950 providing ownership rights to the protected tenants in Telangana area. This Act recognizes two types of tenancy: the 'ordinary tenancy' and the 'protected tenancy'.

In **ordinary tenancy**, any person who lawfully cultivated any land of another is deemed to be a tenant. Section 8 of this Act states that every lease made within 3 years from commencement of the Act shall be for a period of 10 years. Similarly Sec. (19) of the Act provides the leaseholder rights that no tenancy shall be terminated before the expiry of the period of lease. A tenant that holds land continuously for a period of 6 years is treated as **protected tenant**. Tahsildars were competent authorities to issue Protected Tenancy Certificate under Sec (35). Under Section 38, protected tenants were given an optional right of purchase of ownership of non-resumable land on payment of compensation varying from 6 to 15 times the rent. In addition, law also provided for conferment of ownership of non-resumable land upon protected tenants by a notification under Section 38 E. The Revenue Divisional Officer (RDO) is the competent authority to issue Ownership Certificate to the Protected Tenant U/s 38-E of the said Act. Both classes of tenants are liable to ejection on certain special grounds such as failure to pay rent, destruction or permanent injury to land, sub-division or sub- leasing etc.

In addition, ordinary tenants were liable to ejection on the expiry of the period of lease. Protected tenants, on the other hand, are generally not liable to ejection except in exercise of the land owners right to resume land for personal cultivation. Ownership was granted to the tenants who pay 60% of the market value and given the facility to pay it in 20 annual installments. Hyderabad Government had, after the enactment of the law, undertaken land

census operations and the reorganization of the record of rights. The number of persons recorded as protected tenants in the area now included in Andhra Pradesh was about 3.3 lakhs¹⁴.

The AP (Andhra Area) Tenancy Act, 1956 has been enacted with an object to protect the peasant rights in Andhra area from unjust eviction, to regulate the fair rent payable, to prescribe minimum period of agricultural leases and to provide a right of first preference to the tenant in purchasing the land. Section 10 (2) and (3) of the Act stipulates the maximum period of lease to be of six years at a time. Further this Act provided that the lease is heritable and the tenant is entitled to continue his tenancy on same terms and conditions even though the ownership is no longer the same. One more important right provided to the tenant is that if the land owner fails to cultivate the land resumed personally within a period of one year from the date of such resumption or having discontinued cultivation for a period of not less than one year within a period of six years, such land shall be restored to the tenants by the Special Officer on application made by the tenants. Tenant gets ownership rights if they pay the price fixed by the Special Officer or the amount agreed by both tenant and landlord, which is not more than 5 times of the rent paid. Section 20 of this Act stipulated the rent paid by the tenant should not exceed 30% of the gross produce in irrigated area and 25% in un-irrigated area. But in practice we do not find this rate being maintained.

The Koneru Ranga Rao Land Committee Report 2006 revealed that majority of lessees grew paddy, and that the lease rent has been ranging from Rs.80000-10000/-per annum in Prakasam district. In Godavari districts, the rice bowl of AP, the lease rent is 26-25 bags of paddy per annum where two crops are grown, the first being paddy and the second being pulses. In a single cropped area like Prakasam, the tenant would not have any produce left for himself after paying the rent. In East Godavari district, if the average paddy yields are around 40 bags per acre if the tenant pays more than half of his produce he could not realize anything from the first crop. He has to sustain with the produce of the second crop. In case of payment in cash as lease rent, half will be paid before the season and remaining half after the harvest. This has been corroborated by studies done by researchers. Dr. T. Haque¹⁵ reports that 70.2% leases in wetlands and 99% in dry lands are for fixed money only. As per the Agricultural

¹⁴Implementation of Land Reforms A Review by the Land Reforms Implementation Committee of the National Development Council, Planning Commission, Government of India, New Delhi, August, 1966: Report submitted by Shri Ameer Raza, Joint Secretary, Planning Commission on implementation of Land Reforms in Andhra Pradesh

¹⁵Haque. T. 2008, Impact of Licensed Cultivators Act in Andhra Pradesh, India, Paper presented at the World Bank Annual Conference on Land and Poverty, Washington, DC, April 8-11, 2013

Census, 2005-06, the terms of tenancy in majority of cases is either fixed money (87.4%), or in the form of fixed produce (8%) or share of produce (4.4%). Tenancy reform laws we see have done little to enhance tenure security among the poor and, contrarily, they made it harder for poor families to access land through lease (Hanstad et al. 2005)¹⁶.

The **Lanka lands** situated in Krishna, Godavari delta regions which are formed due to the erosion of the rivers are being cultivated since many years. As these lands frequently change their boundaries due to floods, the enjoyers were not given D- pattas, but they are granted only Eksal - lease. In general these lands are given to the societies and not to the individuals. In this case the farmers have the enjoyment right only, they do not have any ownership right. But they have been given some assistance in terms of water tax exemption, providing loans for land development and digging of bore wells, etc. However, the societies should pay the Lanka Land Rental (LLR) which is seldom done in practice. The KRR Committee recommended for regular monitoring of the lands by the Revenue Inspectors and Panchayat Secretaries to know the right enjoyer and also to collect the LLR. Accordingly Government have issued orders vide Memo No.43279/SS-1/2007-4 by approving the recommendation.

Providing house sites to weaker sections by acquiring private/government/ endowment/assigned land is one of the important welfare measures taken up by GOAP. In GO MS. No 90, SW (LA.1) Dept, Dt. 24.09. 2001 government have issued orders revising the house sites as 40% to SCs, 10% to STs, 30% to BCs, 10% to Minorities and 10% to other poorer sections. During 1957 to 2006 an extent of 3.57 lakh acres of land has been acquired and distributed to 79.45 lakh families. Under “Indiramma” housing programme from the year 2006-07 to 2012-13 a total of 35722 acres of land was acquired and distributed to 7.68 lakh families¹⁷.

Homestead Rights: The 59th round of NSSO survey conducted for the reference year 2003-04 on land and livestock assets revealed that 14.33% of households in the state of AP¹⁸ do not own any land including homestead and, 53.19% households do not own land other than homestead. This is despite the fact that the state of Andhra Pradesh has enacted the **Andhra Pradesh Occupants of Homesteads (Conferment of Ownership) Act, in 1976** and framed

¹⁶Hanstad, Tim, et al. 2005. Meeting the Goals of Land Policy Reform in India: An Analysis of the Legal Framework Governing Rural Land Policy and Recommendations for the Road Ahead. On file with RDI, Seattle.

¹⁷Report of Social Welfare Department, GOAP, Dec, 2013

¹⁸As quoted by Vikasrawal in Ownership of holdings of Land in Rural India- Putting the Record Straight, EPW, 2008

Rules. As per the Act, homestead means the site of any dwelling house, built by a landless agriculturist (i.e. having less than Ac. 2.5 acres of Wet or Ac.5.00 of dry land), Agricultural laborer or Artisan at his own expense or at the expense of his predecessor and includes other area adjacent to the dwelling house necessary for its convenient enjoyment and belonging to a land owner.

Bhoodan and Andhra Pradesh: Sri Vinobha Bhave, a staunch Gandhian, launched the Bhoodan movement in Pochampally village in Nalgonda district in 1951. It was the country's first voluntary land donation and redistribution initiative. Since the movement was kicked off with a donation of 100 acres by a landlord of Pochampally, some 1.95 lakh acres was pledged to the movement. Of this, the AP Bhoodan Yagna Board distributed around 1.10 lakh acres.

Land Ceiling Laws: The Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 was enacted to impose ceiling on land holdings of a person or family of not more than 5 members which is fixed as 4.05-10.08 ha for wet land and 14-16 ha of dry land. As per the Act beyond this stipulated limit no person or family shall hold additional land. The surplus land had to be surrendered which was planned to be distributed to landless poor for agricultural purpose @ not more than 1ha of wetland or 2 ha of dry land. After this Act came into being in the state, out of 3.37 lakh ha of land declared as surplus, 2.34 Lakh ha of land has been distributed to 5.41 lakh beneficiaries. The remaining land could not be distributed due to various reasons like, its unfit condition for cultivation, court cases pending against some surrendered lands, lands reserved or transferred for public purposes, administrative delay etc.¹⁹

In our context, wetlands refer to the lands which are registered as Wetlands in the revenue records. But for effective implementation of the Act, wetland would otherwise include lands which are using government irrigation facilities in the commands, tanks etc., even though they are not recorded in revenue records. In some instances at the time when the Act came into force, the lands might be dry lands. But in due course of time because of execution of many irrigation projects, some dry lands get converted into wetlands, but this change in classification did not get registered in the Revenue records. The reason for not doing so is obvious. This would facilitate surrender of additional ceiling land by the declarant as the

¹⁹ Koneru Ranga Rao Land Committee Report, 2006

standard holding which they have to retain becomes lesser which in turn could be allotted to landless poor. Registration of such converted lands could be ensured by a thorough verification of the *Adangal/Pahani* and water rate there, by the land owner who could file fresh declaration stating alteration in the classification of his land.

Under this Act, any alienation should take place only after declaration of the transferor stating that he is not possessing any land in excess of the ceiling limits before the Registering Authority which in turn is to be verified by the Revenue Divisional Officer (RDO). This is not taking place now. C.Umamaheswar Rao²⁰ suggests that such cases should be verified compulsorily for effective implementation of the Act. The restriction imposed on possessors as per Sec 14(4) of this Act is that the transferee shall not alienate the land by sale, gift or lease etc. The Act exempted the lands held by State and Central Governments, religious charitable and educational institutions, local authorities etc.

The **Draft Land Reforms Policy, 2013** of Govt. of India suggests discontinuation of any exemptions. The draft policy also suggests reduction in the ceiling limits if the existing limit is more than 5-10 acres (2-4ha) of wet land and 10-15 acres (4-6ha) of dry land. As per the existing law, Andhra Pradesh also comes under the purview of the draft policy. But the State Cabinet passed a resolution stating that AP is not agreeable to further reduce the ceiling limits on agricultural land as any further fragmentation of land would adversely affect the agricultural production making small farm holdings unviable.

To create surplus land and to use it for public purpose, the **Andhra Pradesh (Telangana Area) Prevention of Fragmentation and Consolidation of Holding Act, 1956** had been formulated. As per NSSO 26th round, 1971-72 it was observed that many land holders held many parcels of land scattered across the villages. This enabled them to escape from the Ceiling laws as the lands were scattered. To confront such situations, government decided to consolidate all the parcels of each individual for easy identification through proper implementation of the Act. In practice however we find that this creates lot of problems because this exercise would involve a lot of social dynamics that would come in to play. In an assessment made by World Bank, it was found that in many States in India, the laws related to consolidation programs failed to achieve the desired goals because of lack of political will as well as difficulties in administering the same.

²⁰ C. Umamaheswara Rao, IAS., Commissioner, AMR-APARD, HYDERABAD Paper on "Responsibility, Accountability & Achievement in the Process of distribution, and safeguarding the Dalit Land Rights (Legal & Administration)"

Rapid fragmentation rather than consolidation during the past 30 years was evident from the Agricultural Census reports²¹ as the number of operational holdings increased from 54.2 lakhs to 131.75 lakhs with a decreased average size of holding from 2.51 ha to 1.08 between 1970-71 to 2010-11. The obvious ways of circumventing the ceiling laws was to fragment large holdings and registering them in fictitious names.

In a study on the nature of consolidation and implementation of ceiling on lands in Andhra Pradesh by Darryl S, et al²², it was found that despite a definitive pro-poor inclination in the laws and three decades of sustained official effort, many of those intended 'reform beneficiaries' as well as other small and marginal farm families in Andhra Pradesh, have not fully realized the land rights for which they are entitled. The authors mention from their work experience that such farmers and rural landless population do not know their rights and are usually unable to assert those rights when they do understand them.

To prepare and maintain records of rights of the famers, Govt. of AP enacted **AP Rights in Land and Pattadar Pass Books Act, 1971** enforced for entire Andhra Pradesh by repealing the earlier one i.e., the AP (Telangana Area) Record of Rights in Land Regulation, 1358 Fasli. The Record of Rights includes correction of entries and incorporation of all mutations. The passbook holder would get the land transactions like sale, mortgage, gift, lease, etc. recorded in the title deed and passbook through the Registering Authority which will give it the authenticity and right over the land.

In the process of registration, the Registering Authority shall not register the document without producing the pass book and title deed of both the parties. From 1st April, 2013 this provision is in operation. This is one type of safeguard and protection to the landholder, acting as a check from land related malpractices.

4. Customary and Indigenous Land Tenure

Customary land laws regulate the rights to enjoy some use of land that arises through customary, unwritten practice, rather than through written or codified law. In one or another way easement rights also fall under category of customary rights because a person enjoys the land of another land owner by way of grant, custom or prescription. Whether the land owner

²¹ Agricultural Census of AP, 2005-06 and 2010-11 <http://agcensus.dacnet.nic.in/StateCharacteristic.aspx>

²²Darryl S. Vhugen, KarunaVakati, Renee Giovarelli, "Ensuring secure land rights for the rural poor in Andhra Pradesh: a case study"

likes it or not he has to obey the right and the other person has the right to enjoy it as per the **Indian Easement Act, 1882**. Easement by virtue of custom is a legal right acquired by the power of law through continuous use of a land over a long period of time. Therefore, the right of way continues to exist by grant, prescription or by virtue of custom. A grant is given by an agreement executed by a grantor in favour of a grantee for a consideration. The grant becomes effective when the grantee has the right to enter upon the grantor's land. Prescription means getting a right by continuous assertion of the right, which has been in use for a long period of time.

The fifth schedule of the Constitution provides most comprehensive provisions for the protection of the rights of tribes in the schedule areas. The schedule areas are declared based on certain criteria such as preponderance of tribal population, compactness and reasonable size of the area, available administrative entity such as district, block or taluk and economic backwardness of the area as compared to the neighboring areas.

In the state of AP, the schedule area is spread over 9 districts viz., Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Khammam, Warangal and Adilabad, extends to an area of 31,48,534 ha, consists of 5936 villages²³. The contribution of schedule tribes to the total population of AP is 7 percent which has increased from 3.68 percent in 1961 with 35 recognized scheduled tribes like Andh, Bhil Chenchu Gadaba Gondu Hillreddy ,Jatapas, Kattunaikam, Kondadora, Konda Kapu, Konda Reddy, Lambadi, Koya etc. They contributed 8 percent to the total land holdings. By inheritance from generation to generation the forest dwellers and other forest communities are depending on the forests for their livelihood, identity, customs and traditions. But their traditional and ancestral rights are not being completely recognized even though they are the integral part of the forest.

Acts governing land tenure rights of tribals:

From the point of view of land rights, Scheduled Tribes can be considered as significantly vulnerable group. There are two laws that were enacted before Independence. The first law is the **Agency Tracts Interest and Land Transfer Act, 1917** to protect the interests of tribals in the agency areas. The Act prohibits the transfer of lands between tribals and non-tribals

²³Study Of IKP's Work On Tribal Land Issues Report submitted to Rural Development Department by Dr. V.N.V.K.Sastry, Director (Retd.), Tribal Cultural Research and Training Center, AP, Hyderabad

without any prior consent from the Government or any other prescribed officer. The second one is the **Tribal Areas Regulation, Fasli 1356** enacted in 1946 which entrusted all tribal land disputes to tribal Panchayats.

Besides the provisions under Fifth Schedule of Constitution, the State government has enacted special laws. The **AP Scheduled Areas Land Transfer Regulation (APSALTR) Act in 1959**, prescribes that tribal lands should not be transferred to non-tribals and also has a provision for retrieval of tribal lands illegally acquired by the non-tribals before 1959. The APSALTR Act 1959 became effective from 4th March 1959 in Andhra area and from 1st December 1963 in Telangana region. No rights were granted to the Tribals in the Forest in the Scheduled Area under the Estates Abolition Act, 1948, *Mahals* Regulation 1969 and *Muttas* Regulation 1969 since the land covered under this Act & Regulations is not a Ryoti land.

The Andhra Pradesh Forest Act, 1967 relates to the protection and management of Forests in the State of Andhra Pradesh. But it does not provide any recognition to the tribal customary rights. **The AP Scheduled Areas Ryotwari Settlement Regulation 1970** made provisions for *Ryotwari* settlements for certain lands in the scheduled areas of Andhra area by issuing *Ryotwari Pattas* with the alienable rights to the cultivators in estates and *Ryotwari* areas.

With a few stringent amendments, the government of AP reinforced the APSALTR Act 1959 which came into existence as Land Transfer Regulation (LTR) - I (popularly known as Regulation-I) of 1970, which provided that the non-tribals could transfer their lands only to tribals or to the government, and could not sell them to other non-tribals. Further it has a provision that if a tribal could not find another tribal to sell his land in the schedule area, the Agency Divisional Officer will take over the land by paying the compensation. Despite the existence of all the protective laws, as per an estimate, 48% of land is stated to be in the control of non-tribals.

An assessment presented in the Koneru Ranga Rao Land Committee Report (2006) shows that out of the LTR cases disposed of in the schedule areas, more than 50 percent cases were in favor of non-tribals. Total 72,001 cases were booked under LTR from inception to 30-9-2005 covering an extent of 128673 ha of land. Out of 70,183 cases disposed of, 33078 cases were in favor of STs and 33319 cases were in favor of non-tribals. The ownership rights of

the occupiers and the Community rights over the Forest Lands were not recognized legally till the **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006** is enacted to protect the rights of tribals and other forest dwellers including both individual rights to cultivated land in forest area and community rights over common property rights. It addresses some of the burning issues by securing tenurial and access rights to lands and providing empowered authority for conservation of the lands. As on 31-12-2012, it was reported that there were 3,30,479 (3,23,765 individual and 6,714 community) claims received under Forest Right Act,2006. Titles were given to 1,67,797 (1,65,691 individual and 2,106 community) and 1,53,438 claims were rejected. On the whole 3,21,235 claims were disposed of which accounts for 97.2 percent²⁴

5. Urban Slums and Land Tenure:

As per a survey conducted by GOAP in 2009 exclusively on Slums, the findings revealed that there are 5389 notified slums and 1996 non notified slums and 66 pockets of poor with a total slum population of 89.32 Lakhs. Andhra Pradesh, with 36% share of slum households to urban households is one of the states with high prevalence of slums. The following table shows the distribution of slums based on the land ownership²⁵.

Table.13. Percentage distribution of Slums based on the land ownership

S No	Land Ownership	% of Total
1	Government Ownership	35
2	Local Govt. lands	20
3	Private lands	35
4	Central Govt. or PSU lands	5
5	Private occupied lands	5

Some of the key issues of slum dwellers with regards to property rights and land availability, are policy of regularization as per GO.166 that recognizes only those occupants of land who came into physical occupation of the land by way of creating structures and it does not recognizes those dwellers who are living in rented houses in slums since many years. Secondly, the conventional system of town master planning does not provide space for housing or workplace for urban poor.

²⁴Annual report ,2012-13 of Ministry of Tribal affairs, GOI

²⁵ Annexure to GO MS .No 577, MA dated 17.09.2009, http://119.226.159.173/downloads/GOs/State_policy_on_Slumfree_AP.pdf

Against this background, Govt. of Andhra Pradesh has framed a policy in 2009 with a vision of a Slum-free State by 2014. It provides space to review the tenability of slums based on realistic conditions existing on grounds, a review of the implementation of GO 166, prepare a comprehensive town plan for all towns which includes slum infrastructure requirements for all notified and non notified slums etc. Recognition and protection of tenure rights in urban areas is primarily for the purpose of increasing shelter security since the acceptance of the National Urban Housing and Habitat Policy (NUHHP) by the national government in 2007 and subsequent launching of a national level housing programme called Rajiv Awaas Yojana (RAY). The key component of the RAY is extending property rights to the slum dwellers.

Government of Andhra Pradesh have formulated a policy in 2009 with a vision to create slum-free cities in Andhra Pradesh by 2014 through comprehensive reconstruction of the existing slums in the State, both in terms of housing and infrastructure facilities, in addition to assigning property rights and tenement rights to the identified slum dwellers. It also envisages the prevention of formation of new slums. Government of Andhra Pradesh felt that the existing law on slum development does not provide support to the executive machinery for implementing various developmental measures to improve the social status of slum dwellers. Therefore it was proposed to have a comprehensive legislation for identification, redevelopment, rehabilitation and prevention of the slum areas. The **Andhra Pradesh Slum (Identification, Redevelopment, Rehabilitation and Prevention) Act, 2010** is still in its draft stage.

Some of the other urban land tenures are discussed below:

- 1) **Individual Households:** - The owners have the absolute freedom to put the land to the use of their choice, subject to the rules and regulations of the Urban Local Body, such as Master Plan, Zoning, Layout approval, Building Plans, Environmental requirement, etc. The tenure rights extend to the building and the appurtenant land.
- 2) **Apartments:** - There is proliferation of these due to scarcity of affordable land in urban areas. There is a developer who constructs and sells them to individuals. The buyer gets a portion of undivided share in the land and the plinth area in the built up area which includes a percentage of common areas, such as corridors, lift(s), staircase(s), parking, motor/electrical rooms, etc. The rights of owners is absolute only in respect of the carpet area (excluding common areas) and joint in respect of others.

- 3) **Gated Community/Housing Projects:** - Apart from the above these may contain other utilities, such as gyms, swimming pools, club house, etc. which are managed and charged by the developer. Apart from routine maintenance charges collected by Apartment Residents Associations, the developers may take up specialized services, such as landscaping, provision of piped gas, hot water, continuous power supply, security guards, etc. and charge the occupants heavily. The tenure rights are similar as in the case of apartments regarding plinth and common areas. The others are only user rights available for a fee, governed by agreements.
- 4) **Commercial complexes:** - The developers sell or lease these properties through agreements. Buyers' rights are similar to those in apartments. However leases are governed by agreements and other applicable laws.

All the above transactions are enforceable only when they are registered and the appropriate stamp duty and registration fees are paid. The rights are recognized but in the event of disputes the civil courts have to adjudicate. Since in India only presumptive title is passed to the buyer, the onus lies on the buyer to establish the veracity of the documents through corroborative evidence to prove his title. This puts a burden on the genuine buyer and may be exploited by unscrupulous elements.

Status of Land Survey in Andhra Pradesh

Survey in Rural areas: In Andhra Pradesh the survey systems were distinct in Andhra Area and Telangana area prior to formation of Andhra Pradesh. In Andhra region in the earlier days different types of survey systems were adopted viz. Paimash, Khasra, Simple triangulation, Plane table, Block map, Punganur System and Diagonal and Offset method which is the latest. Until 1897, the survey was done as per Act XXVIII, 1860; subsequently another Act No.II was passed to maintain the boundaries. An amended Act was passed in 1897 for land survey and settlements of boundary disputes. To remove the lacunae in that Act, the **Survey and Boundaries Act was enacted in 1923**, which is the latest one and being adopted.

Until reorganization of Andhra Pradesh State, the **Hyderabad Land Revenue Act, 1317 F (Act VIII of 1317 F)** was under implementation which provided the legal basis of the Survey and Settlement of Villages. The Survey and Boundaries Act, 1923 was extended to Telangana area also from 1956 onwards. During that period it was thought that survey is mainly meant for collection of revenue from the cultivators. Therefore the government Porambokes and

waste lands which could not generate any revenue were kept out of the survey. But those lands were mapped based on the adjoining Pattadars data which were surveyed in detail. Further the area of the government lands and wastelands were computed by scaling off the measurements from the map. Because of complexity of the exercise and financial and other resources involved in the process, the cadastral rule was seldom followed. In Andhra Pradesh the last survey of land records was done in 1920.

As per one estimate, out of about 5 million land parcels, 49% of tippons are in good condition while the others are in torn conditions. In earlier days the land revenue was the major source of income to any state, but after abolition of land revenue on agricultural land in AP, the government is not showing interest in updating the land records. Due to the resultant improper and defective land records, it is estimated that 2% of rural, 5% of urban and 28% of semi urban areas are embroiled in land disputes and never-ending litigation. As per the data available with the Survey department, the pendency in individual survey is 23% during 2013.

The information and service needs concerning private property in Andhra Pradesh are currently handled by four wings of the State government: Survey Department, Revenue Department, Registration Department and Local bodies. The Survey Department maintains graphical records (village maps/tippons/FMBs) and textual records (sethwar/diglott, RSR register). The Revenue Department maintains ownership and possession records (pahani/adangal, RoR, khatauni etc.) pertaining mainly to collection of land revenue. The Registration Department keeps land transaction records in the form of deeds executed on stamp paper (sale, purchase, and gift). Local bodies maintain property registers, primarily for collection of taxes. There are over a dozen archaic pieces of legislation, enacted between 1839 and 1923, that govern most land transactions. If the title to a piece of land is of doubtful authenticity for any reason, legal disputes ensue. Thus, multiple departments, complex procedures and litigations cost heavily, hitting the poor and vulnerable sections most²⁶.

Survey in urban areas: Detailed Town Survey of some Municipalities and Survey of streets in some Panchayats were done in Andhra Region. The detailed Town Survey in Municipalities and street Survey in Panchayats will be done only when the Municipalities are prepared to pay 2/3rd cost of survey and Panchayats are prepared to pay 1/3rd cost of survey and resolutions are passed to that effect and sent to the Director of Settlements, Survey and

²⁶<http://nisg.org/project/73>

Land Records. This survey was done only in a few Municipalities and Panchayats. In respect of Telangana region, detailed Town Survey of the Hyderabad was done in 1966-70. The object of undertaking detailed Town Survey is not only to survey the boundary between the streets and private properties, but also the boundaries of all private properties whether built up or vacant, Govt. lands and Municipality lands²⁷.

Illegal land sales: Illegal land sales cannot be defined in a narrow way as it is spanning across a wide range of land related issues. Illegal land sales can happen in the transaction of land between private parties or the selling of assigned lands to the poor under land distribution initiatives or selling of public/government land or the sale of tribal lands. Broadly we can say that the land sale which is not conforming to the provisions of various land transfer regulation Acts can be stated as illegal land sale. In the private land transfers there are certain Acts which regulate these sales. They are:

1. The Andhra Pradesh (Andhra Area) Land Registration Regulation, 1802
2. Transfer of Property Act, 1882
3. The Indian Stamp Act, 1899, Indian Stamp Rules, 1925
4. Indian Registration Act, 1908, Rules : Andhra Pradesh Rules under Registration Act, 1908 (W.e.f. 1st Jan, 1960)
5. Indian Succession Act, 1925

If the land sales between the private parties are not according to these provisions or violate these rules, they are considered to be illegal. Multiple sales of land, sales of somebody else's private property etc. are reported to be the most frequent cases of illegal sales in the state of Andhra Pradesh.

Sada Bainama is one of the most predominant illegal practice prevailing in entire Andhra Pradesh where the poor farmers purchased lands from land owners and executed on plain paper. Since these transactions are not registered, the ryots could not enjoy the ownership rights. A conservative estimate showed that nearly 1.0 lakh acres in each of the Telangana districts is under *Sada Bainama* transactions. It also reveals that across the State there could be 15-25 lakh acres of land under these plain paper transactions. But the Focus Group Discussions in the survey conducted by KRR Land Committee shows that still there are persons who are in physical possession of the land but their names are not figuring in any of

²⁷Hand Book of Land Records, P.Kasthuri Reddy, Asia Law House, 2010

the revenue records. The Committee recommended to conduct local enquiry by the MRO, take corroborative evidence from the neighboring ryots, village elders, etc. to establish the fact of their physical possession. Accordingly Government has approved the recommendation and passed orders in G.O.Ms.No 772 dated 24th June 2008.

Sales of tribal land/forest land is another area where there are large numbers of illegal land sales occur. The Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959, amended by The Andhra Pradesh (Scheduled Areas) Land Transfer (Amendment) Regulation, 1970, 1971, and 1978 prohibit the transfer of tribal land to the non-tribals. Andhra Pradesh has scheduled area in nine districts, and perhaps the most stringent law prohibiting alienation of tribal land to non-tribals. Not only are non-tribals prohibited from purchasing tribal land, they cannot (ever since the regulation 1 of 1970 was promulgated on February 3, 1970) purchase land even from a non-tribal.

Illegal sale of the land which is distributed to the poor through the state land distribution initiatives such as Bhoomi and Bhoodan: Reports show that much of land distributed to the poor is not in their possession. The Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act. 1977 (Act 9 of 1977) prohibits these illegal transactions of assigned lands under land distribution.

Legal status of Land Leasing: In Telangana area of Andhra Pradesh, the AP (Telangana Area) Tenancy Act, 1950 prohibited leasing of land with an exception to allow certain categories of people like disabled, minor, widows, defence personnel, etc., to give their lands on lease. Such persons can lease with the prior permission from the District Collector. As mentioned earlier there are two types of tenants in Telangana area. In ordinary tenancy, no land shall be leased for any period after 3 years from the commencement of this Act. However the land owner can lease his land when the total land not exceeding three times of the family holding for a period of 5 years with an option of renewal for 5 more years. But the lease can be terminated even after the first 5 years if the land owner requires the land for personal cultivation.

The protected tenant is one who is cultivating the land as a tenant continuously for a period of not less than 6 years immediately preceding the 1st of January, 1948 and in the event of displacement is entitled to recover possession. He can purchase the land which is transferable.

At the same time a slight restriction on tenants that he could purchase only 1time of the total family holding and the owner can retain 2 times of the family holdings of the local area.

Under Section 38 (7) the land owner can hold the land, after purchase by the tenant, which shall not be less than 2 times of the family holding whether he cultivates personally or not. Because of this provision many of the protected tenants could not get the occupancy certificates under section 38-E of this Act. A sample survey done in Rangareddy district by Koneru Ranga Rao Committee revealed that in 28,650 acres of land, Protected Tenants are still continuing but Owners are still shown as Pattadars in Revenue Records. It was very surprising to note that in some areas the protected tenants or their heirs do not know that they have rights as protected tenants and the owners are alienating the lands to the third parties without their knowledge. The Committee recommended to delete Section 38 (7) (C) of the Act and the words in Section 38-E “subject to the condition laid down in sub-section (7) of Section 38” to give occupancy certificates to all protected tenants irrespective of the extent of the family holding held by the Owner- Pattadar.

In Andhra area tenancy is not completely banned but exists with some restrictions. The Andhra Pradesh (Andhra Area) Tenancy Act, 1956 has been enacted to protect the tenants from forced eviction, prescribe the minimum period of lease, to regulate the fair rent payable by the tenants to the land owner and to provide a right of first preference to the tenant if the land owner desires to sell the land. It has been amended by Act 39 of 1974 which came into effect from 1st July 1980 along with the A.P. (Andhra Area) Tenancy Rules, 1980 issued in G.O.Ms.No.2792 Revenue (F) Department dt.27-6-1980 to achieve the objects effectively. Every lease which is in effect at the time when the Act came into force in 1974 shall be deemed to be in perpetuity. The leases made after the amended Act came into force will be for a period of six years and such lease would be renewed for another period of six years with same set of conditions. The lease is heritable. Even though the ownership changes, the tenant has the right to continue with same terms and conditions. If the owner fails to cultivate the land resumed personally within a period of one year from the date of such resumption or in case failed to cultivate the land for not less than one year continuously within the period of six years, the tenant is eligible to restore the land with an application made to the District Collector.

Women and Land: In India, the Hindu Succession Act, 1956 applies to Hindu, Buddhist, Jains and Sikhs. It excludes Christians, Muslims, Parsis or Jews. The HSA, 1956 could establish the right of females to inherit but failed to make them coparceners.

Mid-eighties was a good period for Andhra Pradesh wherein HSA, 1956 has been amended in 1986 making women as coparceners for the inherited property. The Government also started looking into the matter seriously and began to issue joint pattas in the names of both spouses during 8th five year plan. But it is mostly restricted to the government allotted lands only.

A study conducted by **Landesa** revealed that joint-titling was virtually non-existent. Formal documents listed either the woman's name or her husband's but not both. It is difficult to monitor the devolution of land rights to women as per the HAS, 1956 as amended in 1986. Another survey done by Landesa also observed a low overall awareness of the HSA among the Hindu families surveyed. Only 22% of the families were aware of the law, and 59% of Hindu respondents who had heard of the law understood that it provides girls and boys an equal right to inherit property. The study also revealed that only 7% of the plots in the samples studied are actually owned by women, compared to 93% owned by their husbands. Sixty percent of these women's plots have formal documents, viz., patta and title deed, a quarter of the plots lack any type of document, and the remaining plots are having various informal documents such as a "white paper". It was observed by this sample study that only 6% of inherited lands were in the name of wives followed by land acquired through a market purchase (17%) or government allocation (77%). The researchers also noticed a minimal percent (1%) of inclusion of women's names in informal documents such as wills or white papers. However the number of properties registered is 10, 43,450 under the name of women for the year 2013 as against a total of 20, 14,704 properties which accounts for 51.79%.

However the females hold 33.46 lakh land holdings as against their male counterparts who hold 98.24 lakh holdings in AP. The female population in rural areas is almost equal to male, but the access to land is only 34 percent. However it was apparent that the proportion of women's land holdings and area is on the increase for the past decade. This is reflecting a positive indication of women's access to land, with or without secured title.

A few of the recommendations made by the Subcommittee²⁸ of the Planning Commission are being implemented in AP, These are:

- i Implementation of Land purchase scheme since 2005 vide G.O.Ms.No.319, dated 08.09.2005. The Govt. of AP purchased 1800 ha of land from private owners and transferred these in the names of 5300 women under Bhoomi project being implemented by SERP (Society for Elimination of Rural Poverty), Dept of Rural Development.
- ii These lands are exempted from stamp duty and registration fee vide G.O.Ms.No 763 of Stamps and Registration Department.
- iii The Andhra Pradesh Scheduled Caste Finance Corporation provides subsidized loans to landless women to fund the purchase of agricultural land to be titled in their names.
- iv Government also issued orders under G.O.Ms.NO.92, Social Welfare (LA.1) Department, dated. 29/12/2004) to accord permission to purchase land for house sites distributed to weaker sections without any time stipulation. As per this GO the pattas shall be given in the name of women.

4.1.2 Dimension wise analysis and scoring

LGI: 1.1 Recognition of a continuum of rights: the law recognizes a range of rights held by individuals (incl. secondary rights of tenants, sharecroppers, women, etc)

1.1.1a: Individual's rural land tenure rights are legally recognized SCORE: A

Analysis: The detailed description of tenure rights in the background note supra clearly brings out the fact that the various rights conferred on different category of persons in the State are fully recognized. To illustrate this further we can classify the devolution of rights as follows:

1. Tenure rights of cultivators under different Acts such as Estate Abolition, Jagir Abolition, Inam Abolition, Tenancy, Homestead, etc.
2. Tenure rights of owners under the above Acts and other Land Ceiling Laws.
3. Tenure rights of beneficiaries under the Assignment Policy of the State with regard to agricultural lands and house sites.
4. Tenure rights of women under the Land Purchase Scheme of the State.

²⁸ Sub Group on Economic Empowerment of women with focus on Land Rights, Property Rights and Inheritance Laws under Steering Committee on Women's Agency and Child Rights for the Twelfth Five Year plan prepared by Planning Commission, GOI

Till date as many as 1,51,32,291 pattadar pass books were distributed in the State. Out of these 1,34,20,084 were assigned unique numbers which constitutes 88.7%. This is impressive performance in conferring title to the lands. Therefore there is no shortcoming as far as legally recognizing any of the above rights are concerned.

1.1.1b: Individual's rural land tenure rights are protected in practice - SCORE: C

Analysis: Though under the Estate, Jagir and Inam Abolition Acts the protection of rights is fair, it is quite poor under the Tenancy Acts. There is no compliance on fixation of fair rent; resumption of land in cases of non-cultivation by owners is practically nil. Several studies by reputed researchers/ bodies have indicated that poor families could not get access to either land, credit or ownership rights under the tenancy laws. Out of 8.19 lakh acres determined as surplus under AP Land Reforms Act, upto November, 2013 an extent of 6.62 lakh acres was taken possession and out of this the land distributed is 6.02 lakh acres to 5.12 lakh families. Rest is pending at various stages. The total land assigned to landless poor in the State under all categories, except house sites put together is 75.40 lakh acres distributed to 39.30 lakh beneficiaries. The extent of land acquired for house sites so far is 3.93 lakh acres which was distributed to 87.13 lakh families. Studies show that under Ceiling Act, due to benami transactions by landowners significant redistribution of surplus lands could not take place. Conversion of dry into wet lands were not properly monitored and recorded. The KRR Committee conducted sample surveys in the State and observed that majority of the lands so assigned are not in the possession of the beneficiaries.

1.1.2: Customary tenure rights are legally recognized and protected in practice- SCORE: B

Analysis: The customary land tenure rights exist in Government Poramboke lands which are prima facie prohibited from assignment or alienations. These are generally tank, pathway, stream, grazing lands, threshing lands and tree *topus*, etc. Apart from these, fishing rights in some tanks, right to Minor Forest Produce to tribals residing in Forest areas are some such rights. Similarly brewing of liquor for personal consumption in Scheduled areas and right to tap toddy and Neera from the trees in Forest area also fall under this category. Easement rights also come under the customary land tenure rights category and are also protected by the Indian Easement Act, 1882.

With regard to Poramboke lands though there is prohibition, Government relaxed the ban, keeping in view the demand for land and distributed them to landless poor from time to time.

In some cases this led to friction between the beneficiaries and other users. Similarly on the advent of Panchayats, fishing rights were auctioned to augment revenues. With monopoly given to Girijan Corporation to gather MFP in the Forests, the right of Tribals enshrined in the Forest Act clashed with the contractors, resulting in unrest to some extent.

Though the customary rights are recognized there was no effective protection due to various compulsions of the Government.

1.1.3: Indigenous rights to land and forest are legally recognized and protected in practice
- SCORE: C

Analysis: Based on evidence in the Schedule areas, tribals have indigenous rights to brew liquor and collect minor forest produce for their consumption. Similarly to protect their land tenure rights several Acts and Regulations have been promulgated prohibiting transfer of land of tribals to non tribals. These Laws have also provided for restoration of lands to the tribals of all such lands illegally transferred. Another important provision relates to sale of the land to Government if there is no other tribal to buy his land. But in practice without the backing of budget this provision remained only on paper. Moreover the KRR Land Committee observed that under the LTR cases more than 50% were disposed of in favour of non tribals. Similarly under the Forest Rights Act, 2006 out of 4,12,880 claims filed for grant of titles for an extent of 24,68,092 acres, only 1,71,520 claims for an extent of 14,60,878 acres were disposed of. Upto 2013 a large number of claims amounting to 2.42 lakh tribals comprising 10.08 lakh acres is yet to be decided. But the sad picture is that so far not a single title was recorded in the adangal / pahani. However these are recorded in a separate register which is redundant and may lead to litigation. The EI ranked this dimension B.

During the panel consultations, some it was held that different communities have different customary tenure rights and the existing laws are not comprehensive to cover all these rights. The community rights in the forest areas are not fully recognised. In the case of Tribal Habitations (*Thandas*) individual pattas are not distributed in these areas. Community pattas were given to Vana Samrakshana Samitis (VSS) which do not have any legal sanctity.

Even though there were executive orders for entering these ROFR pattadars in the Adangal, in practice it is not followed and these pattadars names are entered in a separate register which lead to disputes. As **all** these indigenous rights over land and forest are not recognized it is felt that there is a lot of room for improvement.

1.1.4 Urban land tenure rights are legally recognized and protected in practice- SCORE: C

Analysis: The Urban land is not properly mapped as there is no Town survey for a very long period. The erstwhile revenue records which are available are the only basis of lands in urban areas. Registration documents involving property transactions form the other basis for affecting changes in the property assessment registers/records. Assignment and alienation registers / records if maintained give an indication of the status of Government and Municipal lands. In the event of disputes, isolated survey is conducted to identify the boundaries of such lands. Hence burden of proof largely lies on the landowner or claimant to prove his title over the land. The flip side of it is that unscrupulous land grabbers create fictitious records and indulge in vexatious litigation to unlawfully gain control of private and/or public lands.

Data for 2011 reveals that in AP, there is 36% of share of slum households to Urban households which is the highest in the country. Even though legal disputes are a constraint to grant tenure rights to slum dwellers, many urban local bodies informally recognize their occupation and provide all civic amenities such as roads, electricity, water, school, health centre, etc. to these areas pending disposal of disputes. Government of AP have formulated a policy on slum free cities in the State by the year 2014 and to achieve this goal it is envisaged to enact comprehensive law for identification, redevelopment, rehabilitation and prevention of the slum areas. Studies indicate that squatters on public lands run a greater risk of eviction compared to those on private lands as there is enormous pressure exerted on the urban local body to sell these lands to raise resources. In order to provide tenure rights, Government announces regularization of encroachments on public lands from time to time. However there is criticism that the influential persons corner these benefits rather than the landless poor. Hence in urban areas there is a crying need to conduct a detailed survey of all lands, both private and public by using modern technology, maintain proper and up-to-date records. Only then the tenure rights could be recognized and protected effectively.

LGI: 1.2: Respect for enforcement of rights:

1.2.1: Accessible opportunities for tenure individualization exist- SCORE: C

Analysis: The law provides for individualization of collective tenure in some cases. Of late tenure system is veering towards individualization in order to access rights on the land to use it for the purpose of his choice. Lands were assigned to Joint Farming Cooperative Societies for the benefit of landless poor in the State. Due to persistent demands for individual pattas, Govt issued GO Ms No 706, Rev Dept, date 03-05-1962 permitting such grant. The law

provides for individual share of property through Succession Acts, by way of will, inheritance, etc., which are well established and recognized.

There are some land tenures which are conditional grants specifying that they are heritable and not alienable. The Land Assignment of Govt lands to landless poor, the status of Protected Tenant under the Tenancy Acts are some such laws. In the event of the death of the original grantee, demand for individual pattas may arise which are routinely accepted. During the lifetime of the grantee on attainment of majority by his children, some may demand a share. There are no clear-cut instructions in this regard which gives undesirable discretion to the authorities. Govt may issue necessary orders in the matter which are uniform and unambiguous.

1.2.2: Individual land in rural areas is recorded and mapped - SCORE: B

Analysis: The land in rural area is surveyed and mapped in the State in 1920. It needed to be resurveyed every 30years. But due to a variety of factors no such resurvey was conducted. As per the AP Survey and Boundaries Act, 1923 all the registered holders should maintain, renew and repair all the survey stones on the boundaries of their holding. In the earlier days there was regular inspection and procedure for F line surveys of registered owners. There was the practice of conducting jamabandi every year where in mutations of all land transfers were incorporated, sub-divisions were surveyed and recorded. The actual cultivators, the annawari yield of the crops were noted. If water is used from any Government source, appropriate rates are charged and the bakijabithas for collection of land revenue were prepared. With the abolition of land revenue and the discontinuance of Jamabandi the above activities took a backseat and consequently the updating of land records suffered a great deal.

Studies indicate that out of 5 million land parcels, 49% of Tippons are only in good condition. The improper and defective land records are contributing to 2% of rural lands are being embroiled in land disputes. As per data provided by Survey Department in Andhra Pradesh, pendency of individual survey is 23% during 2013.

1.2.3: Individual land in urban areas is recorded and mapped - SCORE: C

Analysis: The detailed Town survey was done only in a few Municipalities in the State. The last survey of Hyderabad was done in 1966-70. Only when Municipalities undertake to meet 2/3rd cost of survey, it would be taken up by the Survey Department. It would be highly

desirable for the Government to waive this condition and take up detailed survey using modern technologies. As discussed in detail in the background note and Indicator1 and Dimension 1.1.4 supra, the basis for identification of individual land in urban areas is the existing outdated revenue records, registered land transaction documents, property assessment records and individual survey reports in case of disputes. Hence it is seen that the details of private lands are dealt by four departments, namely, Survey, Revenue, Registration and Municipality.

Due to improper and defective land records, it is estimated by studies that in 5% of urban and 28% of semi-urban areas are embroiled in disputes and never ending litigation. Therefore data availability with multiple departments, title disputes, litigation, etc make land administration in urban areas very complex and dissatisfactory. These would greatly harm the interested poor and marginal sections of the society.

1.2.4: The number of illegal land sales is low- SCORE: C

Analysis: In the normal course any sales violating the provisions of concerned Act, such as Transfer of Property Act, The Indian Stamp Act, The Indian Registration Act, etc., are null and void. Instances of illegal sales could be sale of another's or public land by fictitious documents and multiple sale of the same property. *Sada Bainama* (plain paper transactions) is widely prevalent in the State. These transactions were given one time exemption under the ROR Act. But many could not avail this concession due to lack of awareness. It is estimated that 15- 25lakh acres are under such transactions. KRR committee observed that 70-80% persons under this category are poor and dependent on these lands. It recommended recording corroborative evidence of neighbours, etc. in the field to establish possession of such persons. The progress is quite slow.

Large scale illegal sales occur in tribal lands where there is prohibition on transfer to non tribals. Data upto November 2013 reveals that 81,569 cases were detected under LTR and only in 34,170 cases lands were restored to the tribals. Similarly illegal sales take place on assigned lands. Under the POT Act, 3.85 lakhs of such cases are detected covering an extent of 4.22 lakh acres. Land assigned to original assignee is 0.43 lakh cases covering an extent of 0.54 lakh acres which works out to 21% only. Prosecutions were filed only in 1560 cases.

1.2.5: The number of illegal lease transactions is low- SCORE: D

Analysis: The KRR Committee based on a sample survey observed that large numbers of tenants are in possession of the lands but owners are shown as pattadars in the records. There is no effective mechanism to prevent them or protect the rights of such tenants (lessees). On the advent of Tenancy Acts in the State, oral and informal leases are only taking place. In wet lands these account for 90% and in dry lands it is 88%. A study revealed that inspite of LECs granted to 4.23 lakh tenants in 2012-13, only 31% accessed bank loans. The demand for LECs is showing a decline compared to 2011-12 where 5.10 lakh tenants were issued LECs as against 6.80 applicants. Studies further revealed that there are about 22 lakh tenant farmers in the State during 2012-13. These have no access to farm credit and other benefits like input subsidy, crop insurance, etc. The private money lenders are still playing a major role. In another study it is stated that large number of tenants remained outside the protection of law as they are not recorded as tenants in the land records.

1.2.6: Women's property rights in lands as accrued by relevant laws are recorded -
SCORE: C

Analysis: Women in the State are subjected to discrimination and inequality in having access to land as is the case of other States. The Hindu Succession Act, 1956 provided for equal rights to women on par with men in property from 1986 onwards. Through an amendment to HSA in 2005 agricultural lands were brought on par with other property and granted equal rights to women. However the awareness on this subject is very low.

Studies reveal that only 7% of the plots are owned by women. It was further observed that only 6% of inherited lands and 77% of assigned lands were in the names of wives. Though around 52% property transactions were registered in the names of women in 2013, the total holding could be marginal. The landholding of women is 34% but the extents are marginal.

Due to various interventions of Govt to grant assignment of land in favour of women, the land holding of women is gradually going up. However, recording their names in the land registers is yet to improve substantially. The EI suggested that B may be the scoring for this dimension. In AP patriarchal system is still dominant and only a minimal improvement is there in the woman's property holdings. It may be added that the society still has not accepted the fact of woman holding property in her name and hence real empowerment is elusive.

4.1.3 Policy recommendations

Panel No	Short Term	Medium Term
1.1	All the residuary work relating to abolition of intermediaries such as jagirs, watans, estates, inams etc. and cases pending should be expeditiously settled by creating a land reforms tribunal/authority at the district level and at the state level. By means of a special law all pending cases in different judicial and quasi-judicial forums should be transferred to these land reforms tribunals/authorities.	
1.2	Adequate number of permanent Surveyors are to be recruited and trained thoroughly..	There is an urgent need to bring in amendments to the Tenancy Acts to protect the interest of both ordinary tenants as well as owners in issue such as formal leases, fair rent, eviction etc.
1.3		It is desirable to bring in suitable judicial and administrative measures to facilitate individualization of pattas under assignment of government lands or the rights of protected tenants to his successors during the life time of the original beneficiary.
1.4		Periodical survey of all rural and urban areas is to be taken up. If necessary a surcharge may be collected from all the land holders. Survey of village habitation areas also must be undertaken.
1.5		There is a need to identify all the community lands in forest areas including tribal <i>thandas</i> . Use of technology is necessary to expedite surveys and preparation of land records including village and urban maps
1.6		There is a need to establish a Land Administration Department to ensure horizontal integration and coordination by bringing in a direct interface of all land related departments and bring them under one authority as far as land issues are concerned.
1.7		Village Revenue Officers, the cutting edge field functionaries are to be thoroughly trained at periodic intervals (at the time of recruitment and also later on) in revenue and land matters. Further, it is recommended that before the VROs are posted in a particular village, they have to undergo field level training.

4.2 Right to Forest and Common Lands & Rural Land Use Regulations

4.2.1 Panel specific context

The total notified forest area of Andhra Pradesh is 63,814 Sq. Km, which is 23.2 % of the geographical area. The Reserved forests are 50,478.63 Sq. Km (79.10%), Protected forests are 12,365.34 sq. km. (19.38%) and Un-classed forests constitute 969.76 Sq. Km. (1.52%) of the total forest area (APFD,2009). All the forest lands are in the custody of Forest Department. As on 30-06-2008, an extent of 27945.295 Hect was diverted for non forestry purposes and the area of 25786.090 hect. was the compensatory afforestation area obtained. At the same time, 98.60% of the funds requirement of Rs 11764.267 lakhs for compensatory afforestation was deposited by the user agencies and the expenditure was Rs 6472.757 lakhs. Even though the geographical area has not changed, the quality of forests, however have changed.

In 2005 assessment, the Very Dense Forest was 820 Sq.kms, Moderately Dense Forest was 24,805 Sq. Kms, Open Forest was 19,606 Sq. Kms, Scrub was 10,394 Sq. Kms and Non-Forest was 219,444 Sq. Kms. However, the Forest Department published State of Forest Report as per accurate data obtained from satellite imageries first time in 2010. The Forest had 931.73 sq. kms of Very Dense Forest, 18408.48 Km Moderately Dense Forest and 22651.28 sq.kms Open Forest and corresponding figures in 2011 are 931.73 sq.km of Very Dense Forest, 18400.61 sq.kms Moderately Dense Forest, 22594.92 sq.kms Open Forest. Maximum negative change was noticed in Khammam Circle with net negative change of 58.52 sq. kms followed by Rajahmundry Circle with a net negative change of 22.75 sq.kms. Minimum net negative change of only 0.14 sq.kms was found in Ananthapur Circle. In the Protected Areas the net negative change was found to be 2.39 sq. kms.

It was reported that fresh attempts on encroachments had contributed to nearly 65% of the overall negative changes. Rest of the negative changes are attributed to preparation of forest lands for raising semi mechanical plantations and rotational felling of eucalyptus and other plantations. (Source: Andhra Pradesh State of Forest Report:2013). The degradation also resulted to some extent in decreased output of MFP which is discussed under Girijan Cooperative Corporation. The statistics published in Andhra Pradesh State of Forest Report: 2013 also show that there is deficit in net revenue compared to net expenditure (plan + non plan) from 1996-97 to 2006-07 (Annexure1a) but discussions with forest officials revealed

that the flow of funds from government under plan and non plan are not linked to revenues generated.

Forest dependant populations: The Scheduled area in the state extends to nine districts and 66% of the forests are located in these scheduled areas. Sizeable Scheduled Tribes living outside the scheduled area also depend on forests. Thus about 75% of tribal population is forest dependent and the degree of their dependence varies according to the location of their habitation and occupation. Having lived in isolation in forests for several generations, tribes have developed their own way of life called 'culture'. The most important aspect of this culture is treating the forests as community resource and individual tribal families have usufruct right with the consent of the community elders. (Sastry, V.N.V.K: 2011). Other communities like Sheppard, cattle herders, bamboo workers (Medari), fishermen etc also depended on forests and water bodies located in the forests for livelihood.

Rights under Forest Legislations: Administration of forests in Andhra Pradesh has two historical backgrounds. The forests in Andhra and Rayalaseema areas were governed by Madras Forest Act, 1882 while the forests in Telengana area were governed by Hyderabad Forest Act, 1322 Fasli. The Andhra Pradesh Forest Act, 1967 came into force from 15.04.1967 after repealing both these Acts.

The following legislations presently in force have provisions to provide different kinds of rights/concessions to the forest dwellers:

1. Andhra Pradesh Forest Act, 1967 and state Forest Policy ,1993 read with Forest Conservation Act, 1980 (GoI Act) and National Forest Policy, 1988
2. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (GoI Act)
3. The Andhra Pradesh Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979 (Regulation issued under Fifth Scheduled of the Constitution by Governor of Andhra Pradesh)
4. Andhra Pradesh Panchayat Raj (Amendment Act), 1998 - popularly known as PESA Act of AP Act
5. Andhra Pradesh Scheduled Areas Land Transfer Regulation,1959
6. Andhra Pradesh Minor Forest Produce (Regulation of Trade) Act, 1971
7. Wildlife Protection Act, 1972 (GoI Act)

Settlement Process under Andhra Pradesh Forest Act, 1967: As per A.P. Forest Act, government have powers to constitute any land as a reserved. However, the government should appoint a forest settlement Officer to notify boundaries, call for objections, enquire and settle the rights of people before final declaration is issued. Detailed procedure is prescribed from Sec4 to Sec 15 of the Act for this purpose. The Andhra Pradesh Forest Act, 1967 also provides for deletion of some areas as per Sec28.

Statistics of Andhra Pradesh Forest Department show that the settlement process is completed and notified under Section 15 of the AP Forest Act in 2592 forest blocks covering 5146826 Hectares and pending in 986 blocks covering an area of 12,34,547 Hectares(ie 30,86,367.50 acres). The forest department has been treating all these lands as “protected forests”. The forest officials during discussions on the subject informed that the Sec 4 notified areas whether or not finally declared under Sec 15 are being treated as forest areas for application of Forest Conservation Act, 1980. Hence, people can be evicted from these lands unless their occupation is recognized under FRA, 2006.The district wise number of blocks and areas notified and to be notified are given in Annexure 1 (Source: A. P. Forest Department, Key Informant: Sri Kashappa, IFS, Chief Conservator of Forests O/O of PCCF, Hyderabad)

Impact of incomplete settlement process: Non completion of the settlement process for several decades in some areas has led to conflicts between forest officials and forest dwellers leading to booking of cases against the forest dwellers. Where the settlement process was reported to have been completed also there are several disputes over the boundaries as the ancestral lands, very old habitations were also included in the reserve forests without looking into ground realities and whose language was also different from local/official language. There is ambiguity in boundaries in some notifications. Some of these notifications were issued during British and Nizam’s period without verifying local situations and continued under A.P.Forest Act,1967.(Sastry,V.N.V.K,1989). A study by Tribal Welfare Department showed that the disputes over boundary between revenue and forest extend over several hundred kilometers. (Sastry, V.N.V.K. and others: 1996). Even the lands held by tribals with the permission of Muttadars (Muttadar is a tribal chief appointed by British government in 1920s to administer Mutta -group of villages) were included in Section 4 notification and continue in a state of confusion as all Section 4 notified areas whether or not finally settled under Sec15 of the Act are treated on par with reserve forest areas for implementing Forest Conservation Act,1980. (Sastry, V.N.V.K., 2011).

As the issues relating to forest settlement were pending, the Forest (Conservation Act) 1980 came into force from October 25, 1980 putting 'Restriction on the de-reservation of forests or use of forest land for non-forest purpose'. Adding to the misery of the people is the problem of perpetual vacancies of Forest Settlement Officers for decades as these posts are treated as punishment/non rewarding posts by revenue officials and are remembered only at the time of promotions for calculation of vacancies for promoting revenue officials to that rank. Soon after getting the promotion, the officers try for transfer or deputation to the posts of their choice leaving the Forest settlement work unattended. Now even if the settlement process is taken up, the areas on which rights are determined cannot be deleted by State using the Sec 28 of A.P. Forest Act, 1967 in view of restrictions imposed under Forest Conservation Act, 1980. The resultant effect is that the forest dwellers became susceptible to punishments by forest officials for decades.

Joint Forest Management Programme as a result of 1988 Forest Policy: As the Forest Act, 1980 has put total ban on conversion of forests to any non-forestry activity without the permission of Government of India and consequent delay in confirmation of rights already in the process, several disturbances occurred in tribal areas throughout the country and also in A.P. A review was made at all India level and National Forest Policy was issued in 1988. (Sastry, V.N.V.K: 2011) which has recognized the symbiotic relationship between tribal people and forests.

Government of India through their Resolution dated 7-12-1988 directed that the "Primary task of all agencies, responsible for forest management including the forest development corporations should be to associate the tribal people closely in protection, regeneration and development of forests as well as to provide gainful employment to people living in and around the forest". In consonance with the National Forest Policy 1988, Government of Andhra Pradesh issued a State Forest Policy in 1993 for "encouraging the participation of village communities in forest management through Joint Forest Management by organizing them in to Vana Samrakshna Samithis" and the Government of Andhra Pradesh have issued orders in 1992 (GoAP: 1992) for improvement of degraded forests through the participation of local people by introduction of the Joint Forest Management (JFM) programme. Learning from the experiences of implementation of Joint Forest Management through V.S.S, the Government of Andhra Pradesh issued a revised Andhra Pradesh State Forest Policy, 2002 to "consolidate the initiatives taken in the area of JFM and evolve the system further into

Community Forest Management. This was followed by a Government Order (GoAP: 2002). The Government Order issued in 2002 (G.O.Ms.No.13 Dated: 12 .2 .2002 Environment Forest Science & Technology (For.iii) Department, Government of Andhra Pradesh) was amended in 2004 (G.O.Ms.No.4 Dated: 12th January, 2004 Environment, Forests, Science & Technology (For.iii) Dept., Government of Andhra Pradesh) to give some more clarity on benefits to members of Vana Samrakshna Samithies (VSS). This coincided with the implementation of World Bank Assisted Andhra Pradesh Forestry Project. The important benefits accruing to the members of VSS from forests managed by them as per the amended government order are as follows:

- (a) All Non-timber Forest Produce;
- (b) All Intermediate yields obtained from silvi cultural operations in natural forests;
- (c) All timber and bamboo (including yield from bamboo plantations) harvested from the forest managed by them except in case of plantations;
- (d) In case of teak plantations within VSS area, whose age is known, twice the proportionate yield harvested (including yield from thinning) with reference to age of the plantation and the period of maintenance by the Vana Samrakshana Samithi (maximum entitlement will not however exceed the total yield of the plantation);
- (e) In case of other plantations, whose age is known, 50% of harvest(including thinning) of the period of management of plantation by Vana Samrakshana Samithi is less than 50% of the rotation period and 100% of volume harvested if such period of management by the Vana Samrakshana Samithi is more than 50% of rotation period of the plantation.
- (f) All the timber obtained from second and subsequent rotations of all plantations.

Problems in implementation:The progress was last reviewed by the Chief Commissioner of Land Reforms, Hyderabad on 09-01-2014. Studies were also conducted by Sunil Kumar M and Darryl Vhugen(2008), Reddy, M Gopinath and others(2011), Sastry, V.N.V.K.(2011), Kalpavriksh and Vasundhara(2013), ELDF(2011), Chaithanaya,E.P(2012) on implementation of the FRA, 2006. Several implementation issues emerged in these meetings/studies as follows:

- i Many Gram Sabha/FRC members are not aware on the provisions of FRA to exercise their duties

- ii It was officials, who are supposed to assist the Gram Sabha, have actually convened/conducted meetings
- iii Large percentage of claims (61%) were rejected with out proper verification(Annexure-1)
- iv Rights over community resources were vested with Vana Samrakshna Samithis created by executive order and has limited membership while, these rights should be vested with Gram Sabha as per Act. Even these rights were not recorded in the forest records/maps.The VSS themselves have become dormant and therefore not able to excercise their ownership rights especially over Minor Forest Produce. Government of India's instructions to vest the community rights with Gram Sabha/Gram Panchayat as per PESA Act are yet to be implemented.
- v The individual or group rights are not registered in the records/maps of forest department as according to forest officials the land is still treated as forest land and the occupations are not interfered with due to their recognition under FRA, 2006. However, the revenue department at Mandal level is maintaining separate registers indicating FRA titles. Presently there is no clear mechanism to involve communities for mapping and recording of group rights in forest lands.
- vi Imposition of deadlines to complete work led to undue rush and incomplete work or work with many mistakes in area, names, photographs etc.
- vii Tribal customary law is oral and therefore, the tribals in many cases could not produce documentary evidence. The traditional forest dwellers also could not produce evidence of residence of three generations due to lack of records with government themselves. Hence many of their claims were rejected.
- viii Whether non-tribals can be issued titles in scheduled areas in view of LTR and Samatha Judgement is another issue not clear to field functionaries.
- ix Ministry of Tribal Affairs issued a circular in 2010 to states and requested them to review the cases where the rejection is unduly high. No action has been taken so far as per amendment rules in 2012.
- x Conducting of Gram Sabhas and formation of Forest Rights Committees in every habitation as per revised guidelines and rules to give opportunities to all eligible persons is yet to be taken up

During interviews in the month of February,2014 by the E.I. in connection with this project, the TW Department officials complained that the DFOs are not signing on the titles (3318 titles to an extent of 6165 acres) approved by the District level committees. The Forest

officials on the other hand say that large scale encroachments occurred after FRA, 2006 came in to force especially in Khammam and Warangal districts, as the forest dwellers are thinking that their occupations will also be recognised at a later date in a similar way. Therefore, the eligibility as per FRA, 2006 is required to be verified thoroughly before giving their approval.

Ownership of MFP with Gram Sabha as per PESA: Andhra Pradesh Panchayat Raj (Amendment) Act, 1998 popularly known as PESA vests 'the ownership of minor forest produce with the Gram Panchayat or the as the case may be Gram Sabha'. The Rules were issued in 2011 after 13 years (G.O.Ms.No. 66, PanchayatRaj and Rural Development (MDL.I) Department Dated: 24.03.2011) and the elections to Gram Panchayats were held in 2013. Thus there is delay of 15 years in putting the PESA in operation. Discussions with Presidents of Gram Panchayats in Scheduled areas of Adilabad, Warangal and Visakhapatnam district in the last three months by the E.I. have revealed that most of them are not aware of the rights of Gram Sabhas under PESA. Hence they could not exercise their rights over ownership of MFP under this law.

Non Forest Rural Common lands: Non-Forest Rural common lands include the following: Public Roads, Parks, Schools, hospitals etc, Walkways (shortcuts) connecting internal roads with habitations or water sources, fields, temples etc, Kuntas (tanks), lakes etc, Canals and Canal bunds, Village meeting places (Chavadi), Common Thrashing grounds, Places where stray cattle are detained (Bandili Doddi), Places allocated for defecation esp. by women in the nights, Grazing areas, Market Yards, Parking Places in weekly markets and Poramboku (Un-assed Waste). Non-Forest village common lands were identified in record when these records were prepared several decades ago. These are treated as government revenue lands. These commons are included in the village Permanent Register with survey numbers and can be assigned only on specific order of Government to individual / organisations. Encroachment is punishable under law. Non-objectionable encroachments are either regularized later or encroacher is evicted / penalized by imposition of fee. There is no sustained and systematic monitoring of encroachments.

While common rights are recognised and accepted generally, by way of acceptance, by convention / custom, however this is not reflected formally in the records (revenue or forests). Whenever common / group rights are affected, the present policy of Government is to compensate affected people through R&R measures. There is no formal recording of these

rights. The Tree Patta Scheme on government lands, however, did create right on trees without rights on land. However this scheme did not take off. Conversion of rural agriculture land to other non-agricultural purposes is regulated by law and regulations such as conversion of agricultural land for pisci-culture, for non-agricultural purposes of any nature. However, due to absence of such regulations in the past, there have been adverse effects on land use planning as well as environment. Farm forestry has also affected land use for agriculture. There is no regulation prohibiting change of land use within “agriculture sector”. More over after the abolition of hereditary village officers system, there is no regular mechanism of maintaining records and their annual verification in Jamabandi. Hence revenue officials informed that the village revenue records need thorough revision/updating.

A.P. State had a Non Agriculture Land Assessment Act (NALA, 1963) where any use of agriculture land to non-agriculture purposes had to be done by payment of a special fee. This Act has now been replaced by AP Agricultural Land (Conversion for non-agriculture purposes) Act, 2006. There are a series of regulations that restrict rural land transferability which serve public purpose and are enforced. (E.g.ban on conversion of agriculture land into fish tanks due to environmental reasons, restrictions on conversion of agricultural land for non-agricultural purposes etc. Enforcement has now become more stringent as a result of various directions from Courts (setting up of Coastal Zone Regulatory Authority), setting up of Committees at district and state level to permit conversions / change of land use.

There are no worthwhile formal rural land use plans. Plans exist only for urban land use. Whenever the rural land use is to be changed on a large scale, public consultation under EIA is a must and followed but not with the transparency needed. Land use changes on smaller scale/individual level are recorded in supplementary register and updated in village Permanent Register in subsequent years. For individuals change of land use is not regulated except by collection of a fee. Therefore there are no requirements of public input.

There is no rural land use policy and hence there is no monitoring or assessment of land use changes. Rural land use changes in smaller units by individuals are more in villages near urban areas for housing, industry etc. but in the interior villages the changes occur on an unplanned basis. In villages’ gram panchayats / Director, Town and Country Planning give permission for housing / other non-agriculture purposes. As far as pasture lands are concerned due to land assignment policies the availability has reduced. There is no rezoning

plan for rural land use. Therefore, there is no public process to permit change of land use. Any rights affected have to be asserted in the Court of law only. However, the LAR&R Act 2013 that is effective from January, 1, 2014 provides mechanisms for safeguarding the interests of affected persons. (Key Informants: Sri Ramana, Special Deputy Collector, (Retd) and Smt. C.V. Lakshmi, Special Deputy Collector(Retd).

In tribal areas of north coastal Andhra Pradesh, the hill slopes fit for shifting cultivation. (Podu/Jhum) within the traditional boundary of tribal village are treated as common lands by the tribal communities as per customary law. The individuals have only the usufruct right while community owns it. These lands are located in reserve forests or outside. If they are located in reserve forest, the de jure ownership was with Forest Department only but the de facto ownership with the community was not generally interfered with till the Forest Conservation Act, 1980 was enacted. Since then, the slash and burn cultivation in reserve forests is not being allowed and the three plot cycle reduced to one plot. Pattas were issued to tribals over these Podu lands, if they are eligible as per provisions of FRA, 2006. Tribals who had already grown coffee, cashew and pine apple plantations in their own Podu lands located outside reserve forests are now opting for coffee and cashew plantations in these FRA lands on their own choice with wages provided under NREGS and plant material supplied by ITDA (SCA).

4.2.2 Dimension wise scoring

LGI: 2.1 Rights to forest and common lands

2 1 1 Forests are clearly identified in law and responsibility for use is clearly assigned-

Score:B

Analysis:

1. AP Forest Act,1967 provides for clear identification of forest areas with “well-known or readily intelligible boundaries, such as roads, rivers, bridges and the like”. 79% of forest area was finally declared as Reserve Forests leaving 21% ie. about 30 lakh acres without completion of settlement process leading to conflicts between forest dwellers and forest officials. In areas where settlement is completed also, there are disputes but not many compared to areas not settled.
2. The implementation is ambiguous as there are several forest revenue boundary disputes due to incomplete settlement process.
3. The responsibility for land use is with Forest Dept. as per this Act .
4. The role of forest dwellers in protection of forests and the benefits flowing to the Forest Protection Committees are also clearly defined as per National Forest policy

1988 and as well as JFM and CFM policies of the state government. There are problems in implementation of the JFM/ CFM policies

5. Score B is therefore most appropriate -highlighted

Expert Investigator Dr.V.N.V.K. Sastry elaborated on the explanation in support of option 'B'.

It was agreed that 79% of Forests has been finally notified (Reserve Forests) and ambiguity exists only in 21% of the area identified as forest areas (treated as Protected Forests and un classed Forests). However in the areas that have been notified as forests, there is clarity on the responsibility of land use. Hence the score was retained as **B as per the consensus.**

B: Forests are clearly identified, responsibility for land use is clearly identified but implementation is ambiguous.

2 1 2 Common lands are clearly identified in law and responsibility for use is clearly assigned - Score: B

Analysis:

1. Non-Forest village common lands are identified in record when these records were prepared several decades ago. These are treated as government revenue lands as per The Andhra Pradesh Land Encroachment Act, 1905. These commons are included in the village Permanent Register with survey numbers and can be assigned only on specific order of Government to individual / organizations.
2. The Revenue Department has already commenced identification of 180 varieties of lands in the records and has undertaken the task of updating the records and putting it in public domain.
3. Encroachment is punishable under The Andhra Pradesh Land Encroachment Act, 1905. Non objectionable encroachments are either regularized later or encroacher is evicted / penalized by imposition of fee.
4. However, the Government and local level officials are not vigilant enough to prevent encroachment.
5. There is no sustained and systematic monitoring of encroachments.
6. Hence score B is most appropriate

Panellists agreed on the point that implementation is ambiguous and submitted supporting papers on classification of common lands which show that there are 180 varieties of common lands. The Revenue Department has already commenced identification of these lands in the records and has undertaken the task of updating the records and putting it in public domain. There was therefore consensus in support of option B.

2 1 3 Rural group rights are formally recognized and can be enforced- Score: D

Analysis:

1. Under the A.P. Forest Act, there is provision for recognition of rights. But this process is not completed in 30 lakh acres leading to conflict of interest between Forest Department and Forest Dwellers.

2. Similarly under Wild Life Protection Act also there is provision for recognition of rights. But there are cases of non-recognition of rights in some areas.
3. Under FRA community rights were conferred on VSS instead of Gram Sabha as per the Act. Even these rights were not recorded in forest records.
4. Rights over village commons are recognized and accepted by way of convention / custom. However this is not reflected formally in the revenue records.
5. Whenever common / group rights are affected, the present policy of Government is to compensate affected people through R&R measures.
6. Score D is most appropriate.

2 1 4 Users' rights to key natural resources on land (incl. fisheries) are legally recognized and protected in practice - Score: B

Analysis:

1. Community's rights over forests are formally recognized as per FRA, 2006 but only some like rights over collection of MFP are really protected.
2. It is a time taking process to assert the rights due to defects in survey and settlement, lack of clear demarcation of boundaries and lack of knowledge and orientation on the part of officials of nodal departments.
3. In case of Village commons, as the lands are treated as government lands, access of user is permitted by custom / convention but there is no formal recording of rights.
4. Score B is most appropriate

2 1 5 Multiple rights over common land and natural resources on these lands can legally coexist- Score: C

Analysis:

1. Ownership /user rights over village common land and property, natural resources are recognized by convention and not registered except in some cases such as fisheries by law.
2. There is possibility for coexistence of multiple rights over common land and natural resources but they are not enforced extensively.
3. If there is any violation, mechanism to resolve conflict is inadequate and dilatory.
4. Score C is most appropriate

2 1 6 Multiple rights over the same plot of land and its resources (e.g. trees) can legally coexist - Score: C

Analysis:

1. In case of MFP yielding trees, the ownership rights are with government and usufruct (collection) rights are with forest dwellers.
2. There is no mechanism to register rights or resolve disputes
3. In case of other community forest resources like the sacred groves, the community's rights are respected rather than recorded.
4. The Tree Patta Scheme sanctioned earlier did create right on trees without rights on land. However, this scheme did not take off.
5. Score C is most appropriate.

2 1 7 Multiple rights over land and mining/ other sub-soil resources located on the same plot can legally coexist -Score: B

Analysis:

1. Where open cast / underground mining is to be taken up in forest lands, they are diverted for non-forestry purposes after obtaining permission of GoI as per FCA, 1980 (with amendments in 1988).
2. Forest department continues to be legal owner while lease holders have rights over exploitation of resources within the given permissions (esp. time and quantity).
3. In case of mining in government lands, they are leased to the lease holders. In case of private lands, they are acquired by the government and leased to lease holders.
4. But cases of the agreements not respected by lease holders in practice also occurred leading to legal action by forest department/government and approaching courts by individuals.
5. When there are multiple rights, everyone has to respect them. In the event of violation, one is forced to assert his rights legally in a Court of Law, as there is no adequate and suitable mechanism for dispute resolution. Mr. Laxmi Narasimham mentioned that an assignment holder can be given ex gratia in the event that subsoil resources in his land are exploited affecting his rights adversely, as he is unaware or capable of exploiting the same on his own. Therefore option 'B' is a better score. This was agreed to unanimously.

2 1 8 Accessible opportunities exist for mapping and recording of group rights - Score: C

Analysis

1. Accessible opportunities exist for forest lands as well as village commons but presently there is no clear mechanism to involve communities for mapping and recording of group rights in forest lands.
2. Group rights or collective tenures can be recorded but it is not being done in a clear or affordable manner and leads to hardships.
3. Officials also do not have complete knowledge of customary law. As of now the customary rights are not recorded in forest maps.
4. The panellists suggested option 'C' with the supporting statement that law provides rights but is not being recorded. After the discussions, the consensus was for option C on grounds that group rights or collective tenures can be recorded but it is not being done in a clear or affordable manner and leads to hardships.

2 1 9 Boundary demarcation of communal land- Score: A

Analysis

1. The boundary demarcation of in all village commons is done by assigning survey numbers, however these records and maps are not updated.
2. But right to use/ derive benefit by individuals in case of dispute can be acquired on these lands only by declaration of decree of Court.
3. In case of forest areas there are boundary disputes due to incomplete settlement process only in 21% areas as well as in very small parts of settled areas.

4. Rank 'A' is most appropriate because the boundary demarcation is done in majority of village commons

All panellists agreed that option 'A' is the appropriate ranking as the village maps do clearly demarcate common lands, however these records and maps are not updated. Therefore option A was agreed to by consensus.

LG1: 2 2 Effectiveness and equity of rural land use regulations

2 2 1 Restrictions regarding rural land use are justified and enforced - Score: B

Analysis

1. Conversion of rural agriculture land to other non-agricultural purposes is regulated by law and regulations such as conversion of agricultural land for pisci-culture, for non-agricultural purposes of any nature. However due to absence of such regulations in the past, there have been adverse effects on land use planning as well as environment. Farm forestry has also affected land use for agriculture.
2. There is no regulation prohibiting change of land use within "agriculture sector".
3. More over after the abolition of hereditary village officers system, there is no regular mechanism of maintaining records and their annual verification in Jamabandi.
4. Hence revenue officials informed that the village revenue records need thorough revision/updating.
5. While some panellists felt that the system is not transparent and suggested option 'C' to be a more appropriate score because local government does not take any steps to evict the ineligible encroachers. It was however agreed that option 'B' is appropriate because though law is there, the enforcement is weak. It is unanimously agreed to B.

2 2 2 Restrictions on rural land transferability effectively serve public policy objectives - Score: B

Analysis

1. State had a Non Agriculture Land Assessment Act (NALA)1963, where any use of agriculture land to non-agriculture purposes had to be done by payment of a special fee. This Act has now been replaced by AP Agricultural Land (Conversion for non-agriculture purposes) Act, 2006.
2. There are a series of regulations that restrict rural land transferability which serve public purpose and are enforced.(eg.ban on conversion of agriculture land into fish tanks due to environmental reasons, restrictions on conversion of agricultural land for non-agricultural purposes etc.. There are no restrictions on marginal farmer selling his land even though he becomes landless. A Ryot can sell his land to a non-agriculturalist and for conversion of this land for non-agricultural purpose by the purchaser, permission of government is required. However a sub-tenant cannot sell his rights
3. Enforcement has now become more stringent as a result of various directions from Courts (setting up of Coastal Zone Regulatory Authority), setting up of Committees at district and state level to permit conversions / change of land use.
4. Score B is most appropriate.

2 2 3 Rural land use plans are elaborated/changed via public process and resulting burdens are shared - SCORE: NO SCORE GIVEN

Analysis

1. There are no worthwhile formal rural land use plans. Plans exist only for urban land use. Whenever the rural land use is to be changed on a large scale, public consultation under EIA is a must and followed but not with the transparency needed.
2. Land use changes on smaller scale/individual level are recorded in supplementary register and updated in village Permanent Register in subsequent years.
3. For individuals change of land use is not regulated except by collection of a fee. Therefore there are no requirements of public input.
5. Country planning department does not attend to rural land use planning due to lack of sufficient staff.
6. **None of the options fit the actual situation and therefore no score is given.**

As such the panellists felt that none of the given options fit the existing situation in the State, as there are no rural land use plans and public process doesn't arise. It was mentioned during the consultations that the Town and Country Planning Department needs to prepare Village Development Plans but is unable to do so due to severe paucity of staff to undertake the massive work involved and therefore there is no rural land use planning and public consultation or sharing of burdens or gains. **It was agreed that none of the options fit the actual situation and therefore no score is given.**

2 2 4 Rural lands, the use of which is changed, are swiftly transferred to the destined use - Score: NO SCORE GIVEN

Analysis

1. Since there is no rural land use policy, there is no monitoring or assessment of land use changes. Rural land use changes in smaller units by individuals are more in villages near urban areas for housing, industry etc. but in the interior villages the changes occur on an unplanned basis. In village's gram panchayats / Director, Town and Country Planning give permission for housing / other non-agriculture purposes.
2. As there is no specific data available on this separately, it is not possible to indicate percentage.
3. No score is given due to absence of data.

2 2 5 Rezoning of rural land use follows a public process that safeguards existing rights - Score: D

Analysis

1. There is no rezoning plan for rural land use. Therefore there is no public process to permit change of land use.
2. Any rights affected have to be asserted in the Court of law only.

3. However, the LAR&R Act 2013 that is effective from January, 1, 2014 provides mechanisms for safeguarding the interests of affected persons.
4. Score 'D' is most appropriate.

2 2 6 For protected rural land use (forest, pastures, wetlands, national parks etc.) plans correspond to actual use - Score: NO SCORE GIVEN

Analysis

1. Land such as forests, grazing lands, wet lands and other common property resources are under the management of different Departments which have their own Departmental budgets and schemes for actual use.
2. As far as pasture lands are concerned due to land assignment policies the availability has reduced.
3. **As no data exists to make a categorical score, no score can be given.**

4.2.3 Policy recommendations

Panel No	Short Term	Medium term	Long term
2.1	Gram Sabhas (FRCs) meetings should be held in places where they were not held earlier and in places where there are large scale rejections of claims under Forests Act	Entire process of settlement of rights under A.P. Forest Act,1967 should be completed in a time bound manner.	
2.2	All the Chenchu enclosures created during British period and now part of core area of Tiger Sanctuary area should be declared as revenue villages as per FRA,2006	All community and individual rights recognized under FRA,2006 so far in all districts should be recorded and mapped in the records of Forest department as well as revenue department	
2.3	The community rights vested with VSS under FRA, 2006 should be scrapped immediately and fresh orders issued conferring rights with Gram Panchayat/Gram Sabha as per FRA,2006	A fresh survey of non-forest village commons may be taken up and regular monitoring of encroachments done to save them from reduction	
2.4		The boundary disputes between forest department, revenue department and local stakeholders should be resolved in a time bound manner	
2.5	As collection of Beedi leaves plays important role in economy of forest dwellers especially in summer months, it is important that Gram Sabhas should exercise their ownership rights as per FRA and forest department should restrict collection of Beedi (Tendu) leaves only from persons authorised by Gram Sabha	Where there are problems of surveys of lands both in the forests as well as in the periphery of forest areas should be expeditiously completed.	
2.6	Village commons may be handed over to Gram Panchayat for maintenance and protection	The cases under LTR pending for decades should be settled if necessary by creating a specific authority in the districts and legal aid should be given to tribals to stake their claims.	

4.3 Urban Land Use, Planning and development

4.3.1 Panel Specific Context

As per the Census 2011, the Country's urban population at 377,105,760 constitutes 31.16% of the total population. The level of urbanization in Andhra Pradesh is 33.49% as per 2011 census, which is 6.19 percentage points higher than that of 2001²⁹.

Size Class of UA/City/Town	No. of UAs/Towns	
	2001	2011
Class I (1,00,000 & above)	39	46
Class II (50,000 - 99,999)	44	64
Class III (20,000 - 49,999)	45	59
Class IV (10,000 - 19,999)	23	46
Class V (5,000 - 9,999)	20	40
Class VI (less than 5,000)	2	5

Source: Census of India, 2011, GoI

In Andhra Pradesh the total number of UAs/towns recorded in 2011 is 260 (58 UAs formed with 61 STs & 90 CTs and 64 STs & 138 CTs independently accounting for the 353 towns in different urban classes) as against 173 in 2001 showing an increase of 87 in numbers. It is pertinent to note that the number of villages have come down from 28,123 in 2001 Census to 27,800 in 2011 Census. This is reflected in the increase recorded in number of towns in class II, IV and Substantial increase in population is recorded in class II towns during the decade³⁰.

The above statistics clearly indicate the rising pressure on land due to sheer rise in urbanization in the state. As more and more area is diverted for urban related activities, the value of land as an asset rises exponentially and the urban land management gains complexity as a practice. This calls for devising a robust urban land management system for meeting the future urban growth requirements in the state.

Andhra Pradesh (Andhra Area) Town Planning Act, 1920: Way back in 1920, the Presidency of Madras observed that;

- many municipalities in the Presidency have from time to time devised schemes to form new extensions or relieve congestion

²⁹http://www.censusindia.gov.in/2011-prov-results/paper2-vol2/data_files/AP/Chapter_IV.pdf

³⁰http://www.censusindia.gov.in/2011-prov-results/paper2-vol2/data_files/AP/Chapter_IV.pdf

- the schemes have often been prepared only after great damage has been done, the mischief of which could have been avoided if steps had been taken in time
- the schemes usually involved deterrent expenses, which could have been obviated by a simple course of anticipating development before it takes place
- nothing costs to decide beforehand that a street shall be projected in a certain direction and of a certain width instead spending large sums of money to realign and widen a street after it has been allowed to grow up in a haphazard way
- the principles of betterment contributions or special assessments would be applied and part of cost of constructing roads and other works could be charged to the holders of properties receiving immediate and direct benefit from the schemes
- The schemes should keep the utility, preserve objects of architectural or natural beauty, regulate the architecture and provide open spaces, gardens and recreation grounds etc.

With these observations, it was considered desirable to suggest to municipalities through legislation that they should intelligently anticipate and provide for future development by framing town planning schemes and to give them power to carry these schemes.

This resulted in the passage of Madras Town Planning Act, 1920, which has been adapted as **Andhra Pradesh (Andhra Area) Town Planning Act, 1920** after the State of Andhra Pradesh was formed in the year 1956. This Act was followed up with the **Andhra Pradesh Municipalities Act, 1965** that contained certain specific provisions relating to land uses have been incorporated in Andhra Pradesh Municipalities Act, 1965 which came into force from 2-4-1965. The APM Act is a consolidated legislation governing the whole state of Andhra Pradesh and it replaced Andhra Pradesh (Andhra Area) District Municipalities Act, 1920 which governed Andhra Area and Andhra Pradesh (Telangana Area) District Municipalities Act, 1956 which governed Telangana Area. Sections 268 and 269 of APM Act are relevant.

Hyderabad Municipal Corporation Act, 1955: While municipalities (now including *nagar panchayats*) are governed under APM Act, 1965, the municipal corporations are governed under Hyderabad Municipal Corporation Act, 1955. Chapter XIII containing sections 464 to 479 deal with land use and related matter. The chapter was however repealed during 1975.

Andhra Pradesh Urban Areas (Development) Act, 1975: The urban local bodies (ULBs) in Andhra Pradesh which are traditionally mandated to undertake certain basic civic functions like water supply, roads, drains, street lighting and sanitation could not plan for development of urban areas and regulation of urban growth. In order to provide for the development of urban areas according to plan and for matters ancillary thereto, Andhra Pradesh Urban Areas (Development) Act, 1975 was passed by the Legislature of the State during 1975. This Act repealed Chapter XIII of HMC Act, 1955 Chapter XIII of HMC Act. Since Hyderabad city and its surrounding areas have been declared as Hyderabad Development Authority under Andhra Pradesh Urban Areas (Development) Act, 1975, it was felt that Chapter XIII of HMC Act would be superfluous and therefore was repealed. Subsequently, UDAs were constituted for Visakhapatnam and Vijayawada (including Guntur) during 1978; and Warangal and Tirupathi during 1982.

In view of large scale growth of Hyderabad and its surrounding areas in recent years, it was felt that Hyderabad be developed as a metropolitan area. To establish a Metropolitan Development Authority for the purpose of planning, coordinating, supervising, promoting and securing the planned development of Hyderabad Metropolitan Region, the Hyderabad Metropolitan Development Authority Act has been passed during 2008. Even though the basic objectives of Urban Development Authorities (of various urban areas) constituted under AP Urban Areas (Development) Act, 1975 and Hyderabad Metropolitan Development Authority constituted under 2008 Act are broadly similar, it is necessary to understand them in terms of relevant Acts.

AP Urban Areas (Development) Act, 1975: Chapter III of the Act deals with Master Plan and Zonal Development Plans and contains sections 6 to 12 that focus on the modalities for preparation of the Master Plan, the Zonal Development Plan, Procedure to be followed for preparation and approval of plans and modifications to be made for the Plans.

The Hyderabad Metropolitan Development Authority (HMDA) was constituted under the provisions of Hyderabad Metropolitan Development Authority Act, 2008. It was formed by merging the erstwhile Hyderabad Urban Development Authority (HUDA), Hyderabad Airport Development Authority (HADA), Cyberabad Development Authority (CDA) and Buddha Poornima Project Authority (BPPA). Its jurisdictional area of 7,257 sq. kms covers Hyderabad district and 849 villages across Ranga Reddy, Medak, Nalgonda and

Mahbubnagar districts. It was set up for the purposes of planning, co-coordinating, supervising, promoting and securing planned development of the Hyderabad Metropolitan Region. It coordinates the development activities of the municipal corporations, municipalities and other local authorities, the Hyderabad Metropolitan Water Supply & Sewerage Board, the Andhra Pradesh Transmission Corporation, the Andhra Pradesh Industrial Infrastructure Corporation, the Andhra Pradesh State Road Transport Corporation, and other similar bodies.

Before trying to assess or measure land governance through indicators, it is imperative to clearly understand the relevant acts, policy measures, institutional mechanisms and roles of various agencies in the urban land sector from good governance perspective.

In AP, Master plan approach is followed to guide urban development and chart the growth and change in the state in an orderly manner. The Master Plan, which was perceived to be a process rather than a conclusive statement, provides guidelines for the physical development of a city or town and guides people in locating their investments and residences in the city. In short, Master Plan is a design for the physical, social, economic and political framework for the city, which greatly improves the quality of urban governance. Master plan delineates the land in the urban region based on the specific purpose for which it is going to be used.

Land use restriction essentially indicates the reservation of certain land for a specific purpose. Broadly, land can fall under two categories of ownership. In case of private ownership land restriction is at the owner's disposal and permits unrestricted exchange of land. In other cases, public ownership/control and exchange of land use; it is in the form of statutory provisions relating to the permissible development of land as a means of protecting the public interest.

As far as land restrictions in urban areas of AP are concerned, **AP Municipalities Act, 1965**, section dictates Notification of residential, industrial, commercial etc. land in the municipality. This is done after consultation with Director of Public Health and Director of Town Planning and with previous approval of Government. The municipalities notify in the prescribed manner the localities, divisions, wards, streets or portions of streets in its local limits which are reserved for residential, industrial, commercial or agricultural purposes.

In areas where Urban Development Authorities have been constituted, as per **AP Urban Areas (Development) Act, 1975**, the Authority has to prepare a plan in draft and publish it inviting objections and suggestions from any person on the draft plan. The Authority has to also consult every local authority within the development area on the draft plan. The Authority has to consider all objections, suggestions and representations received from the public or local authorities. After considering the objections and suggestions, the Authority shall finally prepare the plan and submit to Government for approval. The approach taken by the state government in AP in preparation of development plans can be called a quasi-participatory as the de-jure status of participation is not inclusive rather it is of post draft objection base.

Good governance also requires that the land use restrictions are transparent in nature, change in land use and management must provide significant benefits for society than just for specific groups. In AP, any form of land use change from one category to another is notified and GO (Government order) is passed after a 60 days window for receiving objections by anyone who is affected by the change and to address them. Once the objections received are addressed, the change of land use from one category to another is duly authorized for implementation.

According to AP Urban areas development act, 1975, authorities have to prepare a Master plan and also detailed zonal plans, also Hyderabad Metropolitan Development Authority act, 2008, mandates preparation of area development plan which include projects and schemes for urban reform in specific areas falling under the metropolitan region. Considering this, it is clear that a hierarchy of regional/sectoral plans exist in AP to guide urban development within the state. These plans are published on a web based platform for public disclosure as well.

In spite of many de-jure and de-facto examples of good urban land management practices in AP, there is immense scope for learning from best practices in the country and adopting innovative techniques to improve urban land governance in the state.

Background to the dimension analysis:

The land governance indicator **3.1** and subsequent dimensions deal with restrictions on urban land ownership, transferability and use. In AP, ownership transfers are affected through regulations like registration and documents under Andhra Pradesh Registration Act 1908. Under section 32A the encumbrance certificate and the ownership title are required to be

produced. The registration and transfer of title is effected in the presence of the owner and transferee with the signatures, thumb impression and photographs before sub-registrar of the registration department.

Land use regulations covered under statutory plans [Master plans (general town planning schemes, town planning schemes)] under the provisions of section 8 AP Town Planning act 1920 shall be published, calling objections and suggestions from the public under rule 29. The government sanctions the plan after considering duly the objections and suggestions. It is recommended that the government may invite views and suggestions from neighborhood communities and civil society groups before preparation of the development plans.

Indicator **3.2** and subsequent dimensions try to assess the transparency of change in land use regulations and also appraises the benefits provided by them to the public. Any urban expansion coupled with the provision of infrastructure development in Andhra Pradesh happens as a transparent process where the public awareness is ensured, as provided under the statutes of AP Town Planning act 1920, in respect of town extension under Town planning scheme and zonal development plans under AP Urban areas Act 1975. The process for land use is as provided under rule 29 of AP Town Planning act 1920 and section 8 of AP Urban areas (Development) act 1975. Changes in land use will be undertaken only after considering objections and suggestions from the public. Change in land use involves a process under the rule 29 of AP Town Planning Act 1920 and section 8 of AP Urban Development Act 1975 and involves payment of charges for conversion and efforts therein. As such most of changes would be affected immediately.

Land Governance indicator **3.3** and the dimensions within, seek to capture the efficiency in the urban land use planning process in the state. National Urban Housing and Habitat policy 2007 envisages for providing “affordable housing for all” (urban poor) under the policy, measures to promote housing, financial incentives, insisting certain % to the Economically Weaker Sections & Lower Income Groups (EWS & LIG). The building projects of private builders etc are envisaged in the policy. For AP, guidelines are provided under G.O No. MS/589/MA dated 25.09.2009 which specifies the minimum area and % of housing units for EWS, LIG in the housing projects undertaken by builders. Under JnNURM (Jawaharlal Nehru National Urban Renewal Mission) reform, atleast 20-25% of developed land has been earmarked in all housing projects for EWS/LIG. Development authorities like HUDA

(Hyderabad urban Development Authority), HADA (Hyderabad Airport Development Authority), VUDA (Vishakhapatnam Urban Development Authority) & HMDA (Hyderabad Metropolitan Development Authority) have made provisions for earmarking development land to a range of 5% to 20% for EWS/LIG housing. Also, Andhra Pradesh Building rules, 2012, were amended by G.O Ms 245 dtd. 30.06.2012, making provisions for EWS/LIG housing in all Group Housing & Group development projects. Even though there is a policy for low cost housing the procedural aspects, the participation of needy people and payment benefiting affects the rate of success and implementation of the policy.

Hyderabad is the largest city in the state; Land use plans (Master plans, Zonal development plans) for Hyderabad are prepared as per the statutes given in chapter XIV of Municipal act 1956. Urban spatial expansion is guided by the provision of infrastructure. Although, there is time lag in provision of infrastructure due to constraints of finances, land acquisition and effective public participation. Same observation dictates the urban planning process in the next four largest cities of the state. It is also observed that the magnitude of formal housing is increasing considerably due to planning and development controls in the recent times due to apartment culture approved layouts and colonies. This trend is bound to increase leading to more public participation in formal housing. At present the proportion of formal housing is about 70% – 75%.

The next LGI **3.4** pertains to the speed and requirements for granting building permits. In Andhra Pradesh, Comprehensive AP building rules are given under G.O no. 168 MA&UD (MI) dtd. 07.04.2012 which dictates the provisions for residential building permits. The main reasons for ineffective compliance are lack of public participation, urban leadership, slums and encroachments. Time limit for disposal of building application submitted under sections 209 to 277 of AP Municipalities act 1965 and chapter XIV of municipal corporation act 1956 and chapter IV of AP Urban Development Act 1975 are 30 days. Government in its G.O MS 503 dtd. 30.04.1987 clearly specifies the time limit for disposing the building applications. Majority of building applications are disposed off in time. The main reasons for ineffective compliance are lack of public participation and lack of clearances from concerned departments.

Finally for panel 3, indicator **3.5** and subsequent dimensions relate to tenure regularization schemes in urban areas. In AP, urban residential housing is formalized through Comprehensive AP building rules as given under G.O no. 168 MA&UD (MI) dtd.

07.04.2012. As far as informal tenure is concerned, the policy for slum free city provides for regularization of the land rights and provision for services to the existing informal occupants. The AP Slum (Identification, Redevelopment, Rehabilitation and Promotion) Act, 2010, prepared (under approval of Govt.) addresses the various objectives for achieving slum free urban areas. Chapter 3 of the Act provides for protection of tenural rights of slum dwellers.

Salient features of the chapter are;

Survey and Identification of slum dwellers: The slum dwellers will be enumerated by the Municipal Commissioner by producing the ration card, voter card, aadhar card etc.

Protection from eviction: A slum dweller will not be evicted or shifted from his living space and rendered shelter-less without providing him an alternate accommodation.

Assigning Property Rights: The municipality will issue an Identity Card to the slum dweller for entitlement to the dwelling space.

However, property rights are not assigned to slum dwellers if the land is located on Hazardous/Objectionable government lands, Lands owned by Central Government, Lands belonging to Defence Forces, Layout open spaces, parks, green belt zones, conservation zones, schools, play grounds, health centres and stadiums etc. and lands reserved for any specific purpose by the Government.

The AP Apartments (Promotion of construction and ownership) Act 1987, which provides for undivided share of land and the common properties under section 8 & 9, allows effective management and recording of urban property.

4.3.2 Dimension-wise analysis and scorecard

The table below describes the indicators relevant to Urban land use, Planning and Development given in the Land Governance Assessment Framework, World Bank. A scorecard has been prepared to each indicator and subsequent dimensions based on the observations and review of literature. The rationale/explanation for choosing a certain dimension has also been provided.

LGI: 3.1- Restrictions on rights: land rights are not conditional on adherence to unrealistic standards

3 1 1 Restrictions on urban land ownership/transfer effectively serve public policy objectives- Score: B

Analysis: The AP Land Management Authority under the chairmanship of CCLA, has been resuming lands which are not being used for the specified purposes. Certain other similar cases in Vizianagram and Hyderabad of misusing the land were discussed and how the Government is winning back the land running through litigation.

It is assumed that 90% of urban land use is being misused. Irregularities in the enforcement of regulations are more around metropolitan regions of AP and political forces play a role in this regard. Panelists pointed out various lapses in the provisions of Acts and drew attention to the various relaxations that were existing under the Urban Ceiling Act. While critically appraising legislation, it is important to look at the circumstances under which the Act was prepared. It is felt that Master plan which was prepared under the Act never delivered its objectives as there is a lack of paraphernalia (provisions in Acts, finances etc.) to deliver the objectives. Legislations must have strong enforcement mechanism in order to meet the objectives. New kinds of land use such as mixed use are being promoted these days. Panelists agreed that there must be availability of land for industrial housing in areas demarcated for industrial purposes such as industrial estates, parks etc. Most panellists strongly expressed the need for buffer zones between industrial zones and other land uses.

3 1 2 Restrictions on urban land use (disaster risk) effectively serve public policy objectives. Score: B

Analysis: Panel members agreed to the fact that regulations are in place. However other members opined that even though the restrictions serve public purposes, they are not enforced. They felt that there is no single comprehensive policy document which documents the risks and the restrictions that need to be placed on land use for potential disasters in the urban areas. Panelists felt that some restrictions are there such as permission to construct above certain heights, drilling bores etc. Certain remedial measures can be taken such as earthquake resistant buildings. Regulation and laws are there but there is no enforcement of the same.

Panel 3.2 focuses on transparency of land use restrictions: changes in land use and management regulations are made in a transparent fashion and provide significant benefits for society in general rather than just for specific groups.

3 2 1 Process of urban expansion/infrastructure development process is transparent and respects existing rights. Score: B

Analysis: Panelists informed that there are certain procedures which are followed for preparation of Master Plans and change of land use. They also informed that earlier it was published in gazette and there ended the process, however, now govt. publishes the information in gazette and also on the website, then calls for objections and then after making appropriate changes passes the order. In Hyderabad, 100% of city is planned according to Master plan, whereas in smaller towns they are not being implemented.

It was also discussed that in countries like USA, the process is much more democratic and happens only after neighbourhood discussions etc. It was opined that 'B' should be the

appropriate score. It was also discussed that in case of remote lands, the process remaining the same, it is not enforced.

Panelists suggested that the citizens must be able to decide for change in land use for faster delivery. After the discussions, panelists agreed to 'B' as the most appropriate score.

3 2 2 Changes in urban land use plans are based on a clear public process and input by all stakeholders. Score: B

Analysis: Panelists initiated the discussion by putting forth change in land use of heritage buildings as an example of unreasonable restriction on urban land use. After discussions there was consensus amongst the panel members that 3. 2. 2 shall be graded 'B'.

3 2 3 Approved requests for change in urban land use are swiftly followed by development on these parcels of land, Score: A

Analysis: Change in land use involves a process of application through the local body to the government. After receipt of any objections and suggestions and payment of conversion charges change in actual land use is permitted. Most of the changes are complied with by the destined use, however the mechanism to monitor this needs to be strengthened. The panel consultation reached a consensus that 3.2.3 should be scored A.

LGI: 3.3 - Efficiency in the urban land use planning process: land use plans are current, implemented, do not drive people into informality, and cope with urban growth.

3 3 1 Policy to ensure delivery of low-cost housing and services exists and is progressively implemented. Score: B

Analysis: In the panel consultation it was pointed out and was generally agreed by all that there is a lot of shortage of dwelling units. Government have a number of housing schemes both affordable as well as for the poor and low income groups. And these schemes have been taken up extensively throughout the state. AP is in the forefront as far as housing for the poor and also for middle income groups. The consensus was that a score of B should be given.

3 3 2 Land use planning effectively guides urban spatial expansion in the largest city. Score: C

Analysis: Hyderabad city is considered here. Land use and spatial expansion are guided by statutes and also by effective implementation of infrastructure plans. In fact, there is always a time lag for the provision of infrastructure due to constraints of finances and land acquisition and want of effective public participation. The panellists reached a consensus that 3. 3. 2 should be scored "C".

3 3 3 Land use planning effectively guides urban development in the four next largest cities. Score: C

Analysis: The cities of Visakhapatnam, Vijayawada, Guntur and Warangal have been considered here. The land use and special expansion are guided by statutes and also by effective implementation of infrastructure plans. However, due to financial and land acquisition constraints and limitations on public participation, the infrastructure could not be provided in time.

The panel consultation on dimension 3.3.3 should be scored as “C”.

3 3 4 Planning processes are able to cope with urban growth.Score: B

Analysis:

Formal housing to some extent is achieved due to effective public participation and provision of infrastructure. Had there been full public participation and better infrastructure, almost all the new housing would have been planned.

The panel consultation for dimension 3.3.4 unanimously concluded for a score of B.

LGI: 3.4- Speed and predictability of enforcement of restricted land uses: development permits are granted promptly and based on reasonable requirements.

3 4 1 Provisions for residential building permits are appropriate, affordable and complied with. Score: B

Analysis: The panelists felt that in order to obtain a building permit, requisite mechanisms exist and they are affordable and justifiable. However, cases of compliance with building permits continue to be reported and action against violators is sporadic. Hence, the panel felt that score of “B” would be appropriate.

3 4 2 A building permit for a residential dwelling can be obtained quickly and at a low cost.

Score: A

Analysis: The statutes provide the clearance of building permits within 3 months and in almost all cases, it is being complied. In the discussion the panelists generally agreed that the cost for obtaining permits is high, but decision comes within 3 months. It was informed that the cost ranges from 5% of land or 7% of land cost as fee. It was also discussed and informed by the panellists that while taking permission 15% of land has to be mortgaged to the local authority which gets refunded after a stipulated amount of time.

During the discussions it was also mentioned that 40% of land value is paid as tax. Panelists opined that measures need to be taken for making building construction affordable for individuals and developers. It was also indicated that there is no access to funds being provided by central banks etc. Further it was discussed that cost of structure depends upon cost of land, so cost of land guides the overall cost of the residential dwelling.

Initially it was graded as ‘A’, after the discussions the scoring was found appropriate and was retained.

3 5 1 Formalization of urban residential housing is feasible and affordable. Score: B

Analysis: The main reason for inadequate compliance is lack of public participation, pressures of urbanization particularly due to migrant population and lack of adequate resources to create infrastructure. Initially it was graded as ‘B’, after proper discussions the scoring was found appropriate and was retained.

3 5 2 In cities with informal tenure, a viable strategy exists for tenure security, infrastructure, and housing. Score: B

Analysis: The panellists agreed that a strategy exists to regularise land rights and provide services to existing informal occupants but certain existing regulations have a contrary effect of giving incentives for new informal occupations. Hence score **B** was given by consensus.

3 5 3 A condominium regime allows effective management and recording of urban property. Score: A

Analysis: There is a clear provision under the statute to provide for creation of common property and its management and its common use by all residents of condominiums, apartments and layouts. Rights of common property are recorded while granting permissions and transfers of ownership of the individual property in such common housing such as staircases, corridors, etc.

Panelists agreed that there is a clear provision provided for condominiums. Initially it was scored as ‘A’, after discussions the scoring was found appropriate and was retained.

4.3.3 Policy recommendations

Panel No	Short Term	Medium & Long term
3.1	Training should be imparted periodically to employees in urban bodies on preparation of land use plans and for implementing the same	Land use plans for all urban areas must be prepared. The town and country planning authority should be adequately staffed and empowered to undertake and implement land use plans
3.2	There should be integration of urban bodies with revenue department at field level to attend to land use issues	Where rural areas have merged with urban areas, necessary records of land and land use should be prepared and maintained by the urban bodies
3.3		Since changes occur very fast in urban areas relating to land use, the land records and maps should be constantly updated by using latest technology

4.4 Public Land Management

4.4.1 Panel specific context

Two main problems associated with public land is that the public land is not defined and demarcated, and land registry is not updated and mutation is not identified and given appropriately. All data regarding the public land are not entered into the computer and all surveys are not yet updated.

Having said that, we realise that all lands held by government shall be for public good since the people /public are the real owners in democratic governance. All public lands are government lands, but all government lands are not public lands, accessible and available for public use. As per Section 2 (I) and (2) of the AP land Encroachment Act 1995, public roads, streets, lanes and paths,(*punthas, kalidaari*), *Bandibaata*(cart track), *Dandu baata* (way for marchers of army), bridges, ditches, dykes and fences on or beside the same, the bed of the sea, harbors and creeks below high water mark, the mangroves (Mada forests) and of the rivers, streams, nalaas, lakes and tanks and all canals and water courses and all standing and flowing water and all lands situated are the property of the government including railway lands and land in port limits. Even all public roads and streets vested in local authority are deemed to be the property of the government.

Lands Accrued to Government through certain legislations

The Bhudan lands, lands taken over by the Government under Inam Abolition Act, Estate Abolition Act, Ceiling surplus lands surrendered to Government under APLR(COAH) Act and lands fallen into the fold of Government on account of abolition of zamindars, jagirdars and other intermediaries are all considered as Public lands. These lands available with the government were assigned to landless poor agricultural labourers and small and marginal farmers under different provisions of the Board Standing Orders (BSO), in the form of heritable pattas.

The assignment policy in Andhra area is governed by BSO 15 and the orders issued in G.O.Ms. 1407, Revenue Department, dated 25.07.1958 and the orders issued thereon subsequently, from time to time. Similarly, the assignment policy in Telangana area is governed by AP (Telangana Area) land Revenue Act 1317 Fasli and orders issued in G.O.Ms. 1406, Revenue Department, dated 25.07.1958. The lands thus assigned are prohibited from transfer, gift, lease, mortgage or any other alienation to private persons and bodies, in terms of the AP Assigned Lands (Prohibition of Transfers Act), 1977.

Some justifiable concessions were given to ex-servicemen and freedom fighters for sale of these lands after a period of 10 years from the date of assignment/allotment. The ceiling surplus lands are being allotted to eligible landless poor as per the proportion prescribed for SC, ST, BC and minorities on the condition of payment of market value in equal instalments for a period of 15 years. These lands can be sold after the allottee pays the full market value, not in lumpsum but in equal instalments as fixed at the time of allotment.

The state has even converted certain unobjectionable government 'poramboke' lands into assessed waste lands and assigned to eligible sivoi jamaidars (landless poor persons who have been cultivating these lands for over a good deal of time uninterruptedly), duly entitling them to the piece of land they cultivate. Depending on the need and demand of the eligible sivoi jamaidars, cultivating unobjectionable 'Unassessed' waste lands are also being converted into 'Assessed waste' lands and assigned to those who are cultivating, enabling them to access loans, subsidies and other help extended by the Government. They are given Pattadar passbooks and title deeds along with Tippons and the Field Measurement Sheets, duly marking them as '**Assigned and not transferable**', as an instrument useful for borrowing loans from government financial institutions. All the above interventions taken by the Government are in conformity with the directive principles of the state policy enshrined in the constitution, to ensure respectable living to the landless poor citizens of socially, educationally and economically weaker sections in villages/rural areas with dignity, enjoying equal status on par with other social groups in the same village.

Earnest effort to reform and reframe land administration

Land continues to be very vital and critical to any type of advancement of the society i.e., social, educational and culturally enhancing the status, standard and quality of life. Around 70% population of our country eking out livelihood on land are knocking at the door of government, be they legislative, executive, administrative machinery or judicial interpreters of the constitutional validity of the statutes.

An earnest effort has been made by the AP state when it constituted a land committee called Koneru Ranga Rao Committee on land administration and Reforms(2004) vide (1)GOMS 977 dt 01-12-2004. (2)GOMS 1091 dt 23-12-2004.

Purpose:-

- (a) To assess overall implementation of land distribution programs.

- (b) To suggest measures for effective implementation.
- (c) To suggest required changes and amendments to the Acts/Rules for improved enforcement of land related legislations.
- (d) To suggest measures for removal of obstacles in implementation.

Response:-Overwhelming response noticed by the committee during its public hearings, study tours, field visits from political parties and civil society organizations cutting across party lines, and Social groups, since land is an emotive issue for all sections of society in both rural and urban areas.

Equitable distribution of land:-

Efforts of the state for equitable/Justifiable distribution of land by way of several Acts, did not yield the desired results. Title control of the poor is still elusive in spite of the legislations like,

- a. A.P.PLR (COAH) Act.
- b. The AP (Andhra Area) Tenancy Act.
- c. The AP Assigned lands (prohibition of transfers)Act.
- d. Inam Abolition Acts converting Inams shrotriyams etc into ryotwari lands
- e. AP Land grabbing prohibition Act.
- f. AP Land encroachment Act
- g. AP Rights in land and pattadar passbooks Act
- h. The AP occupants of Homesteads (conferment of ownership) ACT etc.

4.4.2 Dimension wise analysis and scoring

Public land differentiates itself and keeps itself away from private land.

A road, *rastha*, *donka*, pathway, an irrigation channel, a river, a stream, a tank, a kunta, a well, all and sundry, being used frequently, generally or always by the general public and the restriction of which usage, vests with the state, Larger areas/tracks of land like hills, forests, sea etc fall in the same category. In general, all government land to which the general public have free access, could be taken as public land for the purposes of the present analysis.

The preparation of inventory of Government (public) land, which is an important recommendation of the Koneru Ranga Rao Committee (KRCC) is yet to be completed in the state.

Issues Identified

Original survey of land was conducted in the first quarter of the 19th century in the composite Madras State under 'Paimash system'. In this system, only holdings were numbered, named and their measurements were taken from north to south and east to west. Areas and boundaries were generally taken at that time with a 24 feet chain and the areas were worked out by 'Khasra method' multiplying the means of lengths by the means of breaths. But no serious attempt was made for mapping i.e. the details on ground.

However, land was re surveyed by adopting the following modern survey methods:

- Khasra method, 1858-1865
- Simple triangle method, 1866-1877
- Triangles coupled with Off sets, 1878-1886
- Plain table system, 1887-1891
- Block map system, 1892-1896
- Ponganur system, 1918-1920
- Diagnol and offset system is in vogue at present.

Location, demarcation, measurement, mapping and computation of areas of the holdings should be done afresh for correct and accurate preparation of fresh Field Measurement Book (FMB) and land registers. Only clear cut field survey of private land helps in moving forward specifically paving the way for identification of boundaries of Government land/Public land. This is very much required in the present scenario since many changes have taken effect on account of modernization, development and welfare in the light of creating infrastructure facilities.

The land has undergone several physical changes even on account of natural calamities, besides the calamitous proportion of human development caused by industrial growth inimical to environmental conservation. The framework of survey in field has since broken down as the boundaries shown in the village map and the FMB do not tally with the actual state of things on ground. Large number of survey marks are found missing in the field and the maintenance of survey stones work has been forgotten as a systematic and continuous work which is part and parcel of land administration.

Interventions required

The Government have to constitute survey teams and entrust the work of identification, demarcation and boundaries with measurements afresh, drawing teams from revenue, forest,

mines and geology and other relevant departments for preparation of actual mapping of the land with measured identifications. The Directorate of Town and Country Planning shall have its own task force of town surveyors, draughtsmen without depending on the Revenue Department for deputationists. This exercise will help in preparing inventories of Government Land and also lands held by patta by private individuals, paving the way for effective land management. Detailed town surveys of municipalities and survey streets in gram panchayats have to be taken up for systematic development of streets, drains, sewage, telecommunication and optic fibre networks.

Field verification of the Government land inventories has to be taken up particularly in view of boundary disputes between Forest Department and Revenue Department, between Forest authorities and Tribal people more so, in the light of Forest Rights Act. Clear data with specific boundaries and measurements on all sides of the Forest/Revenue Land has to be obtained before placing the same on website for public access.

Management Responsibility

Government land belongs to different departments viz. forest, irrigation, agriculture, industries, panchayati raj, education, medical and health, APTRANSO and APGENCO and the like. Therefore the responsibility of protection and maintenance may be shared by all the departments. The custodian of the above lands in the village where the lands are situated is field functionary of the Revenue Department called the Village Revenue Officer (VRO), assisted by Village Revenue Assistant (VRA). They maintain survey number wise details in Government lands register and often the data is found to be incorrect and incongruous, since, they have no wherewithal and technical knowledge to measure and record duly planting the survey marks on ground. With the result, encroachments have become the order of the day. The Koneru Ranga Rao Committee found the preparation of inventory of Government lands very essential, both, for the purpose of recording and maintenance at the village level. Hence, the committee has suggested that inventory of all Government lands be prepared in all the villages, taking up detailed field verification by forming teams with Revenue officers and local community.

Since, Government land is being allotted to different departments for development of infrastructure facilities as part of implementation of Government schemes of the respective departments viz. forest, irrigation, agriculture, industries, panchayati raj, education, medical and health, APTRANSO and APGENCO and the like, the Additional Joint Collectors

working in the Districts being senior Revenue functionaries may be made Nodal officers, duly vesting in them the necessary administrative powers in this regard, to protect and monitor usage of lands allotted to different departments. Inter departmental coordination is very much required between the Revenue Department (primary custodian of Public land), and other departments like Forest, Police, Panchayati Raj, Industries, Energy, IT& Communications, Tourism, Social Welfare, Education, Medical & Health, etc., since, all developmental projects and welfare schemes take place on land only. Land forms very essential basis for construction of Administrative complexes, schools, playgrounds, auditoriums, stadiums, hospitals, industries, waterworks, roads, railways, communications network and other infrastructural facilities, for development and progress.

LGI-11:-Justification and time efficiency of the acquisition processes

The state acquires land duly invoking the powers of the 'eminent domain' for public interest and after taking the help of emergency provisions U/S 17 of the LA Act, 1894 dispensing with enquiry stipulated U/S 5A of the same Act. The powers under public domain of the State have often been misused, catering to the selfish aggrandizement of the private sector. One classic example of this type of cavalier attitude is evidently seen by social activists, media, civil society organizations, when acquisition of private land and alienation of Government/Public land was sought for Special Economic Zones (SEZ) all over the state and for Thermal power plants in some parts of the state. The way in which the state has exercised its powers to the exclusive advantage of private corporates to the detriment of public is amply demonstrated in the allotment of lands to Vodarevu and Nizam Patnam Industrial Corridor (VANPIC) in Prakasam & Guntur districts. The case is now under Central Bureau of Investigation (CBI) enquiry. Huge areas of very fertile private lands (with 'two crops grown a year') acquired for 'public purpose' through the medium of the Andhra Pradesh Industrial Infrastructure Corporation (APIIC) were given out for a pittance to private interest groups against norms, violating rules and stipulations.

The social welfare part of land acquisition has been forgotten except making a passing reference in section 2(i) (d), (e) and (f). These clauses of section 2 of the application part of the new Act speaks of housing for certain income groups, planned development or improvement of existing village sites or any site in urban areas for residential purpose for the weaker sections in rural and urban areas and also for residential purposes to the poor landless or to persons residing in areas affected by natural calamities or to PAFs and PDFs of any

scheme undertaken by the Government. No specific provision is made for allotment of house sites to houseless people in rural areas by exercising the powers of 'eminent domain', without which, acquisition of land for house sites to weaker section may not be possible in the light of the 'consent (of farmers i.e.75%/80%) concept' floated for Public Private Partnership projects and private companies in the new Act. The government has since formulated a Land Allotment Policy, 2012 vide G.O.Ms. No. 571 Revenue (Assignment I) Department, dated 14.09.2012, to check the adequacy/ inadequacy of land for the requisitioning agency i.e. Government departments, industrial establishments etc. The government is also relooking at the allotment made irregularly.

Interventions required

This work of re-verification of land allotment should be expedited and information on cases of violations should be placed on public website. The guilty have to be sufficiently punished which will have a salutary effect on other unscrupulous elements in land administration.

The land allotment policy 2012 may include the following:

Instead of keeping land bank in the village for unspecified future needs for a long period of time, it would be in the fitness of things if those lands are allotted as house sites, examining case by case on merit to the needy eligible people in the village, municipal town and mandal headquarters. The Housing Department may take up construction of houses for them under existing low cost housing schemes. This may stop overcrowding in urban peripheral areas and help retain a respectable identity in the village for the poor farm labourer on agricultural activities in villages, duly training them with modern skills of farm technology. This will also help avoid criticism of dearth of agricultural labourers in the required cultivation season in rural areas. At Annexure V of the said policy, pertaining to the Department of Social Welfare, land may be considered for allotment for Backward Communities on the pattern of Ambedkar Bhavan to Scheduled castes and the same may be named as 'Phule/Savithribai Bhavan'. Similarly, allotment of lands to Urdu Ghar and Shaadi Khanas may be considered.

Allotment of land to Aanganwadi centres and livestock sub centres may be considered under aegis of Women and Child Development and Animal Husbandry Departments respectively. The land allotment policy suffers from the technical infirmity of assessing land requirement to different departments, having an eye on future expansions. This exercise has to be taken up judiciously involving all stakeholders.

Pre-emptive action by private parties owing to threat of land acquisition

Pre-emptive action by private parties owing to threat of land acquisition is as old as LA Act itself. This is basically thought of by land losers for several reasons. To cite a few:

- Apprehension of low compensation
- Anticipating higher value for their land subsequent to acquisition for projects like Irrigation, Infrastructure facilities Roads, Bridges, Cold storages, Hospitals, Universities, Colleges etc, the land owners tendentiously inclined to stall the LA process. Land losers being from weaker sections, having small pieces of agricultural land fear losing their source of food. Fear of losing fertile agricultural land capable of growing commercial crops. Land suitable for pisci culture, prawn culture, real estate and the like, fetching high amounts every season.

Emotional attachment to land, which confers on the land owner, a degree of credibility and creditability, and the property having mortgage value, is only his 'own' land. Coercion is substituted by empathy when we look at the resettlement and rehabilitation part of the new LA Act. The Act provides for resettlement of project affected families and project displaced families, public hearings, participation of local community in selection of Resettlement centers with all facilities and even better avenues to improve their standard of living etc.

Interventions required

Joint Inspection of lands by the Requisitioning Department and the LAO for the purpose of peg marking and identification before preparing land plans for placing requisition before the LAO will solve a host of problems like ownership, tenure, measurements, areas, land value, structures on the land and their value, crops and likely damages to the crops etc., This also saves the invaluable time in view of urgency and for expeditious creation of infrastructure facilities.

Publication in two newspapers may be dispended with as individual notices and prior consent are now made essential pre-condition for acquisition of the provisions of new Act. Separate Bench may be created in High court exclusively for LA Cases to expedite matters. The work pertaining to market value fixation, valuation of trees, estimation of houses/buildings may be delegated to respective departments of Registration, Engineering Agriculture and Horticulture with LAO as final authority who passes the Award. This would avoid concentration of power in one agency and valuation by technically competent department officials independently,

would be just and will stand the test of legal competence in the court of law, if referred for adjudication for higher compensation.

Private genuine sales may also be taken as basis while fixing market value without insisting upon registration, provided the private sales reasonably reflect local market value. Rationale and reality may give way to the conventional statistics of three years before the DN Date or value of similar CST lands in the vicinity etc. Decretal Charges may be paid by the requisitioning department which got the land acquired by the state for its use.

LG1-12-Dimension:- Transparency and fairness in payment of compensation.

Transparency and Fairness

As regards transparency and fairness of acquisition it must be said that both are lacking in practice. The due procedures in LA, such as, issue of notices, land survey, publishing of intent of LA in local newspapers in vernacular languages etc. appear to be followed perfunctorily. Land plans, particularly in Irrigation projects, have often been changed to the benefit of powerful, big and rich farmers from ruling class and caste. Fairness in working out market value is often the casualty more so, when trees structures and other permanent things are attached to the land covered by acquisition.

Compensation

The payment of compensation to farmers is by cheques given in the Gramasabha in the presence of village elders. The process is not that transparent and fair in cases where title of ownership requires to be decided. There are different set of problems when acquisition covers Government land under encroachment by cultivation, and by residential structures. In cases of alienated Assigned lands, difficulties arise when both transferor and transferee are land less poor (LLPs) from SC/ST categories. Payment of compensation to Endowment department and the LLPs who have been cultivating the lands with proven adverse possession for generations together pose a unique problem, since the enjoyers are not recognized by the Endowment department as lessees.

Several GOs' and executive instructions have been issued in this regard. They need to be relooked at and a codified compendium of instructions be issued standardizing procedures for guidance of the Land Acquisition Officers working in different projects in different parts of the state.

Land use Change

Land use change is not compensated for in terms of money; but, the PAFs and PDFs who lose their livelihood on account of shifting of the village are to be supported financially through bank loans to establish their petty trade and business in the new colony where they get settled under the R&R package.

Further, better living conditions that those are available in their original place of living are envisaged in the form of infrastructural facilities, civic amenities like electricity, roads, schools, protected drinking water, sanitation and drainage, basic medical and health care facilities etc., in Rehabilitation and Resettlement policy viz., R & R project. However, this needs to be put in its place to the best satisfaction of displaced families to compensate the selective loss of their rights and also to neutralize the effects of emotional bondage to the “My Hills and My Home” psyche of the land losers and dwellers, as any amount of financial compensation in lieu of loss of ‘working days’ who have lost their livelihood, cannot bring back the natural credibility and creditability, which they used to have in their original place of living.

Appeal Avenues: Independent avenues are available for Appeals against the acquisition in judicial courts only. An effective and efficient mechanism needs to be created at District level also by vesting powers in District level courts to take up cases at DN stage on merit basis, to hear and dispose off the cases expeditiously. The traditional conservative time limit placed for several phases of land acquisition has since been revised and that has come down to 40/45 days to complete the entire process of acquisition from DN stage under section 4(1) to Award stage.

Timely decisions: Timely decisions regarding complaints about acquisition are not taken in time. Complaints involving accusations against the ways and means adopted with discrimination between persons, as to the scale of compensation for land (dry/irrigated dry/wet and location), residential houses, crop loss, apportionment of compensation package etc. are usually time consuming exercises in project submersion villages. The Land Acquisition Officer (LAO) himself takes a look into these petitions and relevant records duly securing the presence of different Departmental officials for discussion and finalization of valuation of structures, horticultural crops etc. This can best be taken care of, if some specific days are exclusively set apart for settling these complaints on the model of ‘Adalats’, of courts duly adhering to norms and rules for quick settlement of claims and counter claims for proper/higher compensation.

The present scenario of acquisition in the new LA Act, 2013 may hopefully better the situation in land acquisition for farmers as well as for LAOs, since it is based on consent, consensus and fairness giving little scope for fraudulent means.

The social welfare part of land acquisition for provision of house sites to weaker sections, for providing burial grounds, passage to reach burial grounds to SCs and STs, construction of community halls etc. requires to be re-looked at and streamlined.

Reforming the land holding under the APLR (COAH) Act, 1971

Prior to independence, the land, urban or agricultural, was under the control of a few individuals. The system of intermediaries like the Zamindars, Jagirdars, Mahalwars etc. facilitated the concentration of land holdings in the hands of a few. In A.P., although a beginning was made in the early part of the 20th century to abolish the intermediaries and to provide a secure tenure in lands to the tenants, it did not gain momentum subsequently.

The State introduced a number of land reform measures since 1950. The laws relating to the ceiling on land holdings constitute an important step in the state's efforts to bridge the gap between the haves and the have-not, in terms of land holdings. The A.P. land Reforms (Ceiling on Agricultural Holding) Act, 1971 contemplates a 'family unit' for purposes of possessing a standard holding. Such a family unit consists of the wife, husband, their minor sons and unmarried daughters. It includes a separated minor son. No distinction has been made between a divided and undivided minor son. A standard holding varies depending on the nature of land i.e either wet or dry. Wet land is further divided into double crop wet land and wet land other than double crop wet land.

The standard holding in the case of double crop wet land varies from 10 to 18 acres and in the case of wet land, from 15 to 27 acres. The standard holding in the case of dry land varies from 35 to 54 acres. The multifaceted land use has brought in metamorphic change paving the way for the reform of land administration and reframing the ceiling laws. It is time to think of proposing reasonably justifiable distribution of land benefits to people, who eke out their livelihood on land. It is in this background National Land Reform Policy has been brought out for discussion.

Traditional categorization of land on the basis of Class Soil Taram(CST) / Bhaganamay be substituted with modern land use concept as the land is put to different uses now, other than agriculture. Major sons and daughters not married may be considered as inclusive members of the family unlike in the APLR (COAH) Act of 1971.

Taken over land under APLR(COAH) Act 1971:-

These lands are public lands since government has taken possession of these lands from surplus land holders under the ceiling Act.Land capable of yielding reasonably good returns either by way of crops, minerals, housing, infrastructure creation, be considered fit for taking possession by Government under Land Reforms Act for public management, instead of just accepting whatever the land made available by the declarant for handing over just for the purpose of statutory compliance of the APLR (COAH) Act.

Land should be allotted on reasonable market value only but not freely. Ratio of allotment be considered having regard to demographic profile of the particular village, where land is taken possession. Allotment of land shall be made after approval in the Gramsabha where the land and the allottees are available. In case eligible beneficiaries are not available, Government should keep such land in Land bank for public use of the village, where the land is located.No exemptions be allowed in the guise of gifts, leases and ‘Sthree dhanam’ etc., while working out the surplus land held by the declarant.

No exceptional concessions be given to MNCs, Corporate, Companies, Industries who purchase these lands, except with the written explicit approval of the Government with penal provisions to punish the unscrupulous seller and purchaser, besides initiating punitive action against the erring officials. This following explains the situation in AP with reference to the indicator and dimensions and based on the same, discussed the grading of the dimensions.

LGI: 4.1 Identification of public land and clear management: public land ownership is clearly defined, effectively serves the public purpose, is inventoried, under clear management responsibilities, and relevant information is publicly accessible.

LGI 4.1.1 Criteria for public land ownership are clearly defined & assigned to the right level of government - SCORE: B

Analysis: While different categories of public land vest with various Govt Departments and agencies and the management is vested at different levels, transfer and alienation is done by Govt through instruments such as sale, lease, assignment etc. However when transfers are made, questions relating to transparency are often raised in Courts.

Score: 'B' i.e. "Public land ownership is justified by provision of public goods at the most appropriate level of government but management may be discretionary".

LGI 4.1.2. There is a complete recording of public land. SCORE: A

Analysis: All land records as well as village maps show public lands. More than 90% of public land is clearly identified on the ground and on maps.

LGI 4.1.3 Information on public land is publicly accessible. SCORE: A

Analysis: Land records do contain information relating to public lands. Land Banks have been ordered to be created for inventory of public and Govt land. Regulations provide for non-transfer of certain categories of public land such as burial grounds, kuntas, or village roads etc. Pursuant to the recommendations of the Koneru Ranga Rao Land Committee, the government land inventory has been made public on the websites by 7 District Collectors so far. Registration Department & Revenue Department has inventory of all such lands the transfer of which is prohibited. All the information in the public land inventory is accessible to the public.

LGI 4.1.4: The management responsibility for different types of public land is unambiguously assigned. Score: B

The management responsibility for different types of public land is unambiguously assigned but this is not always consistent with objectives of equity and efficiency or institutions are not always properly equipped so that sometimes these are not achieved.

LGI 4.1.5 Responsible public institutions have sufficient resources for their land management responsibilities. SCORE: C

Analysis: The evolution of effective land management system is yet to take place out of the present day land revenue system. The Revenue Department has suffered due to inadequate staff, use of revenue machinery for non-revenue tasks, multiplicity of agencies connected

with land, inadequate coordination, paucity of financial resources, non-induction of new technology in surveys, settlement, updation of maps and lack of management of public land.

Score: C. There are some constraints in the financial and/or human resource capacity but the system makes most effective use of available resources in managing public lands adequately.

LGI 4.1.6 All essential information on public land allocations to private interests is publicly accessible. SCORE: C

Analysis: Public lands are under the domain of various Departments and agencies and there is no single database available so far to access all essential information on public land allocation to private interests. In recent years due to large scale allocations of public land to private interests and consequent public outcry, matters of accessibility of information have assumed importance. CAG, upon examining land allotments between 2006 and 2011, notes:

“State Government did not have the primary data, which is essential for effective land administration. In the absence of a comprehensive database with regard to land, indicating the location and utilisation of clear Government land, assigned land and resumed land, in some cases assigned lands were allotted for other purposes”. Key information for public land allocations (the locality and area of the land allocations, the parties involved and the financial terms of the allocation) is recorded or partially recorded but is not publicly accessible.

LGI 4.2.1 There is minimal transfer of public land to private interests. SCORE: D

Analysis: Due to needs of infrastructure development such as airports, ports, roads and railways, industrial hubs etc, large tracts of Govt / Public land have been alienated for private purposes. More than 50% of land expropriated in the past 3 years is used for private purposes.

LGI 4.2.2 Acquired Land is Transferred to Destined Use in a Timely Manner. SCORE: C

Analysis: Due to increased public scrutiny and interventions of Courts, there is now greater accountability on the part of private parties to utilize transferred lands for destined use.

Score: C - Between 30% and 50% of the land that has been expropriated in the past 3 years has been transferred to its destined use.

LGI 4.2.3 The threat of land acquisition does not lead to pre-emptive action by private parities. SCORE: B

Analysis: It does in some cases where

- (a) small land is sold / purchased in anticipation of getting higher valuation on acquisition
- (b) Agricultural Land surrounding projects is purchased, converted for habitation / commercial and sold at a high price
- (c) Erecting structures, planting of orchards, digging borewells, to appreciate the value of land
- (d) Preemptive action by land-losers is done to change alignments of roads, canals where their lands are likely to be affected.
- (e) They may also go to courts to stall the acquisition process.

These are some of the pre-emptive actions to get enhanced compensation.

LGI 4.3.1 Compensation is provided for expropriation of all rights regardless of their registration status. SCORE: C

Analysis: Compensation is paid according to the provisions of the law, and specific dispensations which the Government may provide for. There is a huge body of judicial decisions regarding the rights of different people who need to be compensated. Compensation, in kind or in cash, is paid for some unregistered rights (such as possession, occupation etc.), however those with other unregistered rights (which may include grazing, access, gathering forest products etc.) are usually not paid.

LGI 4.3.3 Expropriated owners are compensated promptly. SCORE: D

Analysis: Compensation payments can be delayed as a result of reference of cases to Courts where there is dispute regarding entitlement to receive compensation or where valuation is disputed. Less than 50% of expropriated land owners receive compensation within one year.

LGI 4.3.4 - There are independent and accessible avenues for appeal against expropriation SCORE: B

Analysis: Courts are the only forum available for affected persons to question expropriation. Accessibility of Courts is costly and time consuming. Independent avenues to lodge a

complaint against expropriation exist but there are access restrictions (i.e. only accessible by mid-income and wealthy).

LGI 4.3.5 Timely decisions are made regarding complaints about expropriation. SCORE: D

Analysis: While the Supreme Court has issued directions regarding disposal of cases within 3 years, however looking at the large pendency of cases in Courts, final resolution could well be a decade or two. A first instance decision has been reached for less than 30% of the complaints about expropriation lodged during the last 3 years.

4.4.3 Policy recommendations

Panel No	Short Term	Medium term
4.1	There must be periodic updation of inventory of all public lands (urban and rural)	
4.2	Public lands must be protected from encroachments, and from being alienated / transferred to other uses.	
4.3	Rights of users (collective and group) should be recorded in the land records	
4.4	The inventory of public lands district-wise and village-wise should be in the public domain and it should be made available to the public on payment of a nominal fee. A portal should be created for this purpose.	
4.5	In urban areas where values of land are very high and these lands are susceptible to encroachments etc, special cells and enforcement machinery needs to be provided.	

4.5 Transfer of large tracts of public land for private purposes

4.5.1 Panel specific context

The roots of eminent domain are based in America which essentially was derived from the Latin word *terra nullius* (nobody’s land, which essentially means that a land which is not burdened by any validly acquired ownership belongs to no one and hence the state is the logical owner of that land) and in Australia. Ironically Australia’s judiciary has struck down this principle (Brennan 1995: 16) but India’s policies are still being influenced by the American principle. The Second Administrative Reforms Commission’s Seventh Report

titled “Capacity building for conflict resolution” in chapter 4 on Land Related Issues mentions the fact that “...possession and ownership of land is *sine qua non* of social respectability”.

During colonial times the ‘eminent domain’ principle was used to acquire vast tracts of forest land. Ironically this aspect has continuation in post independent India as well. There was a major shift in the application of the land acquisition law in 1984, when the application of public purpose was extended to further the interests of profit making private companies.³¹

Although Right to property in India is no more a fundamental right, rather a legal right but there are other provisions in the constitution especially Article 21 which entails the Right to have a dignified life which would require the state to take into consideration the equity issues while taking any decision. Contextualizing it to the issue of land, it means that the transfer of property from public to private is clear, transparent and operationalized in a competitive way. It was implicit that the purpose for which land is transferred should have welfare of the society and their development in mind.³²

Figures regarding the development related displacement as a result of land transfers show that about 60 million people have been displaced since independence (Fernandes, in CSD 2008: 90-93) due to various developmental initiatives of the government. This gains more significance since India being an agrarian economy majority of the population is dependent on land for their livelihoods and existence.³³ The 29th report of the Commissioner of Scheduled Caste and Tribes (Kothari, 1996: 1477) mentions that although ST’s constitute only 7.5% of the total population of India but their proportion amongst people who have been impacted due to this involuntary displacement stands at 40%. The impact of this involuntary displacement is mentioned by Cernia (2000: 3659-78) is that these people fall in ‘major impoverishment risks’ which entails landlessness, food insecurity, poverty, homelessness, loss of CPR’s, this stands more so for vulnerable groups.

The issues related to transfer of public land to private use manifested prominently after the Special Economic Zone Act 2005 was enacted. This essentially resulted in transfer of huge

³¹ Saxena quoted in Land Acquisition and Public Purpose, Sanjay Upadhyaya and Bhavani Raman, 1998

³² Vaddiparti, Neha & Prasad, Sheela. (2013) Loss of Commons and the State – A study of SEZs in Andhra Pradesh, India. Retrieved November 30, 2013, from www.dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/7115/979.pdf?sequence=1

³³ Shah, Amit & Kumar, Animesh. (2013) Diversion of Land And Displacement in India: Review of Evidence And Issues. Retrieved December 30, 2013, from www.chronicpoverty.org/uploads/publication_files2/CPRC-IIPA_40-new.pdf.pdf

chunks of public land for private purpose. With respect to AP what become more pertinent is that the presence of tribal population and their attachment to the land is not just for economic reasons rather it is deeper and has cultural significance and it's a way of life for them. However there have been limitations with respect to the data on transfer of land but there was an attempt made to figure out the magnitude of land that was being diverted in urban periphery of Hyderabad and it stands at 90,000 ha (Reddy, 2006)

There have been issues raised in AP due to **Pollavaram dam on Godavari river** that would submerge around 270 villages which primarily fall in the scheduled area of **Khammam district, East and West Godavari district**, further there have been discontent due to **bauxite mining project** in the tribal area of **Vishakhapatnam District**.³⁴ There have been **mass agitations** witnessed particularly at **Mudigonda in Khammam district**.³⁵ The demands in this case were as simple as seeking hundred square yard of land for homeless which was not provided at the cost of SEZ's. Perhaps majority of land is being diverted due to the pressure of urbanization (Sharma 2003).

AP has **nine districts** which are having classified under the constitution as **scheduled area**. Some of the most stringent laws that are prevalent here relate to not just curbing the purchase of land by non-tribal's from tribal's rather even non-tribal's cannot purchase land from non-tribal's in these scheduled areas. This explicit recognition for protection of these lands is essentially focused on preserving the culture and unique identity. The onus of proving that the land being possessed by non-tribals is not a tribal land lies on the former. However what is often witnessed that **out of 72,000 cases related to land transfer regulations (LTR) till September 2005 approximately 33,000 were declared in favor of non-tribals**. This essentially shows the plight of vulnerable sections and how there is a gap between law in book and law in action/implementation.

Ironically in the current rights based approach followed in India there is no explicit recognition of the Right to Shelter despite being one of the most fundamental rights for enhancing the wellbeing and prosperity of individuals. Perhaps even the dispute resolution

³⁴Land Unrest in Andhra Pradesh-III: Illegal Acquisition in Tribal Areas K. Balagopal *Economic and Political Weekly* , Vol. 42, No. 40 (Oct. 6 - 12, 2007), pp. 4029-4034 Published by: [Economic and Political Weekly](http://www.epw.in) Article Stable URL: <http://www.jstor.org/stable/40276643>

³⁵ Balagopal, K. (2013) Land Unrest in Andhra Pradesh- I: Ceiling Surpluses and Public Lands | *Economic and Political Weekly*. Retrieved December 10, 2013, from www.epw.in/commentary/land-unrest-andhra-pradesh-i-ceiling-surpluses-and-public-lands.html

wing of the state that is the judiciary has not actively advocated for the rights of homeless. In the infamous case of **Almitra Patel vs. Union of India (2000)** the Supreme Court ordered that the provision of alternative sites for hutment dwellers results in rewarding a pick pocket. This despite the fact that in the current era of judicial activism there are high hopes amongst the common man from the judicial wing of the state.

Confusion with respect to transfer of land also looms over the description of wasteland and determining the facts behind it. *Chitimitichini* is a hamlet which has around 200 houses and is inhabited by *Sugalis* which are recognized as STs in AP. They are known as **slambadas in Telengana and banjaras in central India**. Around 450 acres of land which was being cultivated by *Sugalis* is now been given to *Brahmani Steel*.³⁶

Ensuring that there is fair transfer of property from public to private players is the fulcrum of grievance redressal regarding land issues. The premise of welfare state builds on the faith that citizens have over the state and its operations that needs to be endured. The state needs to institutionalize the mechanisms which ensure that the transfers are clear, transparent and competitive. The institutions and policy created should have people's concern as the basic premise during formation and operating in long run. This is necessary for sustainable development.

Present status

The state government has created a body by the name of **AP Industrial Infrastructure Corporation Limited (APIIC)** with the aim of rapid development of physical and social infrastructure to attract private sector participation.³⁷ APIIC is entrusted with the task of handling entire funds related to acquisition and R & R activities with respect to industrial parks or SEZ's. Government lands is classified into two below mentioned categories -

1. Two categories of government lands
 - Government land which is unassigned or waste land
 - Assigned Government land (to landless ensuring non-transferable rights)
2. There is no further categories viz. *Gochar, Gramya* Jungle etc.

³⁶ Land Unrest in Andhra Pradesh-II: Impact of Grants to Industries Author(s): K. Balagopal Source: Economic and Political Weekly, Vol. 42, No. 39 (Sep. 29 - Oct. 5, 2007), pp. 3906-3907, 3909-3911 Published by: Economic and Political Weekly Stable URL: <http://www.jstor.org/stable/40276462> Accessed: 27/11/2013 05:34

³⁷ Practice Followed by APIIC in Land Acquisition & Industrial Area Management . (n.d.) Land Unrest in Andhra Pradesh-III: Illegal Acquisition in Tribal Areas | Economic and Political Weekly. Retrieved December 10, 2013, from www.idco.in/2009/OtherStates/AP.pdf

The Land Acquisition process followed in AP is shown in the table below –

APIIC
(files requisition for alienation of unassigned and assigned Government land with)
Collector
Sends proposals (along with market value of the land) to
Empowered Committee (EC)
Examines the proposal
May Revise the market values
EC recommends to
Government
Through and alienation Government Order it grants the land to APIIC

In the process APIIC becomes the free holder of the land. The Socio-Economic Survey and R&R activities are the responsibilities of government for which funding is being provided by APIIC. To determine the price and compensation there is a district committee which consists of all the stakeholders. The base price for determining the final price is essentially registered land price of the locality considering the critical period which is essentially 3 years duration prior to the date. Further what are involved in this analysis are the inputs being provided by stakeholders to arrive at a final price which is determined by the DC. Further the government encourages “consent award” in which there is a consensus between prices offered by the government and land owners.³⁸

However there have been cases of irregularities flagged in media relating the transfer of lands by APIIC. It is quite evident in a lot many sectors that there is a gap between law in book and law in action same is the case with policies which are being framed on land related issues. One such project of irregularity in transfer was **APIIC-Emaar land case**.³⁹ There were reports of CAG which indicated that APIIC had allocated approximately 13, 759 ha of public land for industrial development. But, in the process, APIIC entered into development agreements that led to **furthering the real estate business of private developers using public land and in the process ignoring the interest of the state**.⁴⁰ **CAG report** for the

³⁸ <http://ficcipowerindia.com/ReportAndhraPradesh.pdf>

³⁹ PTI. (2013) AP: Bail for APIIC-Emaar case accused | Business Line. Retrieved November 29, 2013, from www.thehindubusinessline.com/news/ap-bail-for-apiicemaar-case-accused/article5204647.ece

⁴⁰ “CAG Exposes Land Scam in Andhra.” *Down To Earth*. Accessed November 29, 2013. <http://www.downtoearth.org.in/content/cag-exposes-land-scam-andhra>.

financial year ending March 31, 2011 mentioned that the **loss to the state** in this transfer of huge chunks of land at low prices was to the tune of **Rs. 1784 crore**. CAG report mentioned that during 2006 – 2011 there was transfer of 35,811 ha of land to 1027 beneficiaries and the **process of transfer was ad hoc and arbitrary**.

CAG report also flagged that there was thousands of hectares of land which was transferred keeping **political interest** in mind. It specifically mentioned that there was transfer of 1261 ha of land for setting up a commercial airport and flying academy. This was in violation of the Centre's policy regarding setting up commercial airports. There were no viability studies done with respect to the project further the fact was not taken into consideration that there is Kadapa airport which is only 50 Km away.⁴¹

There was a **thematic audit** done on the activities related to APIIC was undertaken covering the corporate office of APIIC and 8 out of its 16 zonal offices during May-June 2012. This points out to some of the inadequacies in the process of land acquisition for private players. There was a case where the acquisition orders by the GoAP was not allocated for 49,046 acres of land however this land was acquired by APIIC in advance. This it seems was worked out based on tentative market value of land.

Further this thematic audit also revealed that there were **irregularities in some of the allotments** like '**Integrated Vizag Knowledge City**' over 1740 acres of land. This entailed favor to successful bidder and allottee Unitech Ltd. There were also issues when the land was allotted to private players below the market price or the acquisition cost. Some examples of these being East Coast Energy Ltd; MLR Motors Pvt. Ltd.; Krishnapatnam Power Corporation Ltd.; Kineta Power Pvt. Ltd and Orient Craft Fashion Institute of Technology. All these combined led to a loss to the tune of Rs. 48.84 crore. The mechanism by which the deals were struck by APIIC were based on Price Fixation Committee (PFC). But there were instances where the land was allocated by APIIC below PFC notable amongst these being J.T.Holdings, Hyderabad Gems Ltd; Aurobindo Pharma Ltd; Hetero Drugs Ltd and Gujarat NRE Coke Ltd amounting to estimated combined loss of Rs 69.83 crore.

⁴¹ Ibid.

The table below mentions the proportion of land acquired; developed; allocated and sale consideration with respect to APIIC over the period from 2006-12.

Year	Land acquired/ alienated	Land developed	Land allotted	Sale consideration (' crore)
	(acres)	(acres)	(acres)	
2006-07	6507	4236	4387	1078
2007-08	22145	4058	9212	2983
2008-09	25525	3861	14987	630
2009-10	8996	8729	14829	672
2010-11	7582	784	8754	474
2011-12	3237	435	3834	369
Total	73992	22103	56003	6206

Further analysis of this table also shows that there are differences between the quantum of land acquired, land allocated and land developed. The overall difference with respect to land allocated and developed stands at 60 per cent which is quite high.

Present status of the same as per secondary sources of information

Performance audit report “Land Allotment” in AP during 2006-11 submitted by the CAG India to the Governor under article 151 highlights some of the mechanisms on which land transfers have been happening in the state.⁴² The basic intent of this report was to find out whether the transfer of land was done in a transparent manner and in consistent with the socio-cultural and environmental interest of the people at large.

The report mentions in Para 4.2 and 4.4 that during the audit period 2006-11 the government allocated 88492 acres of land to 1027 beneficiaries. The audit was conducted in 11 districts and what came forward from this was that 459 allotments were made which involved 50,285 acres of land. The audit was conducted for 409 cases and the report mentions that **the land allotments for private purpose didn’t follow a fair, transparent and consistent process.** The allocation of land was done in **arbitrary** manner and there were **irregularities regarding the prices** (LGI 13 (2) for land transfers. The audit report mentions that there were substantial benefits allocated for private parties. “Audit scrutiny revealed that in the test

⁴² Andhra Pradesh Audit Report 2011-12 Retrieved December 30, 2013, from www.indiaenvironmentportal.org.in/files/file/andhra_pradesh_audit_report_2011-12.pdf

checked cases undue benefit of Rs. 1784 crore was given to various entities and persons, due to the difference in the rates at which land was allotted and the market value as recommended by the District Collector/ Empowered Committee”.(Para 4.4)

Moreover the report mentions that the state does not have a primary data related to effective land administration. And in the absence of which what practically happens is that assigned land is allocated for some other purpose. The state does **not have a land use policy which would prioritize the sector wise the land allocation to further the socio-economic interest of the state.** (Para 3.1)

With respect to the cost of the land alienated also there were **60 cases where the land alienation price was not realized** which amounted to rupees 2,559 crore as on June 2011.

The table below mentions the same –

Non Realization of Alienation Cost			
District	Land alienated (Acres)	No. of cases of alienation	Amount yet to be realised (Rs. in crore)
Guntur	4245.56	9	3.56
Hyderabad	73.98	18	1183.74
Mahabubnagar	23	3	0.37
Ranga Reddy	397.69	10	1312.23
SPS Nellore	2886.39	5	17.53
Srikakulam	3333.45	1	28.33
Visakhapatnam	337.4	3	9.89
Vizianagaram	65.15	9	3.21
Warangal	72.14	1	0.42
YSR	63.74	1	0.1
Total	11498.5	60	2559.38

Source: CAG “Performance Audit”

There have been several regulations issued regarding land issues in AP one amongst them is **GO Ms. No. 571 Revenue Department** which highlights the existing problems in the land allocation process. It flags amongst the existence of multiple departments which demand for requisitioning for land allotment; non-uniformity with respect to fixation of prices of allotted land; ineffective monitoring mechanism to ensure that the time prescribed and the purpose for

which the land was allocated has been used for the same purpose. **LGAF 5.2.3** in this regards mentions that Public institutions transferring land to investors are clearly identified and regularly audited.

GO Ms. No. 571 Revenue Department the prescribed guidelines explicitly mention the need for scientific and judicious allotment of land. The guideline says that government land should be “allocated only for public purpose”. With respect to infrastructure and industry also the guidelines say their benefits should largely accrue to the general public. This is in consonance with the dimension **5.1.4** which mentions that the public captures benefits arising from changes in permitted land use.

4.5.2 Dimension wise analysis and scoring

LGI: 5.1 Transfer of public land to private use follows a clear, transparent, and competitive process and payments are collected and audited (with the exception of transfers to improve equity such as land distribution and land for social housing).

5 1 1 Public land transactions are conducted in an open transparent manner. SCORE:B

Analysis:

In AP over the last 3 years there has been reduction in the quantum of transfer of public land primarily due to Public Interest Litigations in courts and activism by civil society actors. However, if we consider the past 10-15 years there had been extensive transfers of public land and the process of such transfers were not by public auction or open tender process. Nonetheless the only caveat to grade this dimension is that it would not be possible to make a categorical assessment in terms of proportions.

5 1 2 Payments for public leases are collected SCORE: D

Analysis:

It has been witnessed that often there is no collection of public leases and there is promptness in their collection often during the time of renewal of leases. There are certain cases viz. the Bamboo plantation where in the leases were not collected.

However, government order mention that while leasing land the quantum of lease and its periodicity are mentioned and it has been witnessed that before handing over possession the

first instalment is invariably collected. There is clarity on the lease amount stipulated in the BSO's and government orders. It is particularly noticed that the collection of leases has been quite inefficient when the gestation period is long and when private industry is involved.

5 1 3 Public land is transacted at market prices unless guided by equity objectives.

SCORE: B

Analysis:

It was witnessed that while on policy the mandate is to transfer land at market prices but there are cases where it had been transacted in nominal prices and this stems from government's perception of what constitutes public good.

5 1 4 The public captures benefits arising from changes in permitted land use. SCORE: C

Analysis:

However in policy GO. MS. 571 of Revenue Department mentions that the allotment of land for commercial purpose shall be not just based on market value but also take into consideration that there is sufficient employment, skill up-gradation to the locals etc. Further it mentions the need for scientific and judicious allotment of land. The guideline says that government land should be "allocated only for public purpose". With respect to infrastructure and industry also the guidelines say their benefits should largely accrue to the general public. But in practice it is often witnessed that individuals and investors may get exploitative benefits and this may be at the cost of public at large.

5 1 5 Policy to improve equity in asset access and use by the poor exists, is implemented effectively and monitored. SCORE:C

Analysis:

With respect to this it is acknowledged that there is policy in place to ensure that there is access and use of asset by poor but it is not implemented in spirit. The access element especially stands true for assets like hospitals, educational institutions etc.

LGI: 5.2 Private investment strategy:

5 .2 .1. Land to be made available to investors is identified transparently and publicly, in agreement with right holders. SCORE: C

Analysis:

In this regard it has been witnessed that due to the activism by civil society there has been recognition of the need for land transfers being done in a transparent and participatory manner. In recent times this is particularly observed when large projects affects the rights of stakeholders, for example there have been cases where there is consultation with fishermen during building up of port projects, same is the case when power projects or major industrial investment is made. Moreover recently there has been a policy by government which mentions the extents of land required for different projects and it also mentions the process of transfer.

5 2 2 Investments are selected based on economic, socio-cultural and environmental impacts in an open process SCORE:C

Analysis:

The current paradigm of development requires that any transfers or infrastructure development should consider environmental impact of the project. However, what the audit report highlights is that “Government violated the directions of the Supreme Court and its own orders, in alienating 972.69 acres of water body in Sompetamandal, Srikakulam district to Nagarjuna Construction Company Infrastructure Holdings Ltd (NCC) (total allotment was 1046.21 acres)” (Para 7.1)

Further the guidelines, G.O. Ms. 571 Revenue Department, explicitly says that environmentally sensitive and fragile areas like river beds, tank beds, hillocks with afforestation shall not be alienated or allocated. In the same lines the guidelines mention that there should not be resumption of land which is allocated to poor for agricultural purpose and if the resumption is inevitable then apart from the rehabilitation there should be alternate land allocated to the poor. Moreover, G.O. Ms. No. 86, MA & UD Department Dt. 03.03.06 stipulates that “minimum of 10% of site shall be earmarked for organized open space and be utilized as greenery or soft landscaping etc. and shall be provided over and above the mandatory open spaces. This space may be in one or more pockets.” Further with respect to housing colonies also there have been some percentages of houses allocated to SC/ST or BC’s.

The GO. 571 also says that with respect to fixing the cost of land the principles laid down in BSO-24 should be followed which provides for fixing prices taking into consideration the purpose of allotment and the nature of organization. It further says that allotment should be based on market value, ascertained by local enquiry, as recommended by the collector and the Andhra Pradesh Land Management Authority (APLMA). The officer concerned to determine the market value within the revenue department Revenue Divisional Officer who determines market value where total land value up to Rs. 1.00 crore and where it is above Rs. 1.00 crore District Collector is the competent authority.

The G.O. also mentions the constitution of A.P. Land Management Authority (APLMA) which shall be concerned with recommending land allotment, monitoring whether land is utilized for the intended purpose and resumption of land if there are any violations. The chairman of APLMA would be Chief Commissioner of Land Administration and would scrutinize all the proposals sent by various departments and approve them.⁴³ The authority would also undertake assessment of environmental hazards.

5.2.2 This dimension takes into consideration that the investments should take into consideration both the national and local benefits in this regard. This deal with investments that need to consider both national and local benefits in this regard the APIIC Industrial Parks Allotment Regulations 2012 says that while planning an industrial park which entails area to the size of 250 acres 50% of the gross area should be earmarked for micro, medium and small enterprises only. It also mandates that there should be 33% rebate with respect to land cost on the condition that it should not exceed Rs. 10 lakhs for SC's and ST's.

In consonance with LGAF 5.2.2 the reservation of plots in the Layout for SC's and ST's is mentioned in the GO Ms. 102 Indl. Parks/SEZ's to Scheduled Caste and Scheduled Tribes entrepreneurs on lease basis. It mandates that 16.2% of plots to SC entrepreneurs and 6% to ST entrepreneurs in the layout to the industrial parks. It further says that the allotment of land should be on the basis of lease period of 10 years.⁴⁴

⁴³ Special Correspondent. (2014) Cabinet approves new land allotment policy - The Hindu. Retrieved February 09, 2014, from www.thehindu.com/news/national/andhra-pradesh/cabinet-approves-new-land-allotment-policy/article3847175.ece

⁴⁴ Andhra Pradesh Industrial Infrastructure Corporation Limited. (n.d.) Guidelines-under-G.O.Ms_.102.pdf. Retrieved December 31, 2013, from www.apiic.in/wp-content/uploads/2012/10/Guidelines-under-G.O.Ms_.102.pdf

With respect to allotment for SEZ's the GO mandates a reservation of 16.2% plots to the SC entrepreneurs and 6% plots to ST entrepreneurs for a period of three years and lease should be the only mode of allotment of land.

However, the policy is in place the implementation has been fairly weak.

5 2 3 Public institutions transferring land to investors are clearly identified and regularly audited SCORE: A

Analysis:

There are public institutions responsible clearly identified for transferring land to investors. With regard to auditing of such institutions GO. 571 Revenue Department also mentions about a Land Audit Committee under the Collector in every district which would be responsible for reviewing various allotments and examining the need for relocation to ensure that prime land is put to optimum use in the best interest of the government. Moreover there are provisions in the GO which mandate that there should be adherence to the purpose for which land is allotted and what activity takes place on that.

5 2 4 Public bodies transferring land to investors share information and coordinate to minimize and resolve overlaps (including sub-soil). SCORE: A

Analysis:

There has been proper mapping of public bodies which transfer land to investors and they share the information related to transfers.

5 2 5 Compliance with contractual obligations is regularly monitored and remedial action taken if needed. SCORE: C

Analysis:

Monitoring and consequent remedial action with respect to compliance with contractual obligation is weak in the state.

5 2 6 Safeguards effectively reduce the risk of negative effects from large scale land-related investments. SCORE: C

Analysis:

As mentioned in 5.2.2 although there is a policy to ensure safeguards like GO. MS. 571 of Revenue Department which mentions about need for EIA. Further G.O. Ms. No. 86, MA & UD Department Dt. 03.03.06 stipulates that “minimum of 10% of site shall be earmarked for organized open space and be utilized as greenery or soft landscaping etc. and shall be provided over and above the mandatory open spaces. This space may be in one or more pockets.” However, there were lapses which were cited in the audit report which cited alienation of 972.69 acres of water body in Sompetamandal, Srikakulam district to Nagarjuna Construction Company Infrastructure Holdings Ltd (NCC) (total allotment was 1046.21 acres).

5.2.7 The scope for resettlement is clearly circumscribed and procedures exist to deal with it in line with best practice. SCORE: C

Analysis:

Although the scope for resettlement is clearly circumscribed in various GO's and policies its implementation has been fairly weak.

LGI: 5.3: Policy implementation is effective, consistent and transparent and involves local stakeholders.

5.3.1 Investors provide sufficient information to allow rigorous evaluation of proposed investments. SCORE: D

Analysis:

With respect to this it is witnessed that there is minimal sharing of information by the investors which could form the basis of assessing technical viability, community consultation and availability of resources.

5.3.2 Approval of investment plans follows a clear process with reasonable timelines. SCORE: B

Analysis:

There are uniform processes with regard to review of investment application related documents.

5 3 3 Right holders and investors negotiate freely and directly with full access to relevant information. CORE: C

Analysis:

In particular with regards to large projects government has taken into account the rights of affected people but often the opportunity to negotiate with investors does not necessarily materialize and the right holders do have to seek judicial intervention.

5 3 4 Contractual provisions regarding benefit sharing are publicly disclosed. SCORE: D

Analysis:

There has been minimal/no public disclosure of benefit sharing through contractual process.

LGI: 5.4 Contracts involving public land are public, easily accessible, with agreements monitored and enforced.

“APIIC Industrial Parks Allotment Regulations 2012” mentions that the information regarding the development of a new Industrial Park should be published by APIIC in one newspaper in English and one in Telugu. The basic purpose of this is to widely publicise the launch of the Industrial Park and invite applications to file allotment applications.

Further with respect to ensuring that there is wide sharing of information it is mandated that details of all industrial parks regarding facilities and availability of land for allotment and further information should be shared regarding rate per sq. mt which is supposed to be hosted on the web site of APIIC and with the commissioner of Industries. It also mentions that the vacancy and layout should be shared on the website.

5 4 1 Information on spatial extent and duration of approved concessions is publicly available. SCORE: C

Analysis:

It has been witnessed that there is no system of disclosure regarding concessions given and the only time when disclosures are being made is when matters are raised in the assembly or audit or when court directions are given on public interest litigations.

However, as per the GO 571 Revenue Department, APLMA “shall establish an online Land Bank” this would have comprehensive information on land whether government or allotted along with accurate survey maps thereof.

5 4 2 Compliance with safeguards on concessions is monitored and enforced effectively and consistently. SCORE: D

Analysis:

There is no systematic monitoring and enforcement of concessions and safeguards.

5 4 3 Avenues to deal with non-compliance exist and obtain timely and fair decisions. SCORE: C

Analysis:

Under the contracts there is a possibility of dealing with actions against non-compliance, further any disputes regarding non-compliance are dealt with under the terms and conditions of the contract viz. arbitration.

4.5.3 Policy recommendations

Panel No	Short Term	Medium term	Long Term
5.1	Land use and land information should be in the public domain and easily accessible		
5.2	Where transfer of public lands is inevitable for sake of industrial or infrastructure development, such transfers should be done in a transparent and fair manner keeping in view the rights of stakeholders in these public lands		
5.3	The allotments of public lands for private investments should be done based on resource base and after inviting competition for optimal use as well as contribution to public good	The R&R dept to have experts of Sociology/Social Sciences which is not the case right now and people’s perceptions, opinions, aspirations are not taken cognizance of.	

4.6 Land Information Management – Registry and cadastre

4.6.1 Panel specific context

Land Records provide the foundation for Land Administration. A Revenue village is the basic unit of revenue administration. The basic annual land record known as pahani in Telangana area and Adangal in Andhra and Rayalseema areas of the state is maintained by the Village Revenue Officer (VRO). The record contains the details of lands in the village including survey number wise, land parcel wise, details of ownership, occupation, type of soil, type of crop grown etc. VRO is responsible for the correctness of entry of records. A change in the entry of revenue records could happen (i) due to death of the owner in which case the change in the record would be in favour of legal heirs or (ii) due to transfer of land ownership through purchase or gift. Such a change officially called ‘mutation’ is done by the Tahsildar who is the Mandal Revenue officer after following due process of enquiry. An annual event called ‘Jamabandi’ is and when where all village revenue records are verified and approved by a district level senior officer.

Other important components of the land records are the Field / Parcel map, the Village Map, the Record of Rights / Village accounts and the Register of Transactions maintained by the Sub-Registry. The parcel map provides individual field measurements for accurate re-fixation of land-holding boundaries and the village map serves as a key for revenue azmoish work. The Record of Rights (ROR) provide title record for all private agricultural lands and is updated along with other village accounts, representing dynamic data on land use. Land being a dynamic entity, changes keep taking place in ownership, extent and boundaries and classification. Unless these changes are promptly captured and incorporated in the records, land records tend to get obsolete within no time. Obsolete or deficient land records do not support conflict resolution and affect planning and developmental activities. Deficient land records also breed insecurity of title. Proper maintenance of land records serves both the Government as well as the landholder. It is inconceivable to think about the following without up-to-date and accurate land records:

- a) Recognition of the title, boundaries and land-use of a holder;
- b) Collection of land based levies;
- c) Planning by the Government for developmental and welfare activities;
- d) Utilizing land information for various land related activities by Government and Non-Government users.

Deficiencies in Land Records maintenance:

The major deficiencies of the existing Indian Land Records system are

- a) Non-auto updating, thereby intrinsically prone to quick obsolescence;
- b) Maintenance activity distributed among three departments – Survey Department, Revenue Department, and the Registration Department which do not have effective co-ordination among themselves and function in a stand-alone mode;
- c) Title to land is not guaranteed by the State and is only presumptive in nature;
- d) The process of Registration results in conveyance of only the deed and not the title.
- e) Not universally accessible because of localized availability and difficulty in handling being bulky, besides real time data not being available.

Land Records modernization has been initiated during the early 1980s when Govt. of India has funded the process of computerization. Only title record i.e. the Adangal / Pahani in A.P, has been computerized but not the graphical record i.e., the parcel map and the village map which are also equally important for up to date maintenance of land records. Computerized database is not available with the three departments participating in the maintenance of land records. As such, a registered transaction has no links with the title register and does not result in the updation of records. In fact even a non-holder of land can undertake registration because the process of registration does not warrant an examination of title.

In most States, as in A.P., incorporation of changes in the records has not been done on a regular basis. As a result most of the records are obsolete. To add to the problem, land records have become quite old, some of them more than a century old. Due to continued handling for day-to-day administration, a good part of the records have crumbled and eventually became unavailable. No efforts have been made to conduct resurveys to create up-to-date land records for villages, owing to the expensive and time consuming nature of the resurvey operations. Further, survey framework on ground is only partially existing due to large-scale misplacement of survey boundary marks. No efforts have been made to renew and resurrect missing survey stones on ground. These factors have contributed to escalation in civil litigation, arising out of boundary and title disputes.

It is widely accepted that the land records maintained presently are not up-to-date. There are several reasons for the present state of affairs.

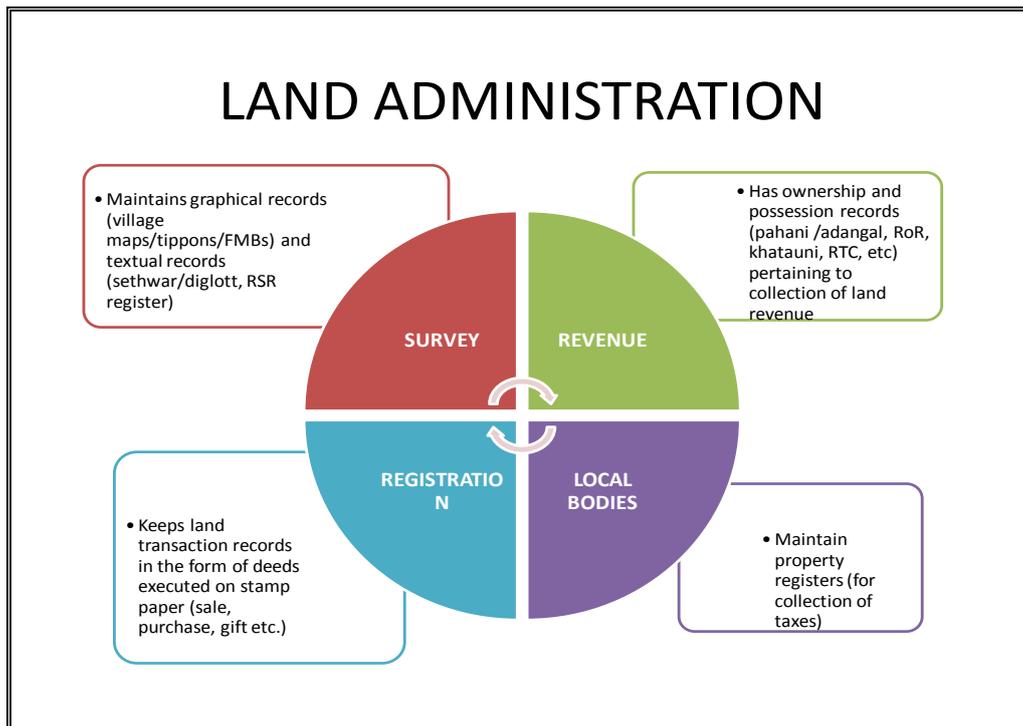
- a) Lack of coordination between Survey, Revenue and Registration Departments has resulted in inordinate delays/ failure in communicating between the agencies changes responsible for updation.
- b) Easily manageable and promptly retrievable / up-datable computerized land information is not available.
- c) Inadequate administrative machinery is unable to cope with the speed at which changes take place.

Issues of Survey:

In India, the cadastral system has been in vogue for mapping land. Introduced by the British, this system requires updating of maps every 30 years. This rule has seldom been followed because of the complexity of the exercise as well as its cost and resource implications. In Andhra Pradesh, for instance, the last survey of land records was done in 1920. Out of 130 towns in the State, only about 30 towns have been surveyed till date. There are simply no survey records for the other towns. With regard to about five million land parcels, 49% of tippons are in good condition, while the rest of the maps are brittle, faded or torn. In trying to fulfil these functions over decades and centuries, significant erosion has already taken place in the quality as well as the quantity of records, and in numerous maladies which have crept into the system which administers land records.

Disconnect between Revenue Department, Registration and Survey Settlement Department

The information and service needs concerning private property in the State are currently handled by four government wings: Survey Department, Revenue Department, Registration Department and Local bodies.



There is over a dozen archaic pieces of legislation, enacted between 1839 and 1923, that govern many of the land transactions. By introducing the Title Guarantee System⁴⁵, tenure security would be enhanced which would result in increased validity of title and conflict resolution. In the Indian system of land administration, title to land is not guaranteed. Revenue records reflect only registered ownership and presumptive title unlike the system of land administration in countries like Australia, where title is guaranteed by the State. Here, it is the judiciary that can give finality to title. Due to the presumptive nature of titles and due to the prevalence of the deeds system of registration under the Registration Act, security to title is not enjoyed by Indian landholders. Insecurity about title is more pronounced in areas experiencing rapid urbanization and in urban centres. The problem is not that acutely felt in the rural areas. Introducing Title Guarantee System in India is a policy decision to be taken by the Central and the respective State Governments. The Appu Committee⁴⁶ which deliberated on the aspect of introducing Torrens System in India has recommended in 1994 against it because of the attendant statutory, infrastructural and financial implications. Even if title is not guaranteed by the State, the present system can still be appropriately redesigned to enhance tenure security to urban and rural landholders.

⁴⁵ Koneru Ranga Rao, Committee report, 2006

⁴⁶ P S Appu Committee on Land Reforms (1950s)

Some of the measures that can be initiated are:

- a) Only a registered holder of land shall be eligible to undertake sale transaction in the sub-registry.
- b) Authenticity of land title records should be ensured by keeping land information accurate and up-to-date at any point of time.
- c) An on-line Land Information System (LIS) should be established, facilitating transparency, universal accessibility and auto updation.
- d) Survey framework on ground should be maintained in optimal condition so that necessary boundary security is provided to the landholders.
- e) Effective grievance redressal machinery must be established. The single point solution to all problems pertaining to land records is maintenance of an integrated Land Information System.

The present land administration infrastructure is not suitable for the establishment and maintenance of Land Information System (LIS) in an integrated manner. Three different departments participate in the land administration activity without much co-ordination among them. Except in respect of Registration Department, land administration process has become an expense-incurring activity with Revenue and Survey Departments. Though these two departments are also insufficient to cope with the magnitude of the work, the following measures may remedy the situation.

- a) An integrated Land Information System (LIS) should be established and land administration entrusted to a single dedicated agency, the department of land administration.
- b) This department should perform all land record functions including the maintenance of Land Information System.
- c) A separate department should be entrusted with the discharge of general administration and magisterial functions presently entrusted to the Revenue department. The existing staffs of M.R.O, Sub-Registry and S&LRs have to be merged and reorganized into these two departments.
- d) To render more efficient service, the Land Administration department should be made financially self-sustaining. This can be achieved by introducing the user charges regime and pricing land information for sale.

Since it takes time to set up the above and for coordination of different wings of the Government, the following may be done in the interim:

On-ground update of land records shall be taken up improving coverage and eliminating backlogs. On-the-ground updation of records can be achieved only when the systematic deficiencies of the present land records system are identified and rectified as follows.

- a) All the existing textual and graphical land records should be computerized.
- b) The textual title and other information shall be integrated with the graphical parcel information for each village so that full attribute information of each land parcel (sy.no/subdivision) of villages is readily accessible.
- c) Wherever records are not available, fresh records should be regenerated by undertaking need-based resurveys, employing modern methodology.
- d) Identical land information database should be made available with the departments of Survey, Revenue and Registration so that on-line transmission and incorporation of changes in title, boundary and
- e) Classification is rendered possible for simultaneous updation of database.
- f) Necessary process reengineering of the administrative procedures of the three departments should be made so as to achieve functional integration of various procedural formalities of these three departments in respect of up to date maintenance of land information.
- g) Appropriate regulatory measures need to be implemented to ensure that the landholder whose name is entered in the land records alone is authorized to undertake a registered transaction.
- h) Land information should be transparent and accessible to all through single point availability and multi point accessibility.
- i) Information kiosks on the lines of “Bhoomi” project of Karnataka and Dharani project of Goa and Mee seva in Andhra Pradesh.

4.6.2 Dimension wise analysis and scoring

6.1.1 - Land possession by the poor can be formalized in line with local norms in an efficient and transparent process. SCORE: B:

Analysis shows that there is a clear, practical process for the formal recognition of possession but this process is not implemented effectively, consistently or transparently. There are different laws that govern regularization of lands in possession of the poor depending on whether the land is government or private. The latest category of lands to be added to the list

in addition to Government and non Government is forest lands. The analysis below takes stock of the kinds of lands and their analysis.

a) GOVERNMENT LANDS : Different laws exist for regularization of the different categories of government lands. The processes of regularization are clearly laid out. In practice however there are certain categories of lands (for instance Government lands) where formalization is done not as matter of routine administration but fairly regularly mostly in a campaign mode and the state monitors the progress of formalization process. In certain type of government lands, for instance *Inam* lands, while there are well laid out procedures there is no systematic attempt at formalization, the processes are far from transparent and in many parts of the state formalization under these categories is a neglected area in administration. In certain type of government lands, for instance endowment lands where even though there were provisions for formalization of possession through purchase of lands in the name of the poor who are in possession over a period of time, this is not happening, there have been several court orders banning formalization of such possessions by the poor.

Government assigned lands: Score B - In case of such lands there is a clear, practical process for the formal recognition of possession but this process is not implemented effectively, consistently or transparently. Under the relevant Board Standing Orders (BSO), the State periodically assigns land to the landless poor, including the following broad categories:

- (i) Poramboke/assessed wasteland and un-assessed wasteland;
- (ii) Kharizgatha;
- (iii) Rajinama;
- (iv) Bought in lands;
- (v) Cattle stand poramboke; and
- (vi) Ceiling lands (addressed separately below).

The State's official record of lands assigned to the landless poor show that 4.25 million acres have been assigned to 2.92 million households (see Table).

Sl. No.	District	Total beneficiaries	Total extent of land assigned (in acres)
1	Srikakulam	84041	69124.72
2	Vizianagaram	81050	98600.83
3	Visakhapatnam	105679	151297.56
4	East Godavari	67267	54968.17
5	West Godavari	63026	81953.23

6	Krishna	84395	86967.11
7	Guntur	92524	70813.65
8	Nellore	253616	408131.06

Sl. No.	District	Total beneficiaries	Total extent of land assigned (in acres)
9	Prakasam	198560	309147.56
10	Chittoor	280787	387693.96
11	Cuddappah	120430	221367.66
12	Ananthapur	237144	607593.25
13	Kurnool	74934	109447.52
14	Adilabad	84869	213075.68
15	Khammam	126153	265633.27
16	Warangal	173313	173186.5
17	Karimnagar	144861	106780.19
18	Mahabubnagar	126110	209009.99
19	Medak	157369	239321.23
20	Nizamabad	145273	163163.79
21	Nalgonda	149129	148687.94
22	Ranga Reddy	734	69642.13
23	Hyderabad	0	0
	Total	2923953	4,245,607

Source: Chief Commissioner Land Administration (CCLA) Office

According to official statistics, Andhra Pradesh has assigned more government land to more beneficiaries than any other Indian state. Despite the statistics on paper, a significant number of cases, poor are in cultivation of government lands but their possession is not regularized. Poor who are in possession of Government lands are called 'Shivaijamdars' and there are clear provision for regularizing their possession provided it is formally established by the local revenue officer that the person/s in possession of the lands are socially and economically poor. Such type of regularization happens not as a matter of routine but sporadically mostly in a campaign mode whenever, usually once a year when the Government takes up a program for 'distribution of the land to the poor'.

While the process followed is fairly transparent still instead of campaign mode once a year it would be desirable that such formalization happens as a matter of routine and importantly the poor are completely aware of their rights and are able to apply to the system and the system responds within specified timelines which is not the case presently.

The whole scenario is further complicated by the fact that despite the A.P.(POT) Assignment, 1977, which specifically prohibits transfer of assigned land and allows for resumption of illegally transferred land, the poor sell their lands due to exigencies in their families, and the Government again does not resume lands regularly. Here too resumption is done sporadically. Ensuring of land rights to the poor should be done on a systematic

and continuous basis. And the same should be reviewed and details put up on the website regularly. For development of lands of poor so that lands become productive assets of the poor the dovetailing of land distribution with the Land Development Programs should be invariably done.

b) Bhoodan Lands Score B: The Bhoodan (donation of land) movement was started by Acharya Vinoba Bhave in the Nalgonda district of Andhra Pradesh and resulted in donations of privately held land to the poor. Annexure-II provides the details of the land distributed to the poor under the movement. Of the total of 42,199 beneficiaries, 12,832 are members of Scheduled Tribes, and 4,538 are Backward Castes and others. The issues described under the discussion of government assigned lands are equally applicable to land received under the Bhoodan movement. The poor who have been assigned lands may not be in possession of the land, they may be in possession but not have evidence of title, or other circumstances may prevent them from the benefit of the assigned land. Here too a regular mechanism for formalization should be followed which is not being done presently.

II. PRIVATE LANDS

2.1 *Sada Bainama* transactions: Score D: There is no process for formal recognition of possession

In every region of the State of Andhra Pradesh, i.e., Telangana, Rayalaseema or Andhra there are specific cases where the poor have bought the lands from the landowners about 30-40 years ago, on plain paper (*Sadabainama*). Since the purchase, the poor have been in physical possession of these lands and have in almost all the cases been cultivating the lands. However as the purchase transaction has taken place on plain paper these lands are not registered in the names of the poor. By virtue of Amendment Act I of 1989, Section 5-A was inserted, which envisages and enables regularization of certain alienations or other transfers made or effected otherwise than by registered documents. Sub-Sections (1) to (5) of Section 5-A and Sub-Rule (1) to (7) of Rule 22 contain the procedure with regard to enquiry and regularization of unregistered sale transactions.

As per rule 22 the M.R.O shall issue a general notification in Form IX calling for applications from the persons who are recorded as occupants in Adangal/ Pahani or in RoR prepared earlier by virtue of alienation or transfer made otherwise than by

registration, provided the alienation took place before 31.7.1989. The M.R.O, after enquiry and on deposit of the amount equal to the registration fees and the stamp duty that would have been payable had the alienation or transfer been effected by a registered document, shall issue a certificate, based on which necessary entries shall be recorded in the Pass Books and Title Deeds. The alienation / transfer shall not be in contravention to the provisions of the AP Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, the Urban Land (Ceiling and Regulation) Act, 1976, the AP Assigned Lands (Prohibition of Transfers) Act, 1977 and the AP Scheduled Area Land Transfer Regulation, 1959. The last date for receipt of such applications was 31.10.1998. The above provision has been made with a view to regularize the unregistered sale transactions made by the ignorant, inarticulate and poor ryots. However many of the poor due to ignorance of such a provision in law and also due to lack of resources to pay the registration fee has not regularized the purchase of their lands. Lakhs of acres are involved in *Sadabainama* transactions across the state. Thousands of poor do not find their names in revenue records despite purchasing and being in possession of lands. There is need for extension of the date for filing claims in Form X to enable all such ryots who have not availed the facilities earlier. and the Hon'ble Revenue Minister observed that Government would consider extension of the cut off date. Subsequently the Govt. has extended the date up to 31st March, 2006 but the poor purchasers could not take advantage of it due to lack of publicity to this extension of time. Case Study done by Indira Kranthi Patham in 3 villages in Adilabad District to understand the nature and the number of poor affected by the issue of the *Sadabainama* shows the following data:

Statement showing the Lands under Sada Bainama who are not registered owners of Land in Jainur Mandal, Adilabad							
SL. No.	Name of the Village	No. of Farmers	Extent Involved	Land value as per the Basic Value Register	SD & /RF	Land Value as on the date	SD & RF as on the Date
1	Raeddipally	18	69.67	69670.00	7664.00	1184390.00	130283.00
2	Dampur	177	484.95	484950.00	53344.00	8244150.00	906856.00
3	Vellapally	48	148.91	148910.00	16380.00	2531470.00	278462.00
TOTAL		243	703.53	703530.00	77388.00	11960010.00	1315601.00

The issue of *Sada Bainama* transactions where the poor farmers purchase lands from land owners on plain papers was studied in some detail in Adilabad district of Andhra Pradesh 2006. The findings of the study have been captured as below:

Sl No	Name of sub-division	Extent of land under Sada bainama transactions (acres)	No. of farmers Who are owners of lands under Sada bainama transactions	Extent of land under Sada bainama transactions belonging to the poor	Percentage of poor farmers owning lands under Sada bainama transaction to the total number of farmers
1	Nirmal (Adilabad)	13,000	1704		
2	Suryapet (Nalgonda)	89,749	66156	68,250	74%
3	Nizamabad (Nizamabad)	32,630	24306		
4	Mahaboobabad (Warangal)				
5.	Medak (Medak)	12,164.14	13936	9947.34	82%

The phenomenon of *Sadabainama* transactions is wide spread. On a conservative estimate in each of the Telangana districts 1-lakh acres is under *Sadabainama* transactions. In coastal districts also the phenomenon of plain paper transactions is fairly wide spread, going by the report of the Joint Collector, Guntur in the Joint Collectors workshop in February, 2005 who reported that in Guntur district in one subdivision alone the extent of lands under *sadabainama* transactions is 45,000 acres. Across the State an estimated 15-25 Lakh acres is under plain paper transactions. This makes the issue along with the issue of tenancy and forest revenue border issues one of the foremost in terms of sheer number of poor who are adversely affected.

From the surveys conducted by the RDOs of the 5 subdivisions and also other sources it is clear that a majority (70-85%) of the farmers owning lands under *Sadabainama* transactions are poor farmers with these lands as the only source of livelihood. On a very conservative estimate 12 –15 lakh poor farmers despite purchasing lands albeit on plain paper and being in possession of lands for decades do not enjoy the benefits of being owners of lands. Considering the extent of lands under plain paper transactions and the number of poor farmers affected due to the same, it is incumbent on the part of the State to address the issue immediately. The absence of updated land records and the resultant litigations is costing the exchequer of the State 2% of annual GDP (Mckinsey report). Hence the so called loss of revenue to the State due to regularization

of the plain paper transactions of poor farmers which would result in, apart from making lakhs of poor farmers owners of lands and accrued benefits thereof, updated land records up to 20 lakh acres reducing the leak from the other side.

Therefore at present there is no law to govern formalization of private lands in occupation of the poor. And hence this is classified under option D.

6.1.2 - Non-documentary evidence is effectively used to help establish rights - Score: C:

Non-documentary forms of evidence are used to obtain recognition of a claim to property along with other documents (e.g. tax receipts or informal purchase notes) when other forms of evidence are not available. They have less strength than the provided documents.

Analysis: During the process of formalization of possession of Government lands by the poor people in the absence of documentary evidence like entry in local revenue records, revenue receipts etc a very crucial part of establishing possession of the poor on a particular parcel of land is through oral enquiry which is a very well laid out procedure of enquiry which forms a part of the law itself. This oral enquiry known as the local enquiry and is conducted by the local revenue functionary.

In case of a claim or application or even *suo motu* for formalization of possession of land parcel by the poor the concerned revenue official in the absence of any documentary evidence relies on local enquiry to establish the veracity of such a claim. The functionary physically visits the site of the land parcel and conducts enquiry on the bonafide of the claim by verifying whether the claimant is actually in possession of the land, extent of such possession etc. The official also conducts enquiry with the neighbouring farmers to establish possession, number of years of such occupation and also the economic status of the claimant as to whether the claimant is having any other property etc. As a part of the local enquiry written statements of those locals the functionary has enquired with are taken and these statements along with the report filed by the enquiring functionary form the formal enquiry report that establishes possession or otherwise of the claimant.

In fact in all that govern assignment of government lands to the poor and also formalization of possession whether or not the people in occupation of government lands are poor is established through local enquiry. In general in the absence of any other documentary evidence of the economic status of the persons apart from ration cards (which allows access the subsidized essential commodities) local enquiry is what is relied on by the state.

6.1.3 Long-term unchallenged possession is formally recognized. SCORE: A: Legislation exists to formally recognize long-term, unchallenged possession and this applies to both public and private land although different rules may apply. There are provisions to recognise long term possession of Government lands .Under the AP Assignment(POT) Act,1972/7 the long term possessors of land known as the ‘shivaijamadars’ can be assigned pattas (titles) to the land parcel under possession.

Score of A was chosen unanimously and the following Acts like The Andhra Pradesh Scheduled Areas Ryotwari Settlement Regulation 1970 (Reg. II of 1970) and The Andhra Pradesh Occupants of Homesteads (Conferment of Ownership) Act, 1976 were cited which recognise long term unchallenged possession of land. According to the panelists, long term unchallenged possession is recognised for both public and private.

6.1.4 First-time recording of rights on demand includes proper safeguards and access is not restricted by high fees - Score: A - On-demand recording of rights includes proper safeguards to prevent abuse and costs do not exceed 0.5% of the property value.

Analysis: On demand recording of rights does include proper safe guards in that there is a well laid out procedure under the A.P. Rights in Land and Pattadar Pass Books Act, 1971.

For recording of rights with clear timelines for every step. On application for recording of rights to a particular land parcel, notices are issued to the affected parties by the Tahsildar who on a given due date proceeds to the site of the land parcel and conducts a public enquiry and satisfies himself/herself with the veracity of the claim in the application both on record and in terms of the physical possession of the land before issuing proceedings for the record of rights. Appeals and Revisions lie on the decisions of the Recording Authority (Tahsildar) on recording of rights, to the Revenue Divisional Officer and the Collector. There is no Stamp Duty or Registration Fee for recording the rights under the A.P. Rights in Land and Pattadar Pass Books Act, 1971.

The first time recording of rights has been completed for more than 90% of land parcels in the state. Presently most of the Recording of Rights pertains to land obtained either through purchase or through inheritance or gift. While there is a well laid out procedure still the whole procedure depends very much on the enquiry report of the Village Revenue Officer since the mandal revenue officer almost always depends on this instead of verifying for himself/herself because of the number of applications for recording of rights .In general there

is no adherence to a tight time schedule .This has given rise to an unofficial fee being collected at the village and mandal levels.

LGI: 6.2 Completeness of the land registry

6.2.1 Total cost of recording a property transfer is low. Score: D

Analysis: While the official fee for recording of property transfer is fixed, it is not done in time and the whole process is dependent on the local official concerned. Therefore whether the total cost is 1% or higher depends on the efficacy and the personal integrity of the official functionary concerned .Of the total cost the unofficial fee would be a major portion. Further the cost is also a function of the background and economic and social status of the applicant. For instance if the applicant is a rich and powerful (politically and socially) person then the chances of his work being done in record time is high as against a person with no influence.

6.2.2 Information held in records is linked to maps that reflect current reality. SCORE: C

Analysis: Survey sub division of land parcel does not happen concurrently with the division of a land parcel either through sale of a part of land or through inheritance. After the transfer of land in a person/s or institutions name (which is in the purview of the Revenue department), the new owner has to formally apply to the Survey department with a demand draft for the requisite amount of fee. Normally there is a long queue for survey subdivision work and the priority with which a particular application is taken is opaque and driven by monetary and other considerations .Sometimes it takes up to a year to get the survey subdivision work done as there is a long waitlist for the survey sub division to happen. This state of affairs is primarily due to the following lacunae:

- a) The survey method used presently is the old chain survey method which was followed by the British. The GPS and DGPS and local station forms of survey have been experimented with in the state. These methods are yet to make a head way officially in the state .The chain method of survey is very time consuming.
- b) In many parts of the state the field map books are located in the district Head Quarters and a surveyor after being entrusted with a sub division work has to travel to the district Head Quarters to collect the required FMB which itself takes time to locate. In some cases records are in a state of decay which only complicates matters further. This is despite the fact that all FMBs have been scanned .There is no user friendly software to use the scanned copies of the FMBs to enable to undertake online subdivision

- c) There is a shortage of surveyors in the department. The department has been making efforts to fulfil the gap by undertaking regular courses to train surveyors .But still the gap continues as 1) The work load due to increasing number of transactions is high. 2) For a surveyor the remuneration being paid by private players is far more attractive and so trained surveyors routinely opt for private real estate jobs.

Further a major reason that the records for privately held land not being reflective readily in maps is that of a sale transaction through a plain paper transaction. i.e. such a transaction is not recorded in registries as they are informal sale transactions and therefore does not get subdivided either. Studies by the Revenue department and the Koneru Ranga Rao committee have shown that up to 30% of land holdings and area are under such a category.

6.2.3 All relevant private encumbrances are recorded. Score: C

All encumbrances are recorded properly in every Sub-Registrar Office right from the inception of Sub-Registrar Office. Further the encumbrances from the year 1983 were computerized and presently the services are entrusted with Mee-Seva Centers. More over the Encumbrance data is also available with departmental web site www.registration.ap.gov.in

Everyone in the panel was of the view that private encumbrances are recorded but there is rarely any consistency or reliability in the process. Hence grade C was given on grounds that relevant private encumbrances are recorded at the instance of the interested parties but the same is not done *suo-motu* in a consistent and reliable manner.

6.2.4 All relevant public restrictions or charges are recorded. Score:C: Relevant public restrictions or charges are recorded but this is not done in a consistent and reliable manner

Analysis: Public Restrictions on land are mainly of two types 1) that of transfer and 2) nature of use of land. The following classes of lands are prohibited from transfer (a) transfer of immovable properties under any statue of the State or Central; (b) transfer of immovable properties owned by State or Central Government; (c) transfer of immovable properties, owned by Religious and Charitable Endowments falling under the purview of the A.P. Charitable and Hindu Religious institutions and Endowments Act, 1987 or by Wakf falling under the Wakf Act, 1995; (d) transfer of Agricultural or Urban lands declared as surplus under A.P. Land Reforms (Ceiling on Agriculture Holding) Act, 1973 or the ULC (Urban Land Ceiling) Act, 1976; (e) lands which have water bodies etc.

All public restrictions mentioned above are recorded in relevant revenue records. For instance all the categories of lands that are prohibited from transfer are entered in the POT register maintained at the Tahsildar office .While these registers in general are updated there are instances however these registers are not updated. Similarly all government lands are computerised and the information is available on the web. Further details of assignment of lands is also available in Tahsiladar offices and collectorates. These documents can be verified at low cost. All land is deemed to be categorized as agricultural and any non-agricultural use of land (for i.e. Commercial)is prohibited unless officially converted to non-agricultural land .Details of all such lands are available.

6.2.5 There is a timely response to requests for accessing registry records. Score B: Copies or extracts of documents recording rights in property can generally be obtained within 1 week of request.

Analysis: Through the Mee seva centres copies of extracts of documents are generally available within a week .However certain documents which require local enquiry to be done by the tahsildar are available within 2 weeks. As per citizens charter a specified time period is given for each of extracts to be made available which is adhered to in general. The panelists were of the opinion that some documents are available in 2-3 days. It was felt that only the documents which are digitized are available within 2-3 days while the ones which are not may take more than one week. All agreed that through computerization the Mee-Seva centres the registry of records can be accessed easily by paying fixed fees. It was agreed that the copies of records can be obtained within a period of one week in most cases.

6.2.6 The registry is searchable. Score: A - The records in the registry can be searched by both right holder name and parcel. There was unanimous agreement between the panel members that the records in the registry can be searched both by the right holder name and parcel. Hence score of A was given.

6.2.7 Land information records are easily accessed. Score: A: Copies or extracts of documents recording rights in property can be obtained by anyone who pays the necessary formal fee, if any.

The following documents can be obtained through payment of formal fee within a specified time period. And the following documents are provided by Meeseva to the citizens to avail the information

<ul style="list-style-type: none"> • Certified Copy of Bye-laws 	<ul style="list-style-type: none"> • Extract of Adangal / Pahani
<ul style="list-style-type: none"> • Certified copy of Certificate of Registration Forms 	<ul style="list-style-type: none"> • Extract of D-Form Patta Application
<ul style="list-style-type: none"> • Certified copy of Certificate of Registration Societies 	<ul style="list-style-type: none"> • Extract Of House Site patta
<ul style="list-style-type: none"> • Certified Copy of Registration Document 	<ul style="list-style-type: none"> • Extract of ROR 1B
<ul style="list-style-type: none"> • Encumbrance Certificate 	<ul style="list-style-type: none"> • Faisal Patti
<ul style="list-style-type: none"> • Pre-Registration /Slot Booking 	<ul style="list-style-type: none"> • F-Line Petitions
<ul style="list-style-type: none"> • Registration of Firm 	<ul style="list-style-type: none"> • KhasraPahani
<ul style="list-style-type: none"> • Registration of Society 	<ul style="list-style-type: none"> • Land Conversion
<ul style="list-style-type: none"> • Submission of Appeal 	<ul style="list-style-type: none"> • Late Registration of Birth
<ul style="list-style-type: none"> • Adangal /Pahani Corrections 	<ul style="list-style-type: none"> • Late Registration of Death
<ul style="list-style-type: none"> • Apathbandhu Application 	<ul style="list-style-type: none"> • Loan Eligibility Card
<ul style="list-style-type: none"> • Appeals On Demarcation (HYD) 	<ul style="list-style-type: none"> • Localization of Properties (HYD)
<ul style="list-style-type: none"> • CC of ROM (HYD) 	<ul style="list-style-type: none"> • Mutation of entries in revenue Records
<ul style="list-style-type: none"> • Certified Copies Of PT 	<ul style="list-style-type: none"> • No Objection certificate
<ul style="list-style-type: none"> • Certified copies of TSLR 	<ul style="list-style-type: none"> • OBC Certificate
<ul style="list-style-type: none"> • Certified copies issued by RDO 	<ul style="list-style-type: none"> • Old Adangal/Pahani details
<ul style="list-style-type: none"> • Certified copies of Panchanama 	<ul style="list-style-type: none"> • Pattadar Pass Book Replacement Service (Tahsildar)
<ul style="list-style-type: none"> • ChesalaPahani 	<ul style="list-style-type: none"> • Pawn Broker License
<ul style="list-style-type: none"> • Copy of village Map 	<ul style="list-style-type: none"> • Possession Certificate (for House Site Purpose)
<ul style="list-style-type: none"> • Copy of FMB 	<ul style="list-style-type: none"> • Prajavani
<ul style="list-style-type: none"> • Demarcation(HYD) 	<ul style="list-style-type: none"> • Sethwar / Supplementary Sethwar/Resettlement Register/Flr
<ul style="list-style-type: none"> • Duplicate Pattadar Pass Book Service (Tahsildar) 	<ul style="list-style-type: none"> • Sub-divisions of lands
<ul style="list-style-type: none"> • EBC certificate 	<ul style="list-style-type: none"> • New Pattadar Passbook
<ul style="list-style-type: none"> • Extract of ORC (Occupancy Rights Certificate) 	<ul style="list-style-type: none"> • Wasool Baqi
<ul style="list-style-type: none"> • Issue of Occupancy Rights Certificates for INAM Lands 	<ul style="list-style-type: none"> • No Property Certificate
<ul style="list-style-type: none"> • ISES Request Application 	<ul style="list-style-type: none"> • Agricultural Land Value Certificate
<ul style="list-style-type: none"> • Issue of ARM License(Fresh) 	<ul style="list-style-type: none"> • Small/Marginal farmer Certificate
<ul style="list-style-type: none"> • Issue of ARM License(Renewal) 	<ul style="list-style-type: none"> • Permission for Digging Agricultural well/Drinking water well digging using WALTA Act.
<ul style="list-style-type: none"> • Refund of Trade Deposit 	<ul style="list-style-type: none"> • Issue of Tonch Map

LGI: 6.3 Reliability: Registry information is updated and sufficient to make meaningful inferences on ownership

6.3.1 Information in public registries is synchronized to ensure integrity of rights and reduce transaction cost. Score: B: Links are in place for all types of public land information registries but checks on the legitimacy of transactions that affects certain parties' land rights are only performed ex post. The panel also members agreed that the links are in place for all types of public land information registries but the checks on the legitimacy of transactions that affects certain parties land rights are only performed as ex-post. Hence score B was given

6.3.2 Registry information is up-to-date and reflects ground reality. Score C: Between 50% and 70% of the ownership information in registry/cadaster is up-to-date and reflects ground reality. A maximum of 70% of land ownership information reflects ground reality. This is because in the rural areas, especially in case of small holdings belonging to poorer sections of society transfer of land ownership is through plain paper transactions i.e not through formal registration .Poor people so as to avoid the high fee of registration enter into informal sale transactions.

While section 5-A of the A.P R.O.R Act recognises this and has had a provision for regularising all such informal sale transactions still there is a significant percentage of lands which are under ownership due to the informal sale transactions(this has been discussed in detail in previous sections) since a significant percentage of poor have failed to take advantage of the window provided by the Government due to ignorance and the Government itself, despite clear recommendation by the Koneru Ranga Rao Committee to provided a provision annually for regularising all informal sales , has not extended to date after 2009. It is estimated that 20-35% of lands are under such transactions and therefore in all such cases the ownership on record does not reflect field level reality (because not being legal owners of land the revenue authorities do not enter their names in revenue records).

In case of Government lands also once a land parcel is assigned in the name of a person there are a significant number of cases where land is sold informally (since official land is prohibited from transfer) but the ownership on record continues in the name of the original assignee. In many cases land parcel undergoes two to three land transactions while on record the owners' name is unchanged.. Sometimes land ownership passes on to legal heirs but the name will be that of original assignee. This is true for nearly 35 lakh acres of Government land assigned to the poor. There is no record maintained by revenue department of non agricultural lands .It is the municipal administration department who have the details and these details are fairly accurate.

LGI: 6.4 Cost-effectiveness and sustainability: land administration services are provided in cost-effective ways that are sustainable in the long term.

6.4.1 The registry is financially sustainable through fee collection to finance its operations.

Score: A:

Analysis: In the present model of giving information on land registry by collection of fee the whole system has been outsourced to a third party agency (except in 2 districts where the revenue department gets a lion's share of the fee). The revenue model is such that a lion share of the fee collected goes to the private player, a designated percentage goes to the IT department and another to the Revenue Department.

So in that sense there is no connect between the revenue earnings from fee collected and the operating costs of the Department itself since the operating costs of the Department have a separate budget head met by the Government.

But yes the revenue earned is greater than the operating costs of the Mee Seva centre.

6.4.2 Investment in land administration is sufficient to cope with demand for high quality services. Score C:

Analysis: While there are no studies or analysis that has been done to understand the demand for high quality services, clearly the current investment is sufficient to maintain medium service standards but it does not allow to proactively adopt new developments. In fact the present rate of investments (Human and physical capital) is not sufficient to comprehensively address the lacunae that are presently there for having a correct and transparent registry. For example to adopt modern methods of survey, better infrastructure in Revenue Offices, adequate number of functionaries, conducting of regular training to staff, an IEC for the general public on the various rules and regulations and also their rights and most importantly modification and possible repealing of such provisions in the existing Acts which are relevant.

LGI: 6.5 Fees are determined transparently to cover the cost of service provision

6.5.1 Fees have a clear rationale, their schedule is public, and all payments are accounted for. Score A

Analysis: The fee structure is transparent and schedule of fee for different services is exhibited in every Mee Seva centre. The fee is paid through *challan* in designated branches of SBI & SBH. Accounts are automatically reconciled.

6.5.2 Informal payments are discouraged. SCORE B:

Analysis: The system of issuing of registry documents is completely different in different departments (except in to districts) in that a citizen applies for a registry document in a Mee Seva centre which are set up across the district and the application is forwarded to the concerned official functionary who then prepares the required document following due procedure of law and sends the certificate to the Mee Seva centre which then issues the certificate. In the whole system, the informal payment within the department is discouraged. The charges and fees for all the transactions at Mee Seva centres are public and the major part of transactions is done through bank drafts so that cash transactions are discouraged. However a major problem lies with the third parties that act on behalf of the applicants who have liaison with the officers of the department to speed up the work and provide information which through legal way would take time or not be available. The department has not been successful in curtailing the role of third parties where most of the informal payments are exchanged. Informal payments are pervasive in the land administration department and there have been very less cases of effective action against illegal staff behaviour. However, the other panellists reiterated the fact that there are stringent rules and regulations to check deviant behaviour but disciplinary action and prosecution leaves a lot to be desired. The panel was of view that though corruption is a big issue and informal payments are discouraged as there is a vigilance department which is supposed to carry out regular checks and raids. But there are many weaknesses in taking swift and deterrent action.

6.5.3 Service standards are published and regularly monitored. Score B:

Analysis: Service standards have been published via Citizen Charter but a regular monitoring mechanism is missing in the department, especially between the time application is given to the concerned department and finally giving the certificate. The panelists discussed citizen charters and the timelines however the adherence to the covenants in the charters is not actively monitored. It was agreed that score of B would be appropriate.

4.6.3 Policy recommendations

Panel No	Short Term	Medium term	Long Term
6.1	Land use and land information should be in the public domain and easily accessible	The land management department should be responsible for maintaining of land information relating to all departments/ authorities.	There should be periodic review of information relating to land management in the state legislature, legislature committees and also at the government level
6.2	Every village should notify by displaying on the boards/walls at the village revenue office/ Gram Panchayat or such other conspicuous place of the village as regards the particulars of Government lands, community properties like grazing lands, public parks, schools, assigned lands etc	At the cost of repeating, land records both for urban and rural areas should be updated constantly (by computerization, e-seva's, frequent surveys etc).	
6.3		The State government should undertake survey and settlement operations as a drive and be completed within 3 years using latest technologies. Latest technologies like GIS and Satellite imagery, digitization, Electronic Total Station (ETS) have the potential to reduce the cost of survey, recording and deliver the data efficiently and early	-
6.4		Computerisation of land records should be completed in a specified timeframe. Land data should include comprehensive information about the parcel of land registration details, possession, land type, land use, productivity, tenancy; etc. Creation of records should be followed by digitization of maps and easy accessibility to records on the lines of Bhoomi in Karnataka	
6.5		Implement the Bhu Bharti Project throughout the state in all districts. Bring in a law for land titling.	

4.7 Land Valuation and Taxation

4.7.3 Panel specific context

Land as a factor of production occupies a major place in the production and promotion of livelihoods. Both state and local governments are appropriate authorities to levy taxes on land and property. Taxation on land and property has become a point of interest in recent days. This is particularly due to the increasing revenue demands from the local governments. The pace of urbanization has also resulted in more revenue demands from the Urban Local Bodies or ULBs. As governments move towards a path of fiscal consolidation and better resource mobilisation, boosting tax by the local governments become imperative. The revenues from property tax can only be increased if there is an acceptance for the property tax by the people. If this has to be achieved there should be transparency in valuation of land and property for the purpose of taxation. Increasing cost of collection has become a major concern for local bodies. Steep increase in the compliance cost, especially for tax collecting authorities has reduced the efficiency of property tax.

This chapter outlines the history of evolution of tax related to land in AP, major taxes on land and property in practice in the state of Andhra Pradesh, the gaps in policy and practice and some possible suggestions that can be explored to overcome the gaps. This chapter places an emphasis on the property valuation and taxation in Andhra Pradesh while identifying the taxes related to land and property as falling under the purview of the study. Cesses related to the use of land resources are also included to give a larger picture about the extent of non-tax cost related to land and its resources. Stamp duty is also included in the purview of the study as it is also related to the land and other immovable properties which come under the ambit of the state as per the Indian Stamp Act of 1899. More over Supreme Court has also observed that stamp duty is a form of tax.

There are 2 major dimensions which relate to the Land Valuation and Taxation. They are (1) Transparency of valuations: valuations are based on clear principles, applied uniformly, updated regularly, and publicly accessible and (2) Collection efficiency: land and property taxes are collected and the yield from doing so exceeds collection cost. This chapter treats both the dimensions together and tries to outline the context of taxes related to property and land in AP.

The major taxes on land and property in the State are detailed below. Due to changing economic use of land some of these taxes have been either amended or discontinued by the appropriate authorities.

Property tax in Urban Local Bodies of Andhra Pradesh:

Property tax is levied by all Municipalities / Municipal Corporations.

Property Tax is one of the main sources of revenue for the ULB. Residential and Non-residential (Commercial) properties, situated within the limits of ULB, are assessed for tax. Based on such assessments, taxes are levied on the property owners. The information regarding all the new constructions, existing construction and modifications to the property, if any, are being provided by the Town Planning Department for making necessary changes to tax assessment. The citizen has to register with the urban local body for taxation and assessments are made based on the physical dimensions of the property and other parameters..

The Revenue section of the ULB/Municipal body is responsible for administration of property taxation for that respective ULB. Property tax is assessed for each property located in the limits of the ULB based on the Annual Rental Value and the Taxation rate. The Annual Rental Value of a property is calculated based on parameters like Plinth area, zonal location of the property, Residential/Non-residential status, age of the property, type of construction and other parameters applicable to specific situations. The Town planning section of the ULB provides all the details of the property with reference to its physical status and modifications.

a) Levying Property Tax without hindrance

All local bodies must be fully enabled to levy property tax (including tax for all types of residential and commercial properties) and any hindrance in this regard must be removed. Having examined the inadequacies and wide variations in the levy and collection of property tax system in the country and its potential to mobilise resources which will enable them to provide civic services, the 13th Finance Commission recommended that the urban local bodies should be enabled to levy property tax without any restrictions both on residential and commercial properties. The state government should certify to this extent to demonstrate compliance.

b) Cap on Taxing Powers

The powers to levy and collection of property tax by the urban local bodies are incorporated in the Municipal Acts and the Rules made there under. Generally, the municipal councils are empowered by the respective Acts to levy a percentage of the annual rental value of lands and buildings or both as decided by the municipal council. Despite such provisions, states impose certain restrictions or limitations on the council's discretion by fixing the percentage of the rental value on lands and buildings. For example, in Andhra Pradesh, percentage of property tax to be fixed by the councils shall be such that the incidence of property tax together with the education tax and library cess shall not exceed 25% of the annual rental value in case of residential buildings and 33% in case of non-residential buildings. This imposes a limitation on the discretion of urban local bodies.

c) Exemptions

The Municipal Acts provide for exemption of property tax for certain categories of buildings and lands like places of worship, recognized educational institutions, etc. This is apart from central government properties exempted under the Constitution. However, apart from the statutorily exempted buildings, state governments often exempt through executive instructions some other categories also like houses of serving or retired military personnel. This restricts the powers of the urban local bodies to levy property tax which results in loss of income which is not often compensated by the state government.

d) Waiver of Penal Interest

The Municipal Acts provides, in some states, for the levy of penal interest on the delayed payments of property tax. However, the state governments, through executive instructions waive the penal interest as one time measures and this was repeated in subsequent years as well cutting the powers of the urban local bodies.

Though, it is argued that such waivers are aimed at motivating the defaulters to pay the property tax by saving the interest, and to facilitate the urban local bodies to garner more resources through property tax, this eats into the discretionary powers of the local bodies. In one state, the C&AG in its report suggested that such onetime measures are recurring year after year and felt that the best remedy against the defaulters is to take the penal action

e) Restrictions on Revision of Property Tax

During the revision of property tax periodically, the Rules or executive instructions impose certain restrictions on enhancement of tax. For example, in Andhra Pradesh, as per the instructions which now have been repealed, the enhancement on revision should not exceed 75% in case of residential buildings and 100% and 150% in respect of non-residential buildings, which are more than 25 years old and less than 25 years old respectively. These rules besides limiting the levy lead to discrimination. The state Governments need to examine such restrictive clauses in the municipal laws and ensure that they are removed to enable the urban local bodies to levy and collect property tax which is in their domain. Or else, in all such cases the state government need to compensate and periodically revise the compensation and Compliance Certification by the state government that the hindrances to levy property tax by local bodies have been removed.

Key State and National Acts impacting the Taxation:

Various Acts and provisions of law governing the property taxation in urban local bodies of AP are: A.P. Municipalities Act, 1965, Hyderabad Municipal Corporation Act, 1955, Hyderabad Metropolitan Development Act, 2008, A.P. Urban Areas (Development) Act, 1975, A.P. Agricultural Land (Conversion to Non Agricultural Purposes) Act, 2006, A.P. Town Planning Act, 1920, and the Government Orders issued from time to time.

It is governed in specific by Sections 81 to 95 of APM Act(1965), Rules 6 to 16 of Taxation Rules (Schedule II of the Act) and Assessment of Taxes Rules, 1990 issued in GO Ms.No.438 MA dated 29-10-1990. The rate of taxation is fixed by a council and the rates shall not exceed 25 percent of annual rent for Residential buildings, and 33 percent of annual rent for Non-residential buildings. As already noted the rate of taxation is fixed based on the annual rental value (ARV).⁴⁷ Such a system of valuation for taxation had many problems in it. The rent of a building was determined by a slew of factors which could not be captured always by the annual rental value. There was considerable discretion in the calculation of rent of the owner occupied houses. Due to the involvement of many non-economic factors it was becoming impossible to fix the annual rental value on an objective basis. This leads to the

The annual rental value of a building is determined having due regard to the rent received in respect thereof, that is the actual rent received, or receivable on a hypothetical basis (market rent). In cases where the rent is fixed by the rent control act of 1960, the Annual Rental Value shall not exceed the amount of rent so fixed. In case of owner occupied buildings the Annual Rental Value shall be on the basis of hypothetical rent the building will fetch in the open market.

complaints of arbitrariness. In order to eliminate such drawbacks to a possible extent the law was amended in 1989 through which a set of criteria's were identified to calculate the tax liability on the property. They are: Location, Nature of use, Plinth area, Type of construction, Age of building.

These changes were brought about to ensure efficiency and transparency in tax administration. This made sure that same tax is paid on similar buildings in same locality which are used for similar purpose. It also delinked rent control act from payment of property tax. It provided relief to the buildings constructed under Weaker Section Housing Scheme and to owner occupied residential buildings. At the heart of the changes brought about in 1989 and subsequent years was procedural simplification and efficiency.

In order to arrive at rational methodology in using location as a criteria in determining tax, the entire municipal area was divided in two different locations based on factors such as proximity to market, availability of civic amenities and proximity to educational and medical institutions, banks and other public offices etc. the buildings are demarcated based on the type of construction depending on the material used for roofing. Different uses identified for classifying buildings based on the nature of use were residential, Public Use, Shops, Shopping Complexes, Hospitals and Nursing Homes etc. different categories of buildings are identified depending on the variables mentioned above. The annual rental value based on the new methodology is calculated through a sample survey to find the prevailing rent for each category of building. The annual rental value is calculated for per square meter of plinth area. Exemption from payment of property tax is given to Places set apart for public worship, recognised educational institutions and houses constructed for urban poor. This new method of calculating annual rental value was implemented in all municipalities of the state of Andhra Pradesh from October first 1993. It has increased the general acceptance of property tax and have reduced complaints drastically. The revenue accruing from the property tax has increased since its implementation.

Vacant Land Tax in Andhra Pradesh:

Andhra Pradesh also has a vacant land tax. The vacant lands within the limits of the ULB are also taxed based on certain criteria. The vacant lands are identified and assessed for fixation of a Vacant Land Tax, which is levied on the owner of the particular vacant land by the Revenue Section of the ULB. The main functions/processes of the Revenue section with

reference to Vacant Land Tax are as follows: Receipt of application for assessment, inspection, processing of the application, Issue of notices to owner of vacant lands assessment of the Vacant Land Tax, Issue of demand notices, Collection of taxes and maintenance of the records. Receipt of application for title transfer, inspection, processing and recording of title transfer and collection of title transfer fee.

In G.O.Ms.No.23 M.A., dt.17.1.2007, Government have issued amendment to rule 9(1) of A.P. Municipalities (Assessment of taxes) of Rules, 1990 where in Vacant Land Tax shall be levied at 0.20% of the capital value of the land in case of Municipalities. As per G.O.Ms.No.538 of MA&UD, dt.29-10-2001, the Vacant Land Tax shall be levied at 0.5% of the capital value of the land in case of Municipal Corporations.

Property Taxation in Rural Local Bodies of Andhra Pradesh: The local bodies of the Panchayat Raj system in the state Andhra Pradesh earn their revenue from different sources. Some of the most important sources of revenue for the Panchayats of Andhra Pradesh are the Direct taxes such as house tax and license fee, which are levied by the village panchayats. Transferred revenues like land cess, entertainment tax, add-ons on stamp duties etc. that are initially collected by the government. There are about 21823 panchayats which operate from the respective districts of the state.

The said panchayats also levy taxes on property in the form of house taxes. House tax is levied on the basis of Annual Rental value or capital value basis

Prior to 2000-2001 general revision of house tax was done once in 5 years. From 2000-2001 onwards house tax is increased at a flat rate of 5% every year. In rural areas the buildings such as cattle sheds, poultry sheds, etc are exempted from house tax.

Tax on conversion of agriculture land to non-agriculture purpose:

The Government of Andhra Pradesh has passed The Andhra Pradesh Agricultural Land (conversion for non-agricultural purposes) Act, 2006 (the Act) for regulating the conversion of agricultural land in the state of Andhra Pradesh to non-agricultural purposes and for matters connected therewith or incidental thereto and to repeal the Andhra Pradesh Non-

Agricultural Land Assessment Act (NALA),1963.⁴⁸As per the Andhra Pradesh Agriculture Land (Conversion for Non-agriculture purposes) Act, 2006, any owner converting agricultural land for non-agricultural purposes should pay 10 per cent of the basic value towards conversion fee. If the land has already been converted for non-agricultural purposes illegally before January, 2006, they would have to pay fifty per cent fee as penal amount apart from the conversion fee. Each time when an agriculture land is converted to a non-agriculture purpose, permission has to be sought from government for the same. Conversion permission request can be issued, rejected in full or part by the competent authority.

This Act is not applicable to Lands owned by the State Government, Lands owned by a local authority and used for any communal purposes so long as the land is not used for commercial purposes, Lands used for religious or charitable purposes and Lands used by owner for household industries involving traditional occupation(not exceeding one acre). The implementation of Agriculture Land (Conversion for Non-agriculture purposes) Act is expected to boost the revenue of the government to a certain extent.

The Revenue receipts under this head of account for the past five financial years:

	In Crores				
	2007-08	2008-09	2009-10	2010-11	2011-12
NALA Revenue	90.25	80.05	62.49	107	157.45

Water tax :Water tax is levied by government in lieu of the land revenue in the state of AP. The Andhra Pradesh Water Tax Act providing for the levy of water tax on lands irrigated by Government sources of irrigation came into effect from 01-07-1996.

This Act was amended in 1997 with a view to raising the rates of water tax and extending the levy of water tax to aquaculture. G.O.Ms.No.115, Revenue (LR-3) Department, Dated:13-02-2001, provides for distribution of 10 percent of Water Tax to Gram Panchayats. The existing rates of water charges are as follows:

⁴⁸The NALA act came in to force in 1963. The NALA tax is payable on land used other than for agriculture. The rate of tax depended on two factors namely nature of use (commercial/residential) and population. As the revenue from NALA was not much and NALA being outdated, the tax was abolished in 2006.

Sl. No.	Nature of Crop	AP Water Tax (Amendment) Act 13/97	
		Category-I All Major & Medium Irrigating Projects	Category-II All sources of irrigation which supply water for a period of not less than (4) months in a year
1	1 st or single wet crop	200/-	100/-
2	2 nd or 3 rd Crop	150/-	100/-
3	1 st Crop irrigated dry	100/-	60/-
4	2 nd and 3 rd crop irrigated dry	100/-	60/-
5	Du fasal crop in fasli year*	350/-	350/-
6	Aqua culture per year	500/-	500/-

*Fasli year means the period of 12 months commencing on the first day of July of every year.

The Revenue receipts under this head of account for the past five financial years:

In Crores

	2007-08	2008-09	2009-10	2010-11	2011-12
Land revenue	144.39	130.35	221.56	170.74	140.56

Cesses and surcharges related to land:

Surcharge on stamp duty:

Under Section 69 of Andhra Pradesh Panchayat Raj Act, 1994, duty on transfer of property is being levied in the form of a surcharge at the rate of 1.5 per cent (the rate has been revised from 3% to 1.5% wef 1-4-2013 vide GOMs No. 226 PR&RD Department dated 6-4-2013) on the stamp duty imposed on every instrument of sale, exchange, gift, mortgage and lease on immovable property situated within the limits of a Gram Panchayat. The surcharge is being levied and collected by the Stamps and Registration department of the State Government.

Surcharge/Transfer Duty on instruments with effect from 01-04-2013

Under the provisions of the A.P.Gram Panchayats Act, 1964 and under the provisions of the Andhra Pradesh Municipalities Act, 1965, a duty called surcharge on the transfer of property

is levied on the following classes of documents. This duty collected, goes to the local bodies concerned.

Sale of immovable property -1.5% on value

Exchange of immovable property -1.5% on the value of the property of the greater value
Gift of Immovable property 1.5% on value

MWP of immovable property -1.5% on the amount secured mortgage as set forth in the instrument.

Leases in perpetuity of immovable property -1.5%

Library cess:

Under section 205 (1) (a) of the Andhra Pradesh Public Libraries Act, 1960, Zilla Grandhlaya Samsthas in the Panchayats are empowered to levy a library cess in the form of surcharge on the property and house tax. The cess so collected is being utilized by the Zilla GrandhalayaSamsthas for providing library facilities in their respective areas. The library cess is 8 paise per rupee of property tax levied by the local bodies.

Mineral Bearing Lands (Infrastructure) Cess:

According to Andhra Pradesh Mineral Bearing Lands (Infrastructure) Cess Rules, 2005, levy of Cess on Mineral Bearing Lands in respect of certain major and minor minerals is permitted for the promotion of infrastructure facilities for rapid exploitation of mineral resources in the State of Andhra Pradesh.

4.5 Drainage cess:

Drainage Cess is being levied as per Andhra Pradesh (Krishna, Godavari, Pennar Delta Drainage Cess Fund) Act 1985. As per this Act the “Krishna, Godavari, Pennar Delta Drainage Cess Fund” has been created. This Fund comprising cess collected from the beneficiaries of the schemes in the above mentioned areas.

Stamp duty on Property Transactions in Andhra Pradesh:

The Indian Stamp Act is concerned with the non-judicial stamps.⁴⁹ These stamps are used in respect of the instruments charged under the Act. The Stamp Act levies stamp duty on certain instruments. The stamp duty mentioned in this Act is mandatory in nature and there are penal

⁴⁹ The non-judicial stamps are classified in to impressed stamps and adhesive stamps. The adhesive stamps are further classified in to adhesive stamps (rule 13 of stamp rules) and special adhesive stamps (rule 17 of stamp rules).

provisions for the non-compliance or violation of the Act and Rules. The concept of stamp duty has undergone revolutionary change since the implementation of the Stamp Act. The stamp duty is no longer payable only by the usage of stamps only, and government now permits payment of duty in cash(section 10-A A.P. act 8 of 1998). At present most of the stamp duty is collected in the form of money. There were a slew of acts and laws Regulation VI of 1797, which was introduced in the province of Bengal which gradually formed the basis for the enactment of the present act related to stamp duty that is act 2 of 1899.

The Stamp Act is a fiscal enactment aimed at the augmentation of revenues of the state and the primary objective of the Act is not to regulate the transaction between the parties. The stamp duty is levied when a document is executed. The Stamp Act consists of 88 sections spanning across eight chapters. It is in chapter two that matters regarding to the methods of valuation for the purpose of duty is mentioned. Section 3 is the enabling provision for the instruments chargeable with duty. It stipulates that every instrument shall be chargeable with duty as mentioned in Schedule I-A as applicable to the respective state. Sections 4, 5 and 6 lay down the principles as to how different types of instruments are chargeable.

All the stamp duty does not fall under the purview of a single government. The authority to levy stamp duty is divided between the state and the union governments. The instruments on which the union government has the authority to levy stamp duty is mentioned in entry 91 of the union list in Indian constitution and they will be shown in Schedule I of the Act and the instruments on which the state has the authority to levy stamp duty is mentioned in entry 63 of state list in the Indian constitution⁵⁰ and they will be shown in Schedule I-A of the Act. The power to amend or alter the rate of stamp duty on all documents mentioned other than in entry 91 of union list is within the jurisdiction of the state. The Indian stamp act 1899 has undergone many amendments since its implementation. States also went for many amendments in the Act resulting in the consolidating of Act in that specific area or bringing altogether a new statute.

In Andhra Pradesh state it was the Indian Stamp Act 1899 as amended Madras Act of 1922 continued to be in operation in the parts of erstwhile Madras State, while the Telangana area continued to be governed by the Hyderabad Stamp Act. After the formation of the state in

⁵⁰See url: <http://dor.gov.in/stampintro> accessed on 06/02/2014.

1956, it was felt that the entire state should be brought under a single Stamp Act. This resulted in the enactment of Indian Stamp (A.P. Extension and Amendment) Act, 1959 (VII of 1959) by which the Indian Stamp Act was extended to the Telangana area.

The state of Andhra Pradesh too undertook many amendments so as to make changes in the rates of stamp duty. The A.P. Act X of 1967 has revised the stamp duties in respect of certain instruments and inserted Sec. 75-A, and substituted Sec. 78. The A.P. Act XXII of 1971 inserted Sec. 47- A and effected several amendments to the other provisions of the Act; including Sch. I-A. The Sch. I-A, was finally replaced by A.P. Act XX of 1974. Further amendments were undertaken by Act 17 of 1986, Act 1 of 1992, act 21 of 1995 etc. Further amendments were brought in by A.P. Acts 31 of 1997, 8 of 1998, 14 of 1999, 16 of 2002, 8 of 2003 and 19 of 2005. In 1989 the state also passed the LA bill 14 of 1989.

The amendments brought in 1986 was crucial in augmenting the revenue of the state and the main objective of this amendment was to enable the state to recover any deficit in the stamp duty paid by the citizen at the time of payment of the stamp duty. Before this amendment, the only way to recover the deficit in stamp duty was voluntary payment by the citizen. Before 1986, the stamp duty payable was same in spite of a difference in the location of the property. It was estimated that the taxpaying capacity of the citizen is higher in urban area. Necessary amendments were made to capture the increase in the property prices in urban areas and to have different rates of stamp duty depending on the location of the property. The amendment of 1989 was to increase the rate of stamp duty on items mentioned in schedule 1A keeping in view of the inflation in the economy. The amendments brought through Act 21 of 1995 were also to rationalise the rates of certain instruments mentioned under schedule 1A of Indian Stamp Act 1899. Amendment of 1998 was brought to streamline and tighten the system and arrest leakage of stamp revenue. A provision was inserted to make sure that any officer appointed by the government can inspect the property and verify that no revenue is lost for the government and all the facts affecting the chargeability of the instrument is verified. Further it was felt necessary that the guideline values provided by the government to the collector and the registering parties should be given some statutory backing.

Introduction of Section 47-A in Indian Stamp Act, 1899 :

A) In order to combat undervaluation and consequent evasion of stamp duty a new provision, section 47-A, was introduced in the Indian Stamp Act, 1899, in its application to the State of

Andhra Pradesh. It is in force with effect from 16-08-1975. This Section is made applicable to Conveyance, Exchange, Gifts, Partition and Settlement. According to this provision whenever any document of above nature is presented for registration and if the Registration Officer has reason to believe that true market value has not been set-forth, he shall send a reference to the 'Collector' after registration. The 'Collector' in turn shall determine the correct market value and recover the loss in stamp duty, if any. (A new amendment that the document should be kept pending till the collector finalizes action under section 47-A is in the offing. 'Releases' are also being included for this purpose under that Section)

B) According to Section 47-A of Indian Stamp Act, 1899, where a Sub-Registrar has reason to believe that the market value of property involved in a document coming within the purview of that section has not been truly set-forth, he has to take appropriate action. In order to exercise his reasoning fairly and justly, without being capricious, he is equipped with details of the values of properties, rural and urban, These values are fixed after elaborate enquires, spot inspections, verification of Revenue and Municipal Records, previous registration statics and detailed consultations with all those who were likely to be familiar with values such as Revenue and Municipal Officials, Village officers, Panchayat Executive Officers etc. After ascertaining the values as above they are noted in Registers intended for both rural and urban areas which are known as "Basic Registers". The Registering Officer will consult these registers while determining the market value for documents presented before him. The values in these registers are subject to revision from time to time.

c) As regards buildings and constructed portions, the Inspectors General of Registration and Stamps provides the Registering Officers with guidelines based on nature of construction, facilities available, age of the building etc., after getting the particulars from Roads and Building Authorities. These guidelines are also revised from time to time. The Collector authorized under Sec. 47-A of the Act after enquiry shall determine the market value. He shall follow the Andhra Pradesh Stamp (Prevention of under valuation of Instruments) Rules, 1975 in determining the value of the properties

D) Market Value Scheme: its impact on Revenue Realization:

With a view to curb under valuation of properties on the part of the registering public the "Market Value Scheme" was introduced w.e.f.16.08.1975 by introducing section 47-A in the Indian Stamp Act, 1899 by Art.22 of 1971 under the provisions of section 47-A it is

mandatory on the part of the registering public to pay “Stamp Duty” on the prevailing Market Value of the property as on the date of execution of the instrument in respect of conveyance exchange, gift partition, settlement and release. In respect of instrument of sale, the stamp duty is payable on the Market Value or consideration whichever is higher.

When the Market Value Scheme was first formulated Basic Registers containing the prevailing Market Values were prepared and provided to the Registering Officers for reference. The values furnished in the Basic Register were intended to be guidelines to the registering public as well as the Sub-Registrars for assessing the stamp duty payable on the instrument. But these basic registers were not having any legal status and the judiciary have quite often commented on their not having legal status as the registers were prepared basing on executive instructions. From 1975 to 1986 if a party does not agree with value of the basic register, S.R used to register the document and then refer the same to the Collectors u/s. 47-A for determination of Market Value. During 1975 to 1986, 1,48,417 documents were referred to the Collectors and all the cases were determined with an amount of Rs.23,80,34,496/-

In the year 1986 Stamp Act was amended and as per the amendment if the party disagree with the basic value the Sub-Registrar may keep the document pending and refer the matter to the Collector u/s. 47-A for determination.

E) Legal Status to Market Value Guidelines:

In the year 1998 through Act 8 of 1998 an amendment was made to the Stamp Act and agreement relating to construction, development, sale of immovable property, power of Attorney given for sale development were also brought under the ambit of section 47-A.

Moreover legal status was given to the Market Value Guidelines through the above amendment to prepare guidelines by the Government from time to time.

If party has not adopted the Market Value Guidelines prepared by the Government Sub-Registrar may keep the document pending but a condition was laid down to pay an amount equal to 50% of the deficit stamp duty arrived at by the Sub-Registrar is deposited by the party concerned. After determination by Collector if party prefers an appeal difference of amount if any also has to be paid by the person after deducting the amount already deposited by him.

F) Revision by the Inspector General:

Through Act 14 of 1999 and Act 19 of 2005 *suo-motu* review powers were given to the IG on the orders passed by the Collectors u/s. 47-A.

Rules and Guidelines

In the year 1975 rules were framed as prevention of under valuation rules to determine the Market Value by the Collector u/s. 47-A (Copy annexed).

Since the time of origin of Market Value Scheme in the year 1975 instructions / guidelines were issued from time to time for revising the basic values on percentage basis and also after field study and exercise by the departmental committees. As per the provisions u/s 47-A (8 of 1998) the Government have issued “A.P. Revision of Market Value Guidelines Rules, 1998” vide GO MS No. 301 Revenue (Regn.I) Department, dt:04.05.1998.

Subsequently certain amendments were also made to the said rules (Copy annexed). Since 1975 structure rates were also prepared to assess the value of buildings. So far from 1975 to 2013 about 15 general revisions have taken place. In the year 2010 major changes were made to the structure and preparation of Market Value Guidelines. In rural areas village was taken as unit and classification wise values were fixed like Dry, Wet, Garden and Sy.No. wise values were fixed for the lands abutting National Highways, State high ways and Gardens fit for house sites etc. In case of urban areas, area wise values for residential properties were fixed by taking WARD – BLOCK – LOCALITY as unit and Door Number wise values were fixed for commercial properties.

Classifications of properties were also reduced in rural areas from 28 to 8. Steps were taken to reduce the number of slabs in values and thereby enhanced minimum values. For the first time composite value for the apartments was also fixed duly taking land and structure as criteria and the same is being successfully implemented since 01.08.2010. In the year 2013 Floor wise composite values were proposed for commercial properties to match the realistic values (ground, first and others). For the first time proposed values were put to public notice through web and on the notice boards at Sub-Registrar Offices (SROs) to call for the objections / suggestions and 301 suggestions were received from the public 100 objections were accepted fully and 44 objections were sustained partially and 157 objections were rejected.

The statement on revision and the revenue realized shows the impact of Market Value Scheme on the realization of Revenue for the period from 2001-2013 is shown below:

Revenue Performance for the past 11 Years after Market Value Revisions			
	Revenue Achievement in Crs. Rupees		
Financial Year	Gross	Net	Total No of property transactions
2002-03	1279.34	999.64	199772
2003-04	1545.38	1111.33	1305989
2004-05	1883.27	1387.93	1503490
2005-06	2493.79	2013.56	1763558
2006-07	3184.34	2864.77	2173869
2007-08	3818.97	3086.35	1810971
2008-09	3478.35	2856.52	1779953
2009-10	3070.65	2479.83	1997052
2010-11	4428.25	3880.63	2204508
2011-12	5492.11	4376.1	2367403
2012-13	6588.45	5084.73	2462090

Taxation Institutional analysis: The two major property tax assessment, levy and collection departments are the Municipal administration Department and the Registration and Stamps Department.

Municipal administration Department: There is a separate section/department in the municipality for assisting the Commissioner in assessment of taxes, collection of taxes and to make effective efforts for collection of taxes. The section/department consists of

- Deputy/Asst. Commissioner
- Revenue Officer
- Revenue Inspector
- Bill/Tax Collector

Registration and Stamps Department:

Organisation:

Secretariat Level: A separate Minister is holding the Registration and Stamps Department in the State. Principal Secretary to Government is the Head in the Government level assisted by one Joint Secretary, One Deputy Secretary and two Assistant Secretaries. There are 3 Sections that deal with matters related to the Department in the Secretariat.

State Level: Commissioner and Inspector General is the Head of the Department who acts as Chief Controlling Revenue Authority (CCRA). The C&IG is assisted by 2 Additional I.Gs, 3 Joint IGs and 7 Assistant IGs.

Zonal Level: Deputy Inspector General is the Head of the Zonal administration which consists of 1 or 2 districts usually. He is the appointing authority and disciplinary authority for the Sub-Registrars and Senior Assistants. For administrative convenience 18 registration zones are created in the State.

District Level: District Registrar(DR) is the Head of the District administration. He is the overall in charge of the district administration. He is the appointing authority for Junior Assistants and the other lower staff. The DR is the Registration authority for Societies and Firms in the district. For administrative convenience 38 Registration Districts are created in the 23 Revenue Districts in the State.

Sub District Level: There are 432 Sub-districts (Sub-Registrar offices) across the State. Each Sub-district is headed by a Sub-Registrar. The Sub-Registrar registers the documents issues. He is also the Registrar of Marriages under the Hindu marriages Act and Marriage Officer under the Special Marriage Act.

In many countries separate authorities are created for land valuation and for titling. One of the models that could be replicated in the country could be the Australian model which is considered to be the ideal.

4.7.2 Dimension wise analysis and scoring

LGI: 7.1 Transparency of valuations: valuations are based on clear principles, applied uniformly, updated regularly, and publicly accessible. Describe the process of fixing and revising land valuation.

7 1 1 There is a clear process of property valuation. SCORE: B - The assessment of land/property for tax or compensation purposes reflects market prices, but there are 25-50% differences between recorded values and market prices across different uses and types of users; valuation rolls are updated regularly.

Analysis: The data shows that the taxation and valuation policies are not scientific and that the valuation is often made on an adhoc basis mainly to increase revenues of government. This has resulted in fixing the values in an arbitrary manner leading to creation of an artificial inflation. They further observed that in the existing system there is no relation between the rental value and the value fixed for taxation. They claimed that this is an arbitrary practice. The valuations and taxations policy should be dynamic and be synchronized to the market situations. The percentage of difference between recorded values and market prices would be around 30 %.

7 1 2 Valuation rolls are publicly accessible. SCORE: A

Analysis: The score of A is considered suiting this indicator as given in the above analysis on land valuation and taxation. There is a policy that valuation rolls be publicly accessible and this policy is effective for all properties that are considered for taxation

LGI: 7.2 Collection efficiency: land and property taxes are collected and the yield from doing so exceeds collection cost

7 2 1 Exemptions from property taxes payment are justified and transparent. SCORE: C:

Analysis: Exemptions given are not always transparent and not applied in a consistent manner. Hence the exemptions to the payment of land/property taxes are not always clearly based on equity or efficiency grounds and are not always applied in a transparent and consistent manner. Detailed analysis has been given in the chapter above

7 2 2 All property holders liable to pay property tax are listed on the tax roll. SCORE A

Analysis: The properties liable for payment of taxes are listed in the records of the concerned authorities, like municipalities and gram panchayats. And taxation authorities do have the tax rolls with all property holders recorded there in. Hence more than 80% of property holders liable for land/property tax are listed on the tax roll

7 2 3 Assessed property taxes are collected. SCORE: A –

Analysis: The collection efficiency is more than 80%. Hence more than 80% of assessed land/property taxes are collected. Details have been given in the chapter.

7 2 4 Receipts from property tax exceed the cost of collection. Score: A

Analysis: The panellists observed that tax collection is quite prompt in Hyderabad. But it is not true for all the municipalities. It was agreed by consensus that the amount of property tax collected exceeds the cost of staff by a factor of more than 5. Hence, the amount of property taxes collected exceeds the cost of staff in charge of collection by a factor of more than 5.

4.7.3 Policy recommendations

Panel No	Short Term	Medium term	Long Term
7.1	There should be a transparent and well-understood process and procedure for revision of valuations	Land valuation should be on a scientific basis and linked to general economic and market situations	Imposition of income tax on agriculture linked to land use particularly for high value commercial crops could be considered
7.2	Reduce the stamp duty on partitions and mutations to improve the access by reducing the cost to the beneficiaries. In AP this will bring down illegal land transactions under <i>sadabainama</i> and increase registered transactions	Revisions of valuations should be periodic and not adhoc. And upward revisions should not be done merely to raise resources. High valuations not only distort but adversely affect affordable housing	
7.3	For non-agriculture lands the recent amendments to NALA need a fresh look as there is no periodic payment of the tax for non-agriculture land use	The gap between market value and registration/transfer value should be eliminated	
7.4		Values should be in the public domain through portals, websites etc	
7.5		Presently there is no land revenue on agriculture land which has adversely affected rights of tenants and actual cultivators. Possibly to impose a nominal land revenue needs to be considered	

4.8 Dispute resolution

4.8.1 Panel specific context

Black's Law Dictionary defines 'land' to mean : *In the most general sense, comprehends any ground, soil or earth whatsoever, including rocks. 'Land' may include any estate or interest in lands, either legal or equitable, as well as easements and incorporeal hereditaments.* Different legislations in the State of Andhra Pradesh, define 'land' contextually according to intendment and purport therein. The same have been discussed extensively in the context of the earlier chapters. For legal purposes the various definitions come into play based on the conxt of litigation and dispute.

Rights on land: The rights attached to the land can be broadly categorized as under :

- i) **Absolute Rights:** Absolute Right envisages the right to possess, enjoy, alienate in any manner, destroy etc in the manner in which the owner/ holder of the property likes.
- ii) **Limited Rights:** Limited Rights restrict the enjoyment of land by the holder of the property according to the terms of vesting or settlement.
- iii) **Common Rights:** Common Rights are enjoyable by community at large and the beneficiaries are floating.
- iv) **Customary Rights:** Customary Rights are acquired by way of long usage and as per custom prevalent in the area.
- v) **Contingent Rights:** Contingent rights are acquired depending upon the happening of certain events.

Modes of acquisition of right to the land: Every right involves title and source from which it is derived. The title is defective antecedent of which the right is a *dejure* consequent. A title is defined by Sir Edward Coke, *titulus est justa causa possidendi id quod nostrum est*; or, it is the means whereby the owner of lands has the just possession of his property. Titles are of two kinds, being either *original* (de-novo) or *derivative* (transitory). The original title are those which create a right *de-novo*. The derivative title are those which transfer rights to a new owner. As the facts confer rights, so they take them away. All the rights are perishable and transient. The facts, which confer rights called *investitive facts*. And the facts which cause the loss of rights called the *divestitive facts*.

The right to the land may be by virtue of an Instrument (i.e. proprietary right) or by possession (i.e. prescriptive right or right by adverse possession). In Telangana area, the Settlement Land Records were prepared under Chapter-VII of the A.P. (Telangana Area) Land Revenue Act, 1317 Fasli, and called *Sethwar & Wasool* Baqui and held to be the document of title of a owner.⁵¹ In Andhra area, settlement records are prepared by A.P. Survey and Boundaries Act, 1923 and called *Diglot*.

Land Disputes: Land conflict can be defined as a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it. A land conflict, therefore, can be understood as a misuse, restriction or dispute over property rights to land.⁵² Thus one can say that a dispute arises when there is a threat to any of the rights attached to land listed above.

Land Dispute typology: The Land conflicts may be between two Private individuals or between Private individual/s or the Government. The companies, registered societies/ bodies and deities are treated as Individual Juristic person. Land conflicts are likely to arise under the following circumstances.

- i) Title
- ii) Identity of the land.
- iii) Boundaries of the land.
- iv) Inheritance / succession.
- v) Partition.
- vi) Possession and enjoyment.
- vii) Community Rights.
- viii) Administration & Management
- ix) Enforcement of agreements relating to land (Specific performances)
- x) Payment of Compensation for Acquired land
- xi) Claims as regards to charged property
- xii) Claims as regards to limited rights like easements, fishing etc.

⁵¹ Union of India rep. by its Secretary, Ministry of Defence, New Delhi Vs. Vasavi Co-operative Housing Society Ltd. [2002 (5) ALT 370 (DB)]

State of Andhra Pradesh Vs. Prameela Modi [2005 (3) ALT 379 (DB)]

⁵²Dr. Babette Wehrmann, *Land Conflicts: A Practical guide to dealing with land disputes*, gtz Land Management (2008).

- xiii) Contingent Rights i.e. Right to succeed to the property on the happening of an event.
- xiv) Grant of Patta Rights
- xv) Granting and Cancellation of Assigned Lands
- xvi) Grant of Occupancy Rights in respect of Inam lands
- xvii) Grant of Protected Tenancy Rights and Ownership Rights to Protected Tenants
- xviii) Grant of Ryotwari Patta

Formal Dispute Resolution Forums: The formal forums for adjudication of disputes are: i) Civil Courts; ii) Special Tribunals/ Revenue Courts constituted under the Special Enactments. As regards of disputes of civil nature, normally the adjudication of the disputes are done by the civil courts. The Civil Courts in State of Andhra Pradesh were constituted under the AP Civil Courts Act, 1972. The provisions of Code of Civil Procedure, 1908 and A.P. Civil Rules of practice govern the procedure in respect of civil suits.

Under the Special Enactments, independent forums for adjudication of disputes arising thereunder are created and their jurisdiction is mutually exclusive. Some of the special enactments expressly excluded the jurisdiction of civil courts.

Thus in State of Andhra Pradesh, it can be said that the jurisdiction of each of the adjudicatory authorities are well defined and wherever the power is conferred on an authority to adjudicate the dispute falling within special enactments, jurisdiction of other forums is excluded in order to prohibit the parties to indulge in forum shopping.

The following table attempts to capture the Enactments, which provide forums having exclusive jurisdiction over the subject matters of the disputes arising there under and provision for appeal/ revision and period for filing of case.

Legislation	Nature of Dispute	Forums	Period for filing
AP (TA) Tenancy and Agricultural Lands Act, 1950	1. Preparation of PT records u/s 34	1.MRO as primary authority. 2.Appeal to Joint Collector 3.Revision to Government/ Board of Revenue	For filing claims- 30 days 3 months 3 months
	2. Restoration of possession to PT, if dispossessed illegally by land lord.	1. MRO as primary authority Appeal to Joint Collector	No limitation 60 days u/s 93
	3. Granting of ownership rights to PT u/s 38 (e)	Revision to HC RDO Primary authority Appeal to Joint Collector Revision to HC	60 days u/s 93 Appeal within 60 days
	Civil court jurisdiction expressly barred		
2.AP (TA) Inam Abolition Act	1. Concerning Grant of occupancy right certificates	RDO primary authority Appeal to Joint Collector U/S-24 Revision to High court u/s 28	30 days No Limitation
3. AP Survey and Boundaries Act	1. Fixation of Boundary	Civil court	3 years from the date of notification
5. Escheats and Bona Vacantia	1. Raising issues against eviction from a declared bona vacantia land Declaration of property as bona vacantia	Civil court Appeal regular forums under CPC	As per CPC
AP Right in Land and Pattadar Pass Book Act, 1971	Amendment of Record of rights 2. validation of unregistered sale deeds	MRO primary authority RDO appellate authority JC revisional authority Civil Court jurisdiction exclusively barred	30 days Sub-Section 4 of Section 5-A

Legislation	Nature of Dispute	Forums	Period for filing
AP Assigned Lands (Prohibition Of Transfer) , 1977	1. Order of resumption of land	MRO primary authority RDO appellate authority Second appeal to Joint Collector Revision to Government	- 90 days (US-4-A (1) of Sec-4 90 days (Sec-4-A (2)-
AP Land Grabbing Prohibition Act, 1982	1. Illegal grabbing of any land	- Special Tribunal/ Special Courts of original jurisdiction - Appeal to Special Court against the orders of special tribunal -No appeal or revision against the judgment of Special Court rendered under original jurisdiction or under appellate jurisdiction.	60 days Sub-Section 3 of 7A
AP Public premises (eviction of unauthorized occupants) 1968	1. Eviction	Estate officer primary authority District court as appellate authority Civil court jurisdiction expressly barred	30 days(U/S-9)
AP Splitting up of Joint Pattas Act, 1965	Splitting of joint pattas	MRO primary authority Collector appellate authority. He also has revisional powers	90 days <i>Suo motu</i>
--- BSO 15 (15) (Andhra Area)	Regarding cancellation of Pattas	Tahsildar primary authority Appeal before RDO/ Collector Second Appeal from Collector to CCLA	30 days 40 days
BSO 15 (18) Andhra Area	Regarding cancellation of assigned pattas under misrepresentation or under mistake of fact	Revision before CCLA submitted by the Collector	No time limit
AP (AA) Inam abolition and Ryotwari Act	Grant of Pattas	Inam deputy Tahsildar/ Tahsildar primary authority RDO appellate authority	60 days

Legislation	Nature of Dispute	Forums	Period for filing
		CCLA revisional authority or Second appellate authority (concurrent powers)	- No time limit -
AP Occupants (Conferment of Ownerships)and Homestead, 1976	Conferring ownership right to occupant of homestead	Tahsildar primary authority Appeal to the RDO Revision to DC	- 60 days U/S-8 - 90 days U/S-9-
AP Wakf Act,	1.Regarding title/ eviction, rights of mutawalli of wakf property	Special Tribunal as primary authority constituted under the Wakf Act, 1995 - No appeal lies - Revision to HC - Civil court jurisdiction barred	--
AP Charitable and Hindu Religious Institutions and Endowments Act, 1987.	Eviction from endowment property Eviction from temple lands Eviction from institutions belonging to Hindu Temples, Christian community churches and property, charitable and public trust property (other than Muslim property)	Special Tribunal instituted under section 87 of the Act Appeal to the High Court	90 days
AP (AA) estates Abolition and Conversion into Ryotwari Act, 1948	Grant of Pattas	Prior to 1945 First Appellate authority is director of settlements Commissioner of Appeal- Second Appellate HC final authority After 1945 First appeal to Commr. Appeals Second Appeal to Government	30 days

Legislation	Nature of Dispute	Forums	Period for filing
- AP Scheduled Areas (Land Transfer) Regulation, 1959	Disputes regarding transfers of land in scheduled areas	Appeal to the state Govt. if the decree or order of ejectment is passed by the Agent If the decree or order was passed by the Agency Divisional Officer to the Agent If the decree or order was passed by any other officer, to the Agency Divisional Officer or Agent as may be prescribed.	Application of Limitation Act.
Agency Regulation, Act 2/70, 1/69, 2/69 (8 years of full possession)	Disputes regarding lawful possession	Settlement Officer Appeal to Director Settlement Second Appeal to Board of Revenue	60 days 60 days
AP Housing Board Act, 1956	Eviction from Housing Board property	Competent authority primary authority Appeal to District Court Civil court jurisdiction expressly barred/	
AP Land Reforms (Ceiling On Agricultural Holdings) Act,1973	Determination of surplus lands and its resumption	RDO as primary authority Appeal to the district court-Land reforms appellate tribunal Revision to HC	30 days 90 days
AP Building (Lease, Rent and Eviction) Control Act, 1960	Eviction, Fixation of rent Restoration of amenities in respect of buildings covered under the Act	Rent Controller Appeal to Chief Judge City small causes court Revision to HC	- 30 days 90 days
A.P. Agricultural Lands (Conversion for Non-Agricultural purposes) Act, 2006	Land use conversion from agricultural to non agricultural	RDO primary authority Appeal to Joint Collector Civil court jurisdiction barred	60 days

Legislation	Nature of Dispute	Forums	Period for filing
AP (TA) Land Revenue Act, 1317 F		Tahsildar primary authority Appeal to RDO Second appeal to Joint collector Commissioner of Appeals has revisional powers -suo motu 166 B- Concurrent revisional powers of the Government	60 days In all other cases- 90 days
AP (TA) Abolition of Jagirs Act	Determination of commutation fee and distribution of commutation amount to jagirdars	Jagir administrator primary authority Appeal to Govt. Revision to Govt(concurrent jurisdiction) suo motu	60 days
AP (TA) Atiyat Enquiries Act, 1952		Atiyat court as the primary authority	

While attempts to obtain data regarding court cases pending at different levels did not bear fruit, however the **Chief Judge City Civil Court, Hyderabad** has furnished certain data which is thus: –

1. Proportion of Land Dispute Cases to other cases in the last ten years 223
2. No. of Land related disputes that are settled in the first instance 2114
Court itself and the period taken for such resolution 2 years
3. No. of pending land conflicts; total pending cases 10514

Taking this information into account and estimating the pendency of cases in all the district courts as well as the high court one may conclude that the pendency of cases involving land are substantial. The field level experience of SERP which attempted to capture data regarding land related disputes concerning the rural poor (SC's) also shows that the pendency is huge and with legal counselling and assistance, a lot of cases can be avoided from being taken to the courts.

4.8.2 Dimension- wise analysis and scoring

LGI: 8.1 Assignment of responsibility: responsibility for conflict management at different levels is clearly assigned, in line with actual practice, relevant bodies are competent in applicable legal matters, and decisions can be appealed against.

811 There is clear assignment of responsibility for conflict resolution. SCORE: A -

Analysis: There are no parallel avenues for conflict resolution or if parallel avenues exist, responsibilities are clearly assigned and widely known and explicit rules for shifting from one to the other are in place to minimise the scope for forum shopping. The reasons for the same are given in the above analysis.

812 Conflict resolution mechanisms are accessible to the public. SCORE: A

Analysis: Even under the special enactments, the adjudicatory authorities are available locally and are accessible to aggrieved parties. Hence institutions for providing first instance of conflict resolution are accessible at the local level in the majority of communities.

813 Mutually accepted agreements reached through informal dispute resolution systems are encouraged. SCORE: A

Analysis: The panellists felt that the informal disputes may be termed as non judicial and non- Quasi Judicial. It was felt that whatever decision is arrived at, it must get formal

recognition by law. The panellists were of the opinion that there was no need for additional forums, as it would be a waste of resources. There is a need to make the existing mechanisms more efficient. It was suggested that the Lok Adalat system may be introduced compulsorily in every adjudication process relating to land disputes. It was also mentioned that it was important for categorization of cases and simple cases relating to land boundary disputes or recording of pattadars etc. can be quickly disposed off through convenient, expeditious and cost-effective process. The score of A that had been given was unanimously agreed to.

8.1.4 There is an accessible, affordable and timely process for appealing disputed rulings.

SCORE: C

Analysis: Limitations to file appeals and revisions, the EI and panelists agreed that the options given which talk about dispute resolution in timely manner as well. Except AP Land Grabbing (Prohibition) Act, 1982, no enactment stipulates time limit for disposal. Hence it was agreed that Score of C may be appropriate. Accordingly score C was given.

8.2.1 Land disputes constitute a small proportion of cases in the formal legal system.

SCORE: C

Analysis: While there is no statistical data available for all the courts with the panel, it was opined that more than 50% cases are related to land disputes. This assessment was made on approximation basis, taking to consideration the field experience of the panelists.

8.2.2 Conflicts in the formal system are resolved in a timely manner. **SCORE: D**

Analysis: The EI stated that there were several reasons for delay in disposal of cases like vacancy in appointments of judge etc. A panellist, Retd. Justice also felt that delays can be curbed if the judicial officers take more interest in the expeditious disposal of the cases. Another panellist, an Advocate suggested that to curb the litigations, it is necessary to reduce the stamp duty and registration charges so as to encourage the common public to obtain proper title documents. It was also suggested that whenever registration is done, the *phodi* or subdivision of survey number should be made compulsory and there should be exclusive authority for the adjudication of revenue and land related matters. Another panelists, MRO suggested for the reintroduction of Jamabandi for construction of perfect title records relating to land. The panel unanimously agreed for the score of D as it was felt that the delays do exist and affect the disposal of cases in a timely manner.

8.2.3 There are few long-standing (> 5 years) land conflicts. **SCORE: D**

Analysis: While no data is available relating to pending cases in all the courts as regards land conflicts, all the panelists opined that the share of long-standing land conflicts is greater than 20% of the total pending land disputes in courts. Hence all agreed upon Score of **D**.

Conclusion

Every enactment has specifically provided time within which claims, appeals and revisions are to be filed. The maximum period of limitation provided under the special enactments is 90 days and minimum period is 30 days except in case of civil suits which are governed by the Limitation Act, 1963 and the suits arising under the AP Surveys and Boundaries Act, 1923, where the limitation prescribed is 3 years. Wherever limitation is not provided under special enactments, the courts have held that it should be brought within a reasonable time- *reasonable time being 3 months*. Therefore, there exists a process for disposing disputes in a timely manner.

Informal dispute resolution mechanisms : Informal dispute resolution mechanisms are those which are non-judicial and non-quasi judicial in the sense that the adjudication of the disputes is not done by a Judiciary/ by a Quasi Judicial Authority under any Act. The informal dispute resolutions are in vogue in the State of AP since ages. Normally, in villages, the disputes are being taken to village elders or community elders for resolution. The verdict if accepted, the dispute is not carried any further. In cases where the verdict is not accepted by any of the parties to the dispute, it shall be adjudicated by taking the matters to civil court or the forums provided under the special enactments.

A provision is made under the amended provisions of Code of Civil Procedure, 1908 for resolution of disputes by informal means. Section 89 of CPC contemplates that where it appears to the court that there exists an element of settlement which may be acceptable to parties, the court shall formulate the terms of settlement and give them to the parties for their observation and also refer the same for

- a) arbitration
- b) Conciliation
- c) Judicial settlement including settlement through Lok Adalats
- d) Mediation

Order XXIII of CPC enables a party to withdraw the suit. In case of compromise, the parties may report the same to the court for recording the compromise. Order XXIII, Rule 3 mandates the court that in cases where it is alleged by one party and denied by the other that

the adjustment of satisfaction has been arrived at, the courts shall decide the question forthwith without granting adjournment.

Therefore it can be said that there is a local, informal dispute resolution system that resolves significant number of conflicts in an effective and equitable manner and which is recognized in the formal judicial or administrative dispute resolution system.

8] Court Fees

The A.P. Court Fees and Suit Valuation Act, 1956 prescribes levy of fixed fees as well as *ad valorem* fees according to the nature of the suit or proceedings. Fees taken in the court are not equated to taxes and fee must have relation with administration of civil justice. The following provisions deals with the payment of Court fee as regards land disputes:

- i) Suits relating to immovable property (Sec-21).
- ii) Suits for declaration of title & possession or injunction (Sec-24)
- iii) Suits for bare injunction (Sec-26)
- iv) Suits relating to trust property (Sec-27)
- v) Suits relating to possession (Sec-28 & 29)
- vi) Suits relating to easements (Sec-30)
- vii) Suits relating to mortgages (Sec-31)
- viii) Suits relating to Partition (Sec-34)
- ix) Suits for Joint Possession (Sec-35)
- x) Administrative suits (Sec-36)
- xi) Suits for cancellation of instruments and Court decrees (Sec-37)
- xii) Suits for specific performance of agreement (Sec-39)
- xiii) Suits between land lord and tenant (Sec-40)
- xiv) Suits under A.P. Survey & Boundaries Act, 1923 (Sec-42)
- xv) Suits to alter or cancel entry in the Register (Sec-43)

The Schedules-I & II of the APCF & SV Act provides the fixed fee and Ad veloram fee payable on the suits, applications, appeals and petitions. *Ad veloram*⁵³ fee for the maximum of Rs.3,00,000/- is Rs.5,426/- and when the value exceeds Rs.3,00,000/-, for every Rs.10,000/- or part thereof in excess of Rs.3,00,000/-, Rupees One Hundred (apprx. 1%).

⁵³ A tax based on the assessed value of real estate or personal property.

Type of suit	Court Fee	Provisions
Suit for bare Injunction	On the amount at which the relief sought is valued in the plaint or at which such relief is valued by the court. (Notional Value)	Sec 26 (c) of AP Court Fees and Suit Evaluation Act, 1956
Suit for injunction of title when the plaintiff's title is denied	<i>Ad Valorem</i> Fee on Half the market value of the property	Sec 26 (a)
Suit for declaration of title and/or for possession of the property	<i>Ad Valorem</i> Fee on three fourth of the market value of the property	Sec-24 (a)
Suit for Partition based on Joint Possession	Fixed Court Fee of Rs.200	Sec-34 (2)
Suit for Partition based on excluded Possession	<i>Ad Valorem</i> Fee on three fourth of the market value of the property of the plaintiff share	Sec-34 (1)
Cancellation of entry in the Register	Fixed fee of Rs.15/-	Sec-43
Petition filed before the Special Court constituted under AP Land Grabbing (Prohibition) Act, 1982	Maximum amount of Rs. 15,000 for a value above Rs. 50,000 of any property	Rule 4 of A.P. Land Grabbing (Prohibition) Rules, 1988
Revenue Courts	Court Fees in all matters under all Revenue Acts is nominal not exceeding Rs. 50/-	

From the table above one can conclude that there are fixed costs which are reasonable and minimal for filing suits or appeals.

4.8.3 Policy recommendations

Panel No	Short Term	Medium Term	Long Term
8.1	Legal assistance programme for land disputes particularly for the poor should be introduced	Pendency in disposal of cases relating to land is high and the same will have to be addressed through Lok Adalat process and specific dedicated tribunals/courts/authorities	Gram Adalats: The Nyaya Panchayat system should be established. This was under consideration by government few decades ago but it never took off. Use the services of retired judges and local advocates for Nyaya Panchayats
8.2	Sittings of revenue courts should also be held in the field area outside court rooms. (circuit courts)	Special revenue tribunals should be constituted with officer having legal knowledge and expertise. Such officers should be trained in centers like judicial academy, and they should be educated about not only land laws but also the personal laws which govern succession and inheritance.	
8.3	In regards to pending disputes in the civil courts, much time is consumed for the call work. The call work should be dispensed with and the said job shall be entrusted to a separate authority like Prothonotary in Bombay HC.	Villagers also should be educated and enlightened about the arbitration and Conciliation Act and its benefits and Conciliatory provisions under CPC (Sec 89 and order XXIII of CPC)	
8.4		Legal services cells should be created in districts to render legal advice and counsel to poor litigants. Para legals can also be deployed to assist poor litigants.	
8.5		Time limits for disposal of cases at every level should be fixed by law and monitored by the high court.	

4.9 Institutional and Policy arrangement

4.9.1 Panel specific context

Land is a state subject as far as distribution of duties between the Centre and State are concerned. Laws formulated at the state level merit mention to reinforce the institutional changes envisaged to be made in terms of land administration at the state level. These are given in the Annexure - Panel 9.

Mapping Departments dealing with Land Management in the State

Primarily there are four departments viz. Revenue Department, Survey & Settlement Department, Registration & Stamps Department and the Municipal Administration & Urban Development Departments that handle information and transactions about land. In addition there are a host of other institutions/departments who deal with land as the base for their programmes and functions. These are Departments of Forests, Tribal Welfare, Panchayat Raj & Rural Development, Housing, Industries and Commerce, Infrastructure and others.

The State departments, and the attached/ subordinate offices and corporate bodies and commissions dealing with land related matters are listed below:

- **Department of Revenue**
 - Chief Commissionerate of Land Administration (CCLA) which has within it commissioner (appeals), special commissioner and commissioner (legal affairs)
 - Office of the Collector and District Magistrate. However for all practical purposes major work related to revenue is done by Joint Collectors.
 - Revenue Division officer
 - Tahsildar
 - Village revenue officer
 - Commissionerate of Survey, Settlements and Land Records
 - Office of the Commissioner & I G of Registration and Stamps
- Minorities Welfare Department and its subordinate offices at various levels
- Department of Panchayat Raj & Rural Development and its subordinate offices at various levels
- Municipal Administration & Urban Development and its subordinate offices at various levels
- Department of Housing and its subordinate offices at various levels

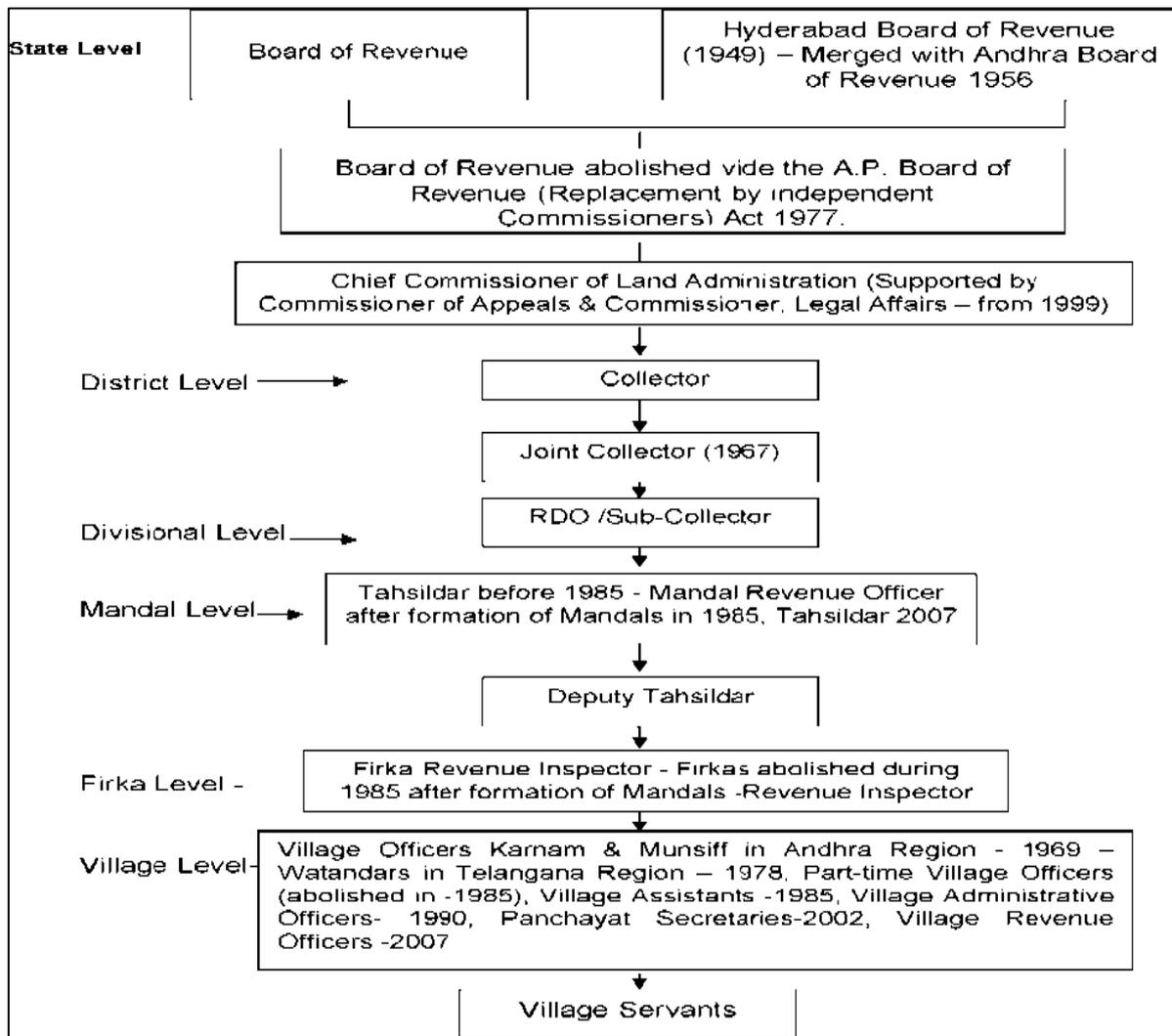
- Department of Environment, Forests, Science & Technology and its subordinate offices at various levels
- Department of Industries and commerce and its subordinate offices at various levels
- Department of Information Technology & Communications and its subordinate offices at various levels
- Department of Infrastructure & Investment and its subordinate offices at various levels
- Department of Planning and its subordinate offices at various levels
- Department of Tribal Welfare and its subordinate offices at various levels

Revenue Administration and Land Management in AP

During the pre-independence period the state has been ruled by the British and the Nizam in the Coastal region and Telangana respectively which had their imprint on the administration respective areas. When the erstwhile state of Andhra Pradesh was formed in 1956 an Integrated Board of Revenue was formed that also had inherited the functions and powers of Hyderabad Board also. However in the year 1977 the Board of Revenue was replaced by Commissioners in consonance with A.P. Board of Revenue (Replacement by Commissioners) Act, 1977.⁵⁴ In the year 1999 Commissioner Land Revenue was re-designated as Chief Commissioner of Land Administration (CCLA).⁵⁵ Structure of revenue administration in the state is shown in the diagram that follows.

⁵⁴Revenue Department, (n.d.) Retrieved November 29, 2013, from www.apland.ap.nic.in/cclaweb/revabthist.htm

⁵⁵ Ibid



The core revenue functions performed by the Revenue Department in Andhra Pradesh relate to land administration. But over the years it has been entrusted with lot of work other than revenue and land administration thus diffusing the focus of its original work. Details of functions performed by Revenue Department are shown below.

Major functions of Revenue department in A.P

Functions relating to Revenue Collection	
<ul style="list-style-type: none"> ▪ Water Tax ▪ Non- agricultural Assessment ▪ Road cess levy and collection ▪ Miscellaneous arrears collection ▪ Collection of court dues ▪ Recovery of Loans 	<ul style="list-style-type: none"> ▪ Irrigation sources Inspection ▪ Joint Azmoish ▪ Land Disputes ▪ Revenue sadassu ▪ Jamabandi
Functions relating to Land Records	
<ul style="list-style-type: none"> ▪ Pahanis / Adangals Maintenance ▪ Inspection and booking of crops ▪ Certified copies of Land Records and Khasra Pahanis ▪ Inspection of survey stones and their maintenance ▪ Maintenance of Government Land Registers 	<ul style="list-style-type: none"> ▪ Maintenance and Updation of Land Records ▪ Permanent Settlement Register / Sethwars ▪ FMBs ▪ Village Maps ▪ Village Accounts ▪ DCB
Functions relating to the Record of Rights	
<ul style="list-style-type: none"> ▪ PPBs and TDs ▪ Maintenance of Form I-A and I-B Registers ▪ Form 17 Registers 	<ul style="list-style-type: none"> ▪ Sanction of Succession & Transfer of Registry ▪ Amendments ▪ ROR appeals ▪ Disposal of Form X claims
Functions relating to Land Reforms	
<ul style="list-style-type: none"> ▪ A.P (T.A & A.A) Tenancy Act ▪ <i>Inam</i> Abolition ▪ Atiyat ▪ Agricultural Land Ceiling Act 	<ul style="list-style-type: none"> ▪ Urban Land Ceiling Act ▪ A.P Estate Abolition Act ▪ Jagir Abolition Regulation ▪ Land Transfer Regulation
Functions relating to Land Management	
<ul style="list-style-type: none"> ▪ Assignment of Govt. Land for Agriculture and House site purpose. ▪ Land Acquisition for public purpose. ▪ Disposal of Govt. land by alienation, transfer and lease. ▪ Public Premises Act. 	<ul style="list-style-type: none"> Protection of Govt. Lands, tanks from unauthorized encroachments and eviction Homestead Act ▪ A.P. Assigned Lands (POT) Act, 1977. ▪ Assignment Committee Meetings. ▪ Disposal of ceiling surplus lands. ▪ AP Land Protection Act, 1982.
Functions relating to Dispute resolution	
<ul style="list-style-type: none"> ▪ Abolition of Estate & jagirs ▪ <i>Inam</i> abolition ▪ Grant of Tenancy Rights 	<ul style="list-style-type: none"> ▪ Land Encroachment ▪ Land Assignment

Land Information management: The information and service needs concerning private property in Andhra Pradesh are handled by Revenue, Survey and Registration Departments and Local bodies. The Revenue Department maintains ownership and possession records (pahani/adangal, RoR, khatauni etc.) pertaining mainly to collection of land revenue. The Survey Department maintains graphical records (village maps/tippons/FMBs) and textual records (sethwar/diglott, RSR register). Only the title record i.e., the *Adangal / Pahani* in A.P, has been computerized but not the graphical record i.e., the parcel map and the village map which are also equally important for up-to-date maintenance of land records. The Registration Department keeps land transaction records in the form of deeds executed on stamp paper (sale, purchase, gift). And these are computerized in recent years. Local bodies maintain property registers, primarily for collection of taxes.⁵⁶ However an Integrated computerized database is not available with the three departments participating in the maintenance of land records.

Land Survey and Records: In Andhra Pradesh, the last survey of land records was done in 1920. Since then not much change is done in terms of records updation. Out of about 5 million land parcels, 49% of tippons are in good condition while the others are in torn conditions. Due to improper and defective land records, it is estimated that 2% of rural, 5% of urban and 28% of semi urban areas are embroiled in lands disputes and never-ending litigation. As per the data available in the Survey Dept the pendency in individual survey is 23% during 2013.

Detailed Town Survey of some Municipalities and Survey of streets in some Panchayats were done in Andhra Region. The detailed Town Survey in Municipalities and street Survey in Panchayats will be done only when the Municipalities are prepared to pay 2/3rd cost of survey and Panchayats are prepared to pay 1/3rd cost of survey and resolutions are passed to that effect and sent to the Director of Settlements, Survey and Land Records. This survey was done only in a few Municipalities and Panchayats. Out of 130 towns in the State, only about 30 towns have been surveyed till date. There are simply no survey records for the other towns.

In respect of Telangana region, detailed Town Survey of the twin cities only was done in 1966-70⁵⁷. *SaadaBainama* (or Plain Paper Transactions) is one of the most predominant

⁵⁶<http://nisg.org/project/73>

⁵⁷Hand Book of Land Records, P.Kasthuri Reddy, Asia Law House, 2010

illegal yet prevalent practices prevailing in entire Andhra Pradesh where the poor farmers purchase lands from land owners and extended on plain paper. This aspect has been dealt with extensively under panel 6.

4.9.2 Dimension wise analysis and scoring

LGI 9.1.1: *Land policy formulation, implementation and arbitration are separated to avoid conflict of interest.* SCORE: A

Analysis: There was a consensus about the earlier scoring **A**. Panelists observed that there is no comprehensive state-wide policy but there exists individual department policies. He suggested for setting up separate state-wide body with Chief Secretary as the head to formulate land policies and ensure implementation. In situations that can entail conflicts of interest or are sensitive to abuse (Eg. Transfers of land rights), there is a clear separation in the roles of policy formulation, implementation and arbitration.

LGI 9.1.2: *Responsibilities of ministries and agencies dealing with land do not overlap (horizontal overlap).* SCORE: B

Analysis: The panel had a general agreement that there could be slight overlaps of agencies dealing with the land. The mandated responsibilities of the various authorities dealing with land administration issues are defined with a limited amount of overlap with those of other land sector agencies but there are few problems.

LGI 9.1.3: *Administrative (vertical) overlap is avoided.* SCORE: A

Analysis: The Expert Investigator pointed out that various departments having lands under their control are responsible for the administration of their lands. Hence there is no overlapping in administration of land-related responsibilities between different levels of administration and government. The panel consented for the initial score. Assignment of land-related responsibilities between the different levels of administration and government is clear and non-overlapping.

LGI 9.1.4: *Land right and use information is shared by public bodies; key parts are regularly reported on and publicly accessible.* SCORE: B

Analysis: The panel has opined that the Information related to rights in land is available to interested institutions and altogether this information is available at reasonable cost, it is not readily accessible as the information is not maintained in a uniform way.

The participants in the panel discussion observed that the new initiatives like Webland is helping in the accessibility of land related documents but still they are not giving open access to the public. All information cannot be accessed by the common man directly, for that they need to give special request to the authority. Hence the panel agreed that information related to rights in land is available to interested institutions and although this information is

available at reasonable cost, it is not readily accessible as the information is not maintained in a uniform way.

LGI 9.1.5: *Overlaps of rights (based on tenure typology) are minimal and do not cause friction or dispute. SCORE: C*

Analysis: The legal framework and procedure for land-related matters (incl. renewable and subsoil resources) are fully consistent but there may be differences in the way complaints and grievance redress are handled.

The discussants completely agreed upon the fact that there are many overlaps in the rights and also pointed out that how these rights are creating frictions between the parties is a very important concern. The panel discussed the fact that in a parcel of land if minerals are observed the land owner does not get the rights over the minerals. He has rights only to take crops. This leads to disputes. The Legal framework and procedures for land-related matters (incl. renewable and subsoil resources) deal with land-related matters very differently but have functioning mechanisms for redressing overlap in place.

LGI 9.1.6: *Ambiguity in institutional mandates (based on Institutional map) does not cause problems. SCORE: B*

Analysis: With minor exceptions, the processes applied by public institutions dealing with land are fully integrated and consistent.

LGI 9.2.1: *Land Policies and regulations are developed in a participatory manner involving all relevant stakeholders. SCORE: C*

Analysis: The panel opined that there is no comprehensive land policy and those decisions that affect some sections of the community are made without prior consultation. Policy exists or can be inferred by the existing legislation but it is incomplete (some key aspects are missing or only covers part of the country such as only urban or only rural areas) and decisions that affect some sections of the community are made without prior consultation.

LGI 9.2.2: *Land Policies address equity and poverty reduction goals progress onwards these is publicly monitored. SCORE: C*

Analysis: The panelists stated that most land legislations enacted have a pro-poor and equity bias. However, the implementation of these laws is indifferent and incomplete. Land policies incorporate some equity and poverty objectives but these are not regularly and meaningfully monitored.

LGI 9.2.3: *Land policies address ecological and environmental goals, progress towards these is publicly monitored. SCORE: C*

Analysis: The existing land policies incorporate some ecology and environmental principles into consideration but these are not monitored regularly and in a meaningful way. Land policies incorporate some ecology and environmental sustainability objectives but these are not regularly and meaningfully monitored.

LGI 9.2.4: *The implementation of land policy is costed, matched with benefits and adequately resourced.* SCORE: C

Analysis: The implementation of land policy is not fully costed and/or to implement the policy there are serious inadequacies in at least one area of budget, resources or institutional capacity. The implementation of land policy is not fully costed and/or to implement the policy there are serious inadequacies in at least one area of budget, resources or institutional capacity.

LGI 9.2.5: *There is regular and public reporting indicating progress in policy implementation.* SCORE: C

Analysis: The EI explained that in the state there is system of periodical reporting of land related issues in the legislature as well as before standing committee during budget sessions, however it is not monitored and tracked in a proper way. The panel consented for the initial score C (C: Formal land institutions report on land policy implementation but in a way that does not allow meaningful tracking of progress across different areas or in a sporadic way.)

LGI 9.2.6: *Land policies help to improve land use by low- income groups and those who experienced injustice.* SCORE: B

Analysis: The EI stated that there are different schemes to assign lands and house sites to land less poor to improve their livelihood, however the execution part is not effective. Policy is in place to improve access to and productive use of assets by poor and marginalized groups, is applied in practice, but is not effective.

LGI 9.2.7: *Land policies proactively and effectively reduce future disaster risk.* SCORE: D

Analysis: There is no policy in place to prevent settlement in high risks areas or anticipated future risks.

4.9.3 Policy recommendations

Panel No	Short Term	Medium term	Long term
9.1	With the abolition of the erstwhile board of revenue, there is no head of department for the revenue department. The CCLA should become the HOD and there should be experts in his office to deal with land use planning, land reform, surveys and land records.	Institutional Reforms: First step in institutional reforms for effective land administration in the state is to design a Comprehensive Land Use Policy based on the principle of sustainable development.	Revenue dept. functionaries at field level should be divested of their other general administration duties as most of the time of these functionaries is consumed by other general administration work.
9.2	Common database for allied Dept.: Identical land information database should be made available with the departments of Survey, Revenue and Registration so that on-line transmission and incorporation of changes in title, boundary and classification is rendered possible for simultaneous updation of database. Gram Sabhas should be involved in survey operations and should be main agency for ground truth. Mutations in undisputed cases should be done by Gram Sabha at local level.	This policy need to be administered by land administration department/authority which should be high powered Land Development and Administration Board headed by an officer of the rank and seniority of a Chief Secretary.	In the long term the country should seriously provide for land titling on the lines existing in some countries
9.3	One of the suggestions made by the participants is to post revenue officials in the key departments dealing with land issues.	Establishment of Land Tribunal: A state level Land Tribunal to adjudicate land disputes should be established in the state as majority of the legal disputes relating to land reforms are pending at higher forums at the state level. The experience of Bihar needs to be studied.	Land revenue administration should become land management administration.
9.4	Police cooperation for revenue cases low	Process Reengineering: Necessary process re-engineering of the administrative procedures of the three departments of Revenue, Survey & Settlement and Land Records and Stamps & Registration and their functioning should be inter-linked.	Move towards ushering in land market where artificial and unnecessary restrictions on land use, land transfers are removed.
9.5	Law wing in revenue department to be strengthened	Government should make substantial capital investments for governance particularly in land administration. Latest technology should be inducted.	
9.6	Simplification of application forms for revenue matters/grievances	Reconcile mismatches in records and on-ground situation: On-ground update of land records should be taken up for improving coverage and eliminating backlogs. All the existing textual and graphical land records should be computerized. The textual title and other information shall be integrated with the graphical of information for each village so that full attribute information of each land parcel (survey.no / subdivision) of villages is readily accessible at one source. Wherever records are not available, fresh records should be regenerated by undertaking need-	

Panel No	Short Term	Medium term	Long term
		based resurveys, employing modern methodology like GPS, ETS, satellite imagery etc.	
9.7		Land information should be transparent and accessible to all through single point availability and multi point accessibility .	
9.8		Information kiosks on the lines of "Bhoomi" project of Karnataka should be set up to enable the landholders to proactively seek updation of records by following the prescribed formalities.	
9.9		Effective grievance redressal machinery must be established	
9.10		The cost of entire survey should be borne by the Government of India on 100 percent basis.	
9.11		There is need for codification of existing land related laws which are too many in the state due to historical reasons. In their place a comprehensive single Act to be enacted on each subject to make implementation easy and reduce the legal disputes . With the bifurcation of the state into two the field conditions are more homogenous hence this can be done more easily.	
9.12		Wider use of Technology can help in dispute resolution by enabling courts/ judges to decide using IT for video conferencing mode by linking to villages/remote places for hearings and submission of documents which otherwise cost substantially to the applicants. The concept of E-courts should be used for settlement of land disputes.	
9.13	Land subdivisions (Land parcels) are the most frequent land disputes which can be settled by using latest EST and GIS technologies which can reduce the cost of survey and settlements. Similarly technology can play very effective role in accessing the documents and clearances required for settling the land issues. Karnataka has successfully used the IT platform to improve the access to services by making the information on survey and registrations available at the doorstep of the beneficiaries.		
9.14		Support decentralisation and delegation of powers to Gram Panchayats in settling the land disputes.	
9.15		There is a dire need to build up the capacities of tahsildars/MROs using latest Technology and skills for quick disposal of revenue work.	

Panel No	Short Term	Medium term	Long term
		Capacity building is the key to improving the performance of the revenue machinery particularly at middle and lower level. A handbook of FAQs for field level staff of revenue Dept can be a useful tool in this context.	
9.16	Political interference in Posting and transfers of revenue officials is another important issue that needs to be addressed. It was suggested postings need to be done by the Chief Secretary or Head of Department.		Political interference in Posting and transfers of revenue officials is another important issue that needs to be addressed. It was suggested postings need to be done by the Chief Secretary or Head of Dept..
9.17		Village Level Administration also needs to be strengthened in terms of technical knowledge, efficiency in delivery, overall skill upgradation strengthening.	
9.18		Results Framework Document (RFD) has emerged as an important tool to monitor the outcomes of the departments. RFD is now mandatory in many departments of Government of India. There is a case for adopting the same in the state particularly in Revenue Department to improve its efficiency and effectiveness. Report card on outcomes can be made public on the basis of RFD.	
9.19		There is a need for making all land related information to be made available in one place. A website on Sarkar Bhoomi has already been initiated and this needs to be expanded in scope and made available to the general public.	
9.20		Bhoobharati is one of the best practices initiated in the state but not extended to all the districts. This needs to be done on priority and necessary funding for this need to be provided preferably with Government of India assistance.	
9.21		Though the position of Women has improved over the years in property rights they are the major sufferers in land disputes. Priority need to be given to settle land related issues where women are the primary beneficiaries.	
9.22		Political interference in revenue matters need to be reduced. A Public Services Board be setup at state level to look at issues such as victimization of honest and efficient officials, political transfers and other harassments to officials	

5 GOOD PRACTICES OF LAND GOVERNANCE IN THE STATE

Enactment of Inam Abolition Act:

In the post-independence era The Andhra Pradesh (Telangana Area) Inam Abolition Act, 1955 and The Andhra Pradesh Inams (Abolition and Conversion into Ryotwari) Act 1956 are one of the most proactive Acts which came into existence in the country as part of the land reforms. Under these Acts the Inamdaris were abolished and in turn pattas were granted to the individual ryots who were under cultivation of the land.

Implementation of Jagir Abolition Act:

Under the Hyderabad (Abolition of Jagirs) Regulation of 1949 read with Hyderabad Jagirs (Commutation) Regulation of 1950) all the jagirs numbering 951 and covering an area of approximately 12,000 square miles have been abolished. The total estimated compensation for abolition of Jagirs in Telangana area is Rs.1,078 lakhs⁵⁸.

Tenancy Law in Telangana

In the Telangana Area, a very progressive reform undertaken was to grant ownership rights to protected tenants under section 38 E of the Tenancy Act. In no other state were tenants conferred with ownership rights. The policy and the practice of awarding the tenants rights are not fool proof and are informal. As per the KRR report “almost 100% of tenants continue on informal tenancy”. A survey undertaken in Andhra area for the KRR committee report also shows the same results.

Distribution of Government land for agriculture purpose and for house sites

Andhra Pradesh is the first State in the country to distribute the largest extent of land to the landless poor in the recent years. The State Government which began land distribution to the landless poor from 1955 onwards and has achieved a figure of 39.25 lakh acres till 2004. From 2004-2013, Andhra Pradesh registered disbursement of a total of 7,75,451 acres to 5,49,934 beneficiaries out of which 1,77,895 acres distributed to 1,53,341 SCs and 2,41,729 acres distributed to 1,35,169 STs. The Andhra Pradesh government has created a

⁵⁸ Implementation of Land Reforms A Review by the Land Reforms Implementation Committee of the National Development Council, Planning Commission, Government of India, New Delhi, August, 1966: Report submitted by Shri Ameer Raza, Joint Secretary, Planning Commission on implementation of Land Reforms in Andhra Pradesh

record in distribution of land in 6 phases from 2004 to 2013⁵⁹. State Government had since 2004 spent a sum of Rs.599 crore under the Rural Infrastructure Development Fund (RIDF) schemes to develop and bring under cultivation 3.49 lakh acres of land distributed to the landless poor. Further the land distributed to landless poor is linked up with NREGS programme to transform the lands cultivable⁶⁰.

Besides the distribution of land for agricultural purpose, Government of AP has undertaken the distribution of house sites to landless poor as one of the most important programme. The Revenue Department takes up the acquisition part whereas the Social Welfare Department provides the budget for acquisition of the house sites. Houses were constructed on these sites under a programme called INDIRAMMA (IAY). Since 1957 to 2006 an extent of 3.57 lakh acres of land has been acquired and distributed to 79.45 lakh families. Under INDIRAMMA (IAY) programme from 2006-07 to 2012-13 a total of 35722 acres of land was acquired and distributed to 7.68 lakh families⁶¹.

Enactment off AP Assigned Lands (Prohibition of Transfer) Act, 1977

Government of AP has enacted The Andhra Pradesh Assigned lands (Prevention and Transfer) Act – the POTA Act in 1977 with an objective of preventing the lands or house sites assigned by the Government to the landless poor by selling or transferring to others.

Land Grabbing (Prohibition) Act, 1982

To curb the actions of grabbing the land belonging to the government, local authority, a religious or charitable institution or endowment, including wakf or any other private person by unlawful persons individually or by groups, Government of AP has enacted Land Grabbing (Prohibition) Act, 1982. The most important provisions of this Act are (1) redelivery of the Grabbed land to the owner; (2) Compensation and 3) cost of redelivery U/s . 7-A (5) and 8(7). GOAP had constituted a Special Court at state level with powers of a Civil Court for speedy processing of land grabbing cases and this special court has the powers to award compensation by the land grabber to the lawful owner.

⁵⁹ Progress report of CCLA for the month of December, 2103

⁶⁰<http://cm.ap.gov.in.cm.ap>.

⁶¹ Report of Social welfare Department, AP

Regularization of encroachments on Government lands:

Government of AP regularized the unauthorized unobjectionable occupations of Government land i.e., encroachments from time to time in a regular manner. In case of poor persons, encroachment will be regularized and the land allotted at free of cost. Persons above poverty line, land will be given on payment of market value, surcharge, etc. GO Ms Nos 515, 631, 166 of Revenue Department are some such instances in recent times.

Regularization of Unauthorized layouts:

Government of AP had introduced Layout Regularization Scheme which is intended to help the people by bringing the unapproved layouts into the planning fold by getting them regulated and to enable them to get building permission. GOAP had framed certain rules and issued series of GOs from time to time to regularize the unapproved layouts by paying some penalty. 1) G.O. Ms.No.902; 2) G.O. Ms.No.113; 3) G.O. Ms.No.880 and; 4) G.O. Ms.No.589, of MA& UD department contain the details of the scheme.

The scheme is applicable to the plots in unapproved layouts which are located within Urban Development Authority Area, Municipalities, Municipal Corporations and Gram Panchayats falling in Master plan limits of respective Municipalities in Andhra Pradesh. It is applicable to the plots in unapproved layouts which are registered prior to 31.12.2007 i.e. date of notification of the Rules in A.P Gazette. LRS is not applicable to Encroachment on Government Lands, Surplus land declared under Urban Land Ceiling Regulation Act/ Agriculture Land Ceiling Act / Land resumed under A.P Assigned lands (POT) Act, Tank beds and Sikham Lands, Areas Covered under G.O.Ms No 111 MA&UD, etc.

Loan and Other Benefits Eligibility Cards (LEC):

The Koneru Ranga Rao Land Committee has recommended to issue Loan Eligibility Cards to the tenants on their self declaration only. By accepting the committee's recommendation to protect and extend support to the tenants, Govt of AP has promulgated an Ordinance which was enacted as **AP Licensed Cultivators Act, 2011**.

As per the Act the licensed cultivator shall be entitled to enter his name in the register for loan and other benefits. On such entry in the records, he/she is entitled for Loan Eligibility and other Benefits. The Loan Eligibility Cards (LEC) are issued for a period of one year and

renewed thereafter. It can be said that government have taken a bold initiative to protect the tenant farmers by issuing LEC cards. Despite many hurdles it enabled the tenants to access credit from Banks and other financial institutions to some extent.

Bhoobharathi programme :

Due to difficulties in land survey and land records the citizens are facing problems in protecting their properties or obtaining quality services from the government agencies. To resolve these issues for the first time in India, a pilot project called the Integrated Land Information System ILIS - *BhooBharati* was started in Nizamabad district vide G O No 158 Rev dt 28.1.05. The key features of this project are Providing Conclusive titles, Title registration, Integration of services & creation of a single and dedicated Agency, Digitization & Auto updation, Self-sustaining Revenue model.

- 1) Conclusive titles: Emphasis has been given to bring the paradigm shift in land administration from regulatory and revenue collecting system to one that gave a clear and conclusive title to all rural and urban properties.
- 2) Title registration: So far in India the registrations take place for the documents of deeds of the properties. But the project aimed to register the titles of the deeds which will ensure the legal authenticity of the property. The registrar should verify the titles of the transferor before the registration takes place. The crux of the system is that only the legal owner will be entitled to transfer the property.
- 3) Integration of services & creation of a single & dedicated Agency: The present system of multiple Government departments maintaining land records would be replaced by a single dedicated agency, which will create, maintain and deliver all property related services
- 4) Digitization & Auto updation: All records will be maintained in digital form and processes will be designed in such a way that as the transactions occur, records will be updated automatically. Entire data will be maintained in a central repository.
- 5) Self-sustaining Revenue model: User charges would be introduced for any revenue service provided to citizens to make it a self sustaining body.

This system also would provide the services like

- Information Services
- Document Issue Services

- Transaction Services
- Other Services

The Information Services provides the citizens the information on Title search, Transaction history, Map search, Document Search, Building and Layout Plans, Land Use, Crop Information, Market Valuation.

Under *Document Information Services*, Bhoo Bharati would provide the certificates like Title Certificate, Land Parcel Map, Land Use Certificate, Adangal Certificate (Crop Information) Market Valuation Certificate, Map/ Layout Plan Extracts of Archived Documents, etc.

Transaction Services are those services which lead to a change in the records of Bhoo Bharati.

Under this project entire Nizamabad district is planned to be resurveyed using latest survey technologies like Aerial Photogrammetry, Electronic Total Station and DGP followed by enquiry and recording of conclusive title. The entire process covers agricultural, residential and communal lands both in rural and urban areas. The entire records would be surveyed and computerized, revenue and registration services could be delivered through a single window system which will facilitate easy access to reliable land records. So far agricultural land in 922 villages covering an area of 13,83,537 acres was re-surveyed. Out of 8,79,792 Land Parcel Maps (LPMs) generated, around 8,77,718 were distributed to the land owners. The aerial photography of entire district of Nizamabad covering 6690 Sq. Kms(6300 Sq. Kms. in rural area and 390 Sq. Kms. in urban area) out of a total of about 8,000 sq.kms area was completed. At present updation and incorporations of corrections suggested by the field level team in test check reports of 239 villages are being taken up.⁶²

7.11 Pattas issued in the name of women:

To eliminate the gender discrimination, the Government of AP is issuing house site pattas in the name of women vide G.O.M.S No 92, Social Welfare (LA) Dept, dt. 29.12.2004.

best practices in land acquisitions are mentioned below⁶³ -

1. Land Acquisition – The procedure for land allotment is smooth and predictable

⁶² Report on Revenue, Registration & Relief (Disaster Management) Demands for Grants, 2013-2014

⁶³ FICCI and Bain & Company. (n.d.) Empowering India Redesigning G2B Relations Andhra Pradesh. Retrieved December 10, 2013, from www.ficciempoweringindia.com/ReportAndhraPradesh.pdf

2. Under the LA Act GoAP adopted a system of consent awards which has reduced litigation considerably. Committee at district level and also at state level negotiates with the land holders on quantum of compensation.
3. AP is also known for Single Window Clearance Mechanism with deemed clearances. Perhaps AP is the first state to institutionalize this through an Act in 2002.

MeeSeva Project:

Given its larger vision of creating an IT enabled citizen centric governance framework, the Government of Andhra Pradesh launched the MeeSeva initiative in November 2011. MeeSeva is an integrated service delivery model for providing government services to citizens through 'one-stop' centres. MeeSeva in its current state has evolved from Andhra Pradesh's other e-governance initiatives like eSeva, APOne, and the Common Service Centres (CSCs) established under the National e-Governance Plan. Though these centres eased the process of paying utility bills, the citizens of Andhra Pradesh had to make many rounds of concerned government departments to acquire the different government documents. During this process citizens became prey to touts and agents who would harass them in return of a promise to get them the desired documents on time. Further, the processing of applications in concerned departments was done manually by verifying various paper records. This entire process was highly time-consuming. Under this system the absence of a stipulated time-frame for service delivery and any system of monitoring citizen requests resulted in a lack of transparency in government functioning. In order to address these continuing problems in service delivery, MeeSeva was launched to seamlessly integrate service delivery in the state from end to end, using web based architecture for linking databases across departments. The objective of MeeSeva is as follows:

- To electronically provide services to citizens in a convenient, efficient and timely manner through a web based application.
- To bring service delivery to the doorsteps of citizens by establishing a wide network of MeeSeva centres
- To enhance transparency and accountability in the functioning of government departments by digitizing records and enabling day to day monitoring through electronic reports.
- To build an end-to-end integrated electronic service delivery eco-system and bring the government and citizens closer

MeeSeva was implemented in Andhra Pradesh by adopting the following steps:

- Establishing a legal framework with the passing of the Andhra Pradesh Information Technology (Electronic Service Delivery, ESD) Rules, 2011
- Building a stakeholder network between the implementing agencies, appointing AP Online as the technology provider, signing Service Level Agreements (SLAs) with participating departments and converging existing service delivery channels/kiosks
- Digitization of government records
- Technology development and integration of front-end and back-end applications
- Categorization of services into those that require backend processing and those that don't
- Issuance of MeeSeva guidelines to address for logistical preparation of service delivery centres.

As of now there are 295 services provided through MeeSeva spread across 29 departments. Citizens can pay a minimal service fee at the MeeSeva counters to avail these services.

Computer Aided Administration of Registration Department (CARD) – It is a decentralized and simple digital property registration system. It expedites the registration process, provides certificates and helps in market valuation of properties.⁶⁴

Registry on village walls-Taking information to the people:

Almost always the discourse about information in public domain has veered around computerisation of land registry and placing them in a web enabled platform .While there is absolutely no taking way the criticality and importance of such an exercise and indeed it must be said that it is a very essential step for any kind of good governance. However what we understand as placing information in public domain is not the millions of poor understand in the villages. For them unfortunately a computerised data base ,while it does if the system is standardised enough (like it is in most parts of the country) gives them a



⁶⁴ Peer Experience And Reflective Learning (PEARL) Programme . (n.d.) Computer Aided Administration of Registration department CARD. Retrieved December 10, 2013, from www.asci.org.in/ICT/Resources/CaseStudies/CITIZENCENTRIC/5CARD_Hyd.PDF

guarantee of delivery of certain records ,it still does not imply understanding of or accessibility of land registry.

In district of Warangal in the years of 2011-12 and 2012-13 an exercise of taking information to the people i.e., placing the land registry in public domain in the true sense was taken up with some very stunning results. The district administration with an objective of (i) cleansing and updating land records whereby the entries reflect the field reality faithfully (ii) ensure easy and timely access of revenue records to the public, and (iii) to establish transparent system of maintaining and updation land records, has taken up work in the following four phases-

PHASE-I-Desk level updation:

Details available with the Tahsildar / Revenue Divisional Officers / District Collector / Special Collector, LA, SRSP & JCR GLIP, Commissioner, Endowments and Wakf authorities were updated in the pahanies at the desk level. Mutation by means of assignment / alienation / Land acquisition / Endowments / Wakf in the district were also done. A special mutation week was conducted, wherein applications were invited from the public for mutation. (Approximately 50,000 applications were received).

PHASE – II – Field updation by holding Gram/Ward Sabhas:-

In each mandal, 2 to 3 special teams were constituted with the VROs / RIs / Tahsildar who have updated the pahanies by holding Grama sabhas / Ward sabhas at the village and habitation level. While taking into the consideration of claims and objections, the special team has also inspected the fields wherever required and the pahani updated in the owner and occupier columns. The applications for mutations were also enquired into. The above exercise was carried out in two rounds with a gap of 2 weeks.

PHASE – III – Computerization of updated pahani:-

All the computers of Tahsildars' offices were pooled at divisional level for computerization of the updated pahanies.

PHASE–IV: Holding of gramsabhas to freeze the record for the year 2008-09:-

The village pahani has been published and after the statutory time reading out the same in the village chavadi by the Tahsildar in a Grama sabha has been done and the pahanies frozen.

PHASE-V: Counters at Tahsildar offices for issue of Revenue records across the counter: -

‘BHOOMI’ counters have been set up in each of the tahsildar offices for issue of computerized copies of land records at all Tahsildars’ offices across the counter. Till date about 4 lakh computer pahanies have been issued to the farmers. Pattadar Pass Books are also being issued online.

The system of issue of computer pahanies ensured ready access of land records to farmers. Still it was observed that the land record was not completely updated –at times due to local

political pressure at times due to negligence. However a deeper and a more pernicious issue that belies any effort made in the direction of an updated land record is the issue of the insecure land rights of the poor. A significant percentage of the poor are not legal owners of the land that they till, which means that their

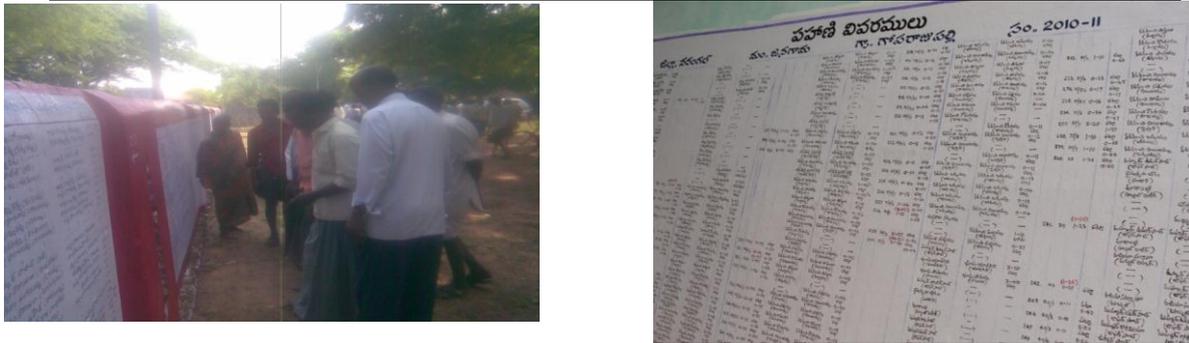


names do not find entries as land owners (or even as occupants in most cases) in the land records. This leaves them outside the network of state programs like institutional funding, crop insurance etc. Ensuring land rights to the poor is a set of administrative processes that need to be taken up under different Land Acts, an exercise which is being carried out in Warangal. Two major impediments exist in doing this - on one hand the ignorance of the poor people on the modalities of getting their name into the ‘occupant and owner ‘and indeed on the whole aspect of ‘getting the ownership of land’ and on the other the natural inclination of the functionaries within the system to hold onto (and worse deny) information as a means of power.

Placing of land records in public domain would be an important step to address the above mentioned issues. An exercise of painting the 7 important columns of the pahanis (including survey number, total extent of land, name of owner, names of occupants, extents etc.,) on the village walls was carried out. Subsequent to the painting gramsabhas were conducted. In the gramsabhas several farmers filed applications for correction of pahani entries. While there was angst and protests amongst those whose names was not featured as owners/occupants on the whole the villagers welcomed the move to place land record details in public domain.

Such a public display increased awareness of public and generated discussion and debate about the land ownership details, whereabouts of government land etc and ensured that people demanded for their rights and entitlements and forced the revenue administration to correct the record. Against the backdrop of the public information, land literacy became meaningful and relevant. This is truly information in the public domain.

Display of Village Land Records on walls of village revenue office/gram panchayat



3). Bhoomi Project by SERP: Bhoomi is to ensure that the land rights of poor especially dalits and tribals are secured by putting in place a sensitive support mechanism for fighting out the land issues and simultaneously assist the government in reaching the poor by maintaining a robust database of land particulars of poor.

Recognizing the enormous burden faced by poor small and marginal farmers in accessing their land rights, SERP has kept in place, a sensitive support mechanism for resolving their pending land related issues amicably in convergence with the mainstream revenue department. It is a multipronged approach where the SHG federations are also putting in place support structures like land centers where required information and records are made available, a panel of lawyers to help them fight out their court cases, a group of youth from the community trained in survey etc. to handle the issue from all the angles. An offline software application was developed for capturing the land information of more than 18 lakh farmers with exclusive focus on SC/ST lands along with the land issues and the entire database has already been made available in web for the use of other government departments to reach out the poor.

BhuBharti Project; a unique project in Nizamabad: The current system of Land Administration is fraught with many shortcomings. The current system provides for deeds registration does not put any responsibility on any public authority while issuing the title only to the owner on transfer of property. There is no record of ownership of the property and its incumbent upon the buyer to investigate the titles which always remain uncertain and inconclusive.. The registration system provides for its registration where anybody can

register, anything can be registered and a property can be registered any number of times. The registration record has no linkage with the revenue record or graphical record maintained by the Survey department. There are four departments' viz., Registration Department, Revenue Department, Survey Department and Municipal Bodies handling information and transactions about land and there is little coordination on them. Most of the survey records have become outdated due to non-updating and have de-generated due to their age. As a result of these deficiencies in Land Records, citizens are facing serious difficulties in safeguarding their properties, enforcing their rights or obtaining quality service from Government agencies.

“BHU BHARATI” encompasses all of Survey Department, immoveable property registration of Registration Department, Land Record maintenance of Revenue Department and property tax and layout record maintenance of local bodies. Procedures were re-engineered in such a way that the new system was capable of auto Updation and there was no necessity for repeating survey and title recording en masse in future.

6 CONCLUSIONS

The hallmark of good administration is the establishment of sound governance which is both accountable and transparent. Governance involves a clear understanding and articulation of rights and responsibilities, recognition and protection of these rights and enforcement of the rights and accountability towards liabilities/duties and the ability of citizens to enjoy the rights as per the laws. Infringement of law needs to be detected and stringent action taken against those who violate the laws and jeopardize the assertion and protection of the rights of the citizens.

At the time of independence the country inherited a sound system of administration right from the village level upwards. Over the decades after independence the country embarked on ushering development and welfare. However, concentration on welfare and implementation of various schemes relating to development and welfare resulted in a neglect of establishing a concomitant system and framework of governance. Apart from tinkering with the existing administrative and institutional framework, no substantial investments were made to strengthen the administrative framework. In fact there was neglect both in terms of investments of resources, technology and manpower. The administrative structures and the framework proved unequal to the tasks of delivery and the result was that there is considerable lament about the state of affairs politically and administratively. There cannot be a strong super-structure if the foundations are weak.

There cannot be a better delivery of welfare unless the administrative machinery is adequately trained and oriented towards welfare and is able to effectively and efficiently deliver the schemes of development and welfare.

Land is the primary resource for development and welfare. Land is required for agriculture, housing, industry and a sound land administration system is required to ensure that various sectors of the economy get adequate inputs from land. Development needs have thrown up greater demand for land. Even welfare has a strong input of land as majority of the population still subsists on land for agriculture as a means of livelihood. The poor and marginalized sections of the population require land not only for livelihood but also for housing. With industrialization availability of land has become a major source of concern and migration of the population from rural areas to urban areas is posing great challenges to meet the housing needs of the people.

Historically the revenue department is primarily concerned with land. The department administers land. It implements laws which grant rights to people particularly rights of

ownership, occupancy and transferability of such rights. The Revenue Department is entrusted with the task of protecting the tenure rights and adjudicating any disputes relating to such tenure rights. However over time the department of revenue lost its primacy in the entire scheme of administration particularly from the district level downwards to the village level. The Revenue Department is presently saddled with multifarious responsibilities which take away the bulk of the time of the officials at the cost of the basic land revenue administration. There is gross inadequacy of personnel at various levels, the orientation of these personnel has also become inadequate and the human resource development through training has taken a low priority. The state of land records is dismal to say the least. The result of the lack of upto date land records has had a debilitating effect on protection and enforcement of rights in land and the judicial system has also become un-equal to the task of delivering effective and affordable justice.

There is no gainsaying the fact that urgent measures are required to strengthen the land governance mechanisms in the state. Comprehensive reforms are required to make land governance effective and efficient. Starting from the building up of land records, recording of various types of tenures on rights, affording protection to these rights and setting up of mechanism to protect and realize the rights, there is need to strengthen the institutional framework required for good governance.

The land revenue department must change its orientation and become a land governance department. It must be equipped to deal with the emerging demands for land for purposes of industry, housing and continue to ensure that land for agriculture is adequately available for food production. There is need for preparation of land development plans both for rural and urban areas. These land plans should reflect the policy of government to promote development of industry & trade, and must address the environmental concerns. If inadequacy of resources is a major problem in strengthening governance structure of land revenue administration, it may be worthwhile to raise resources through measures of taxation. Land revenue particularly from the larger land owners, and from those cultivators who grow commercial crops can be enhanced so also income tax on agriculture income can be thought of though such measures may prove to be politically inconvenient.

However, hard decisions are required and should overcome political expediency. Forest areas need to be protected and land under forest should be increased through afforestation of lands. The rights of the indigenous people namely tribals need to be clearly defined and protected so as to be in sync with forestry policy. The various laws relating to tenures need to be implemented effectively and the right-holders should be able to access justice in an

affordable manner. From presumptive titles a concerted effort needs to be made to provide for legal titles in land to the rights-holders.

The system of dispute resolution and dispensation of justice needs to be strengthened with more courts, dedicated quasi-judicial authorities such as tribunals etc and justice should be rendered in a timely manner.

Various land laws need to be revisited and in keeping with the present trends of liberalisation and market economy, the land market should become free and a vibrant tool for development and welfare.

7 OVERALL SCORECARD

The following is the overall scorecard for the state as it emerges from the data, existing evidences and the academic and administrative experiences of the experts and validated through consultations held with various invited panellists (list enclosed). The scoring given is based on consensus and reflects the facts and practices. Where there have been difficulties in scoring due to lack of access to data, no scoring has been given to such indicators.

While the analysis and explanations have been given in section 6, the summary of the scoring is as below and is presented panel-wise.

PANEL 1

P	D	I	Indicator description	Scoring			
				A	B	C	D
1	1	1	(a) Individuals' rural land tenure rights are legally recognized. <i>A: Existing legal framework recognizes and protects rights held by more than 90% of the rural population</i>				
			(b) Individuals' rural land tenure rights are protected in practice. <i>C: Existing legal framework recognizes and protects rights held by 50% -70% of the rural population</i>				
1	1	2	Customary tenure rights are legally recognized and protected in practice. <i>B: There is legal recognition of all customary rights but these are only partly protected in practice</i>				
1	1	3	Indigenous rights to land and forest are legally recognized and protected in practice. <i>C: Partly Recognition of indigenous rights, which are protected</i>				
1	1	4	Urban land tenure rights are legally recognized and protected in practice. <i>C: Existing legal framework recognizes and protects rights held by 50% -70% of the urban population</i>				
			RESPECT FOR ENFORCEMENT OF RIGHTS				
1	2	1	Accessible opportunities for tenure individualization exist. <i>C: The law provides opportunities for those holding land under customary, group, or collective tenures to fully or partially individualize land rights if they so desire. Procedures are not affordable or clear, leading to discretion in their application.</i>				
1	2	2	Individual land in rural areas is recorded and mapped. <i>B: Between 70% and 90% of individual land in rural areas is formally recorded and mapped.</i>				
1	2	3	Individual land in urban areas is recorded and mapped. <i>C: Between 50% and 70% of individual land in urban areas are formally recorded and mapped.</i>				
1	2	4	The number of illegal land sales is low.				

			<i>C: The number of illegal land transactions is high and some are unambiguously identified on a routine basis.</i>				
1	2	5	The number of illegal lease transactions is low. <i>D: Existing legal restrictions on land leases are routinely neglected.</i>				
1	2	6	Women's property rights in lands as accrued by relevant laws are recorded. <i>C: Between 50% to 75% of the cases are effectively recorded.</i>				

PANEL 2

P	D	I	Indicator description	Scoring			
				A	B	C	D
2	1	1	Forests are clearly identified in law and responsibility for use is clearly assigned. <i>B: Forests are clearly identified, responsibility for land use is clearly identified but implementation is ambiguous.</i>				
2	1	2	Common lands are clearly identified in law and responsibility for use is clearly assigned. <i>B: Common lands are clearly identified, responsibility for land use is clearly identified but implementation is ambiguous.</i>				
2	1	3	Rural group rights are formally recognized and can be enforced. <i>D: The tenure of most groups in rural areas is not formally recognized.</i>				
2	1	4	Users' rights to key natural resources on land (incl. fisheries) are legally recognized and protected in practice. <i>B: Users' rights to key natural resources are legally recognized but only some are effectively protected in practice or enforcement is difficult and takes a long time.</i>				
2	1	5	Multiple rights over common land and natural resources on these lands can legally coexist. <i>C: Co-existence is possible by law but rarely respected in practice.</i>				
2	1	6	Multiple rights over the same plot of land and its resources (e.g. trees) can legally coexist. <i>C: Co-existence is legally possible but rarely respected in practice.</i>				
2	1	7	Multiple rights over land and mining/ other sub-soil resources located on the same plot can legally coexist. <i>B: Co-existence of land and mining rights is possible by law, and respected in practice but mechanisms to resolve disputes are often inadequate.</i>				
2	1	8	Accessible opportunities exist for mapping and recording of group rights. <i>C: The law provides opportunities for those holding group land under customary, group, or collective tenures to record and map land rights if they so desire. Procedures</i>				

			<i>are not affordable or clear, leading to discretion in their application.</i>				
2	1	9	Boundary demarcation of communal land. <i>A: More than 70% of the area under communal and/or indigenous land has boundaries demarcated and surveyed and associated claims recorded.</i>				
EFFECTIVITY AND EQUITY IN RURAL LAND USE REGULATION							
2	2	1	Restrictions regarding rural land use are justified and enforced. <i>B: Regulations regarding restrictions on rural land use effectively serve public purpose but enforcement is weak.</i>				
2	2	2	Restrictions on rural land transferability effectively serve public policy objectives. <i>B: There are a series of regulations that are for the most part serve public purpose but that are not enforced.</i>				
2	2	3	Rural land use plans are elaborated/changed via public process and resulting burdens are shared.				
2	2	4	Rural lands, the use of which is changed, are swiftly transferred to the destined use.				
2	2	5	Rezoning of rural land use follows a public process that safeguards existing rights. <i>D: Rezoning processes are not public process and rights are ignored or not properly or promptly compensated in the majority of cases.</i>				
2	2	6	For protected rural land use (forest, pastures, wetlands, national parks etc.) plans correspond to actual use.				

PANEL 3

P	D	I	Indicator description	Scoring			
				A	B	C	D
3	1	1	Restrictions on urban land ownership/transfer effectively serve public policy objectives. <i>B: There is a series of regulations that are for the most part serve public purpose but enforcement is deficient.</i>				
3	1	2	Restrictions on urban land use (disaster risk) effectively serve public policy objectives. <i>B: There are a series of regulations that are for the most part serve public purpose but that are not enforced.</i>				
3	2	1	Process of urban expansion/infrastructure development process is transparent and respects existing rights. <i>B: Information on planned urban expansion and infrastructure development is publicly available with sufficient anticipation and a systematic process to deal with land rights by those affected in a way that is not fully in line with international standards.</i>				

3	2	2	Changes in urban land use plans are based on a clear public process and input by all stakeholders. <i>B: Public input is sought in preparing and amending land use plans and the public responses are used by the official body responsible for finalizing the new plans, but the process for doing this is unclear or the report is not publicly accessible.</i>				
3	2	3	Approved requests for change in urban land use are swiftly followed by development on these parcels of land. <i>A: More than 70% of the land that has had a change in land use assignment in the past 3 years has been developed to its destined use.</i>				
3	3	1	Policy to ensure delivery of low-cost housing and services exists and is progressively implemented. <i>B: A policy for low cost housing and services exists but implementation is not always effective. As a result, the number of those with inadequate shelter declines but still remains high.</i>				
3	3	2	Land use planning effectively guides urban spatial expansion in the largest city. <i>C: In the largest city, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban spatial expansion occurs in an ad hoc manner with infrastructure provided some time after urbanization</i>				
3	3	3	Land use planning effectively guides urban development in the four next largest cities. <i>C: In the four major cities in the country, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban development occurs in an ad hoc manner with infrastructure provided some time after urbanization.</i>				
3	3	4	Planning processes are able to cope with urban growth. <i>B: In the largest city, the urban planning process/authority is able to cope to some extent with the increasing demand for serviced units/land as evidenced by the fact that most new dwellings are formal.</i>				
3	4	1	Provisions for residential building permits are appropriate, affordable and complied with. <i>B: Requirements to obtain a building permit are technically justified and affordable but only partly complied with.</i>				
3	4	2	A building permit for a residential dwelling can be obtained quickly and at a low cost. <i>A: All applications for building permits receive a decision within 3 months.</i>				
3	5	1	Formalization of urban residential housing is feasible and affordable. <i>B: The requirements for formalizing housing in urban areas are clear, straight-forward, and affordable but are not implemented consistently in a transparent manner.</i>				

3	5	2	In cities with informal tenure, a viable strategy exists for tenure security, infrastructure, and housing. <i>B: A strategy exists to regularize land rights and provide services to existing informal occupants but existing regulations provide incentives for new informal occupations.</i>				
3	5	3	A condominium regime allows effective management and recording of urban property. <i>A: Common property under condominiums is recognized and the law has clear provisions for management and publicity of relevant records that are followed in practice.</i>				

PANEL 4

P	D	I	Indicator description	Scoring			
				A	B	C	D
4	1	1	Criteria for public land ownership are clearly defined and assigned to the right level of government. <i>B: Public land ownership is justified by provision of public goods at the most appropriate level of government but management may be discretionary.</i>				
4	1	2	There is a complete recording of public land. <i>A: More than 90% of public land is clearly identified on the ground and on maps.</i>				
4	1	3	Information on public land is publicly accessible. <i>B: All the information in the public land inventory is accessible to the public, but information for some types of public land (land used by the military, security services, etc.) is not available for justifiable reasons.</i>				
4	1	4	The management responsibility for different types of public land is unambiguously assigned. <i>B: The management responsibility for different types of public land is unambiguously assigned but this is not always consistent with objectives of equity and efficiency or institutions are not always properly equipped so that sometimes these are not achieved.</i>				
4	1	5	Responsible public institutions have sufficient resources for their land management responsibilities. <i>C: There are significant constraints in the financial and/or human resource capacity but the system makes effective use of limited available resources, with limited impact on managing public lands.</i>				
4	1	6	All essential information on public land allocations to private interests is publicly accessible. <i>C: Key information for public land allocations (the locality and area of the land allocations, the parties involved and the financial terms of the allocation) is recorded or partially recorded but is not publicly accessible.</i>				

5	2	6	Safeguards effectively reduce the risk of negative effects from large scale land-related investments. <i>C: Safeguards (EIA, SIA, etc.) are partly in line with global best practice</i>				
5	2	7	The scope for resettlement is clearly circumscribed and procedures exist to deal with it in line with best practice. <i>C: Resettlement policy exists, but is only in part of the cases applied.</i>				
5	3	1	Investors provide sufficient information to allow rigorous evaluation of proposed investments. <i>D: Investors' business plans (application materials) is insufficient to assess technical viability, community consultation, and availability of resources</i>				
5	3	2	Approval of investment plans follows a clear process with reasonable timelines. <i>B: All investment application related documents are reviewed according to a uniform process and receive a response within 6 months of date of submission</i>				
5	3	3	Right holders and investors negotiate freely and directly with full access to relevant information. <i>C: Those holding rights to land with potential for investment have incentives to properly negotiate but their rights are unclear or opportunities to obtain relevant information or assistance do not exist.</i>				
5	3	4	Contractual provisions regarding benefit sharing are publicly disclosed. <i>D: The majority of contractual arrangements do not include information on benefit sharing</i>				
5	4	1	Information on spatial extent and duration of approved concessions is publicly available. <i>C: Spatial information and temporal information is available to relevant government institutions but not accessible on a routine basis by private parties.</i>				
5	4	2	Compliance with safeguards on concessions is monitored and enforced effectively and consistently. <i>D: There is little third-party monitoring of investors' compliance with safeguards and mechanisms to quickly and effectively ensure adherence are virtually non-existent.</i>				
5	4	3	Avenues to deal with non-compliance exist and obtain timely and fair decisions. <i>C: There is little third-party monitoring of investors' compliance with contractual provisions and mechanisms to quickly and effectively reach arbitration are difficult to access for affected communities but work for investors.</i>				

PANEL 6

P	D	I	Indicator description	Scoring			
				A	B	C	D
6	1	1	Land possession by the poor can be formalized in line with local norms in an efficient and transparent process. <i>B: There is a clear, practical process for the formal recognition of possession but this process is not implemented effectively, consistently or transparently.</i>				
			Non-documentary evidence is effectively used to help establish rights. <i>C: Non-documentary forms of evidence are used to obtain recognition of a claim to property along with other documents (e.g. tax receipts or informal purchase notes) when other forms of evidence are not available.</i>				
6	1	2	<i>They have less strength than the provided documents.</i>				
6	1	3	Long-term unchallenged possession is formally recognized. <i>A: Legislation exists to formally recognize long-term, unchallenged possession and this applies to both public and private land although different rules may apply.</i>				
			First-time recording of rights on demand includes proper safeguards and access is not restricted by high fees. <i>A: On-demand recording of rights includes proper safeguards to prevent abuse and costs do not exceed 0.5% of the property value.</i>				
6	1	4					
6	2	1	Total cost of recording a property transfer is low. <i>D: The total cost for recording a property transfer is equal to or greater than 5% of the property value.</i>				
			Information held in records is linked to maps that reflect current reality. <i>C: Between 50% and 70% of the cost privately held land recorded in the registry are readily identifiable in maps (spatial records)</i>				
6	2	2					
6	2	3	All relevant private encumbrances are recorded. <i>C: Relevant private encumbrances are recorded but this is not done in a consistent and reliable manner.</i>				
6	2	4	All relevant public restrictions or charges are recorded. <i>C: Relevant public restrictions or charges are recorded but this is not done in a consistent and reliable manner.</i>				
			There is a timely response to requests for accessing registry records. <i>B: Copies or extracts of documents recording rights in property can generally be obtained within 1 week of request.</i>				
6	2	5					
6	2	6	The registry is searchable. <i>A: The records in the registry can be searched by both right holder name and parcel.</i>				
6	2	7	Land information records are easily accessed.				

			<i>A: Copies or extracts of documents recording rights in property can be obtained by anyone who pays the necessary formal fee, if any.</i>				
6	3	1	Information in public registries is synchronized to ensure integrity of rights and reduce transaction cost. <i>B: Links are in place for all types of public land information registries but checks on the legitimacy of transactions that affects certain parties' land rights are only performed ex post.</i>				
6	3	2	Registry information is up-to-date and reflects ground reality. <i>C: Between 50% and 70% of the ownership information in registry/cadaster is up-to-date and reflects ground reality.</i>				
6	4	1	The registry is financially sustainable through fee collection to finance its operations. <i>A: The total fees collected by the registry exceed the total registry operating costs. (Total operating costs include all non-capital investment costs (i.e. salaries and wages, materials, transportation, etc.) associated with registry operating costs.)</i>				
6	4	2	Investment in land administration is sufficient to cope with demand for high quality services. <i>C: Human resources and physical capital investment are sufficient to maintain medium service standards but does not allow to proactively adapt to new developments.</i>				
6	5	1	Fees have a clear rationale, their schedule is public, and all payments are accounted for. <i>A: A clear rationale and schedule of fees for different services is publicly accessible and receipts are issued for all transactions.</i>				
6	5	2	Informal payments are discouraged. <i>B: Mechanisms to detect and deal with illegal staff behavior exist in all registry offices but cases are not systematically or promptly dealt with.</i>				
6	5	3	Service standards are published and regularly monitored. <i>B: There are published service standards, but the registry does not actively monitor its performance against these standards.</i>				

PANEL 7

P	D	I	Indicator description	Scoring			
				A	B	C	D
7	1	1	There is a clear process of property valuation. <i>B: The assessment of land/property for tax or compensation purposes reflects market prices, but there are 25-50% differences between recorded values and market prices across different uses and types of users; valuation rolls are updated regularly</i>				
7	1	2	Valuation rolls are publicly accessible. <i>A: There is a policy that valuation rolls be publicly accessible and this policy is effective for all properties that are considered for taxation.</i>				
7	2	1	Exemptions from property taxes payment are justified and transparent. <i>C: The exemptions to the payment of land/property taxes are not always clearly based on equity or efficiency grounds and are not always applied in a transparent and consistent manner.</i>				
7	2	2	All property holders liable to pay property tax are listed on the tax roll. <i>A: More than 80% of property holders liable for land/property tax are listed on the tax roll.</i>				
7	2	3	Assessed property taxes are collected. <i>A: More than 80% of assessed land/property taxes are collected.</i>				
7	2	4	Receipts from property tax exceed the cost of collection. <i>A: The amount of property taxes collected exceeds the cost of staff in charge of collection by a factor of more than 5.</i>				

PANEL 8

P	D	I	Indicator description	Scoring			
				A	B	C	D
8	1	1	There is clear assignment of responsibility for conflict resolution. <i>A: There are no parallel avenues for conflict resolution or, if parallel avenues exist, responsibilities are clearly assigned and widely known and explicit rules for shifting from one to the other are in place to minimize the scope for forum shopping.</i>				
8	1	2	Conflict resolution mechanisms are accessible to the public. <i>A: Institutions for providing a first instance of conflict resolution are accessible at the local level in the majority of communities.</i>				

8	1	3	Mutually accepted agreements reached through informal dispute resolution systems are encouraged. <i>A: There is a local, informal dispute resolution system that resolves a significant number of conflicts in an effective and equitable manner and which is recognized in the formal judicial or administrative dispute resolution system.</i>				
8	1	4	There is an accessible, affordable and timely process for appealing disputed rulings. <i>C: A process exists to appeal rulings on land cases at high cost and the process takes a long time/ the costs are low but the process takes a long time.</i>				
8	2	1	Land disputes constitute a small proportion of cases in the formal legal system. <i>C: Land disputes in the formal court system are between 30% and 50% of the total court cases.</i>				
8	2	2	Conflicts in the formal system are resolved in a timely manner. <i>D: A decision in a land-related conflict is reached in the first instance court within 2 year or more for 90% of cases</i>				
8	2	3	There are few long-standing (> 5 years) land conflicts. <i>D: The share of long-standing land conflicts is greater than 20% of the total pending land dispute court cases.</i>				

PANEL 9

P	D	I	Indicator description	Scoring			
				A	B	C	D
9	1	1	Land policy formulation, implementation and arbitration are separated to avoid conflict of interest. <i>A: In situations that can entail conflicts of interest or are sensitive to abuse (e.g. transfers of land rights) there is a clear separation in the roles of policy formulation, implementation and arbitration.</i>				
9	1	2	Responsibilities of the ministries and agencies dealing with land do not overlap (horizontal overlap). <i>B: The mandated responsibilities of the various authorities dealing with land administration issues are defined with a limited amount of overlap with those of other land sector agencies but there are few problems.</i>				
9	1	3	Administrative (vertical) overlap is avoided. <i>A: Assignment of land-related responsibilities between the different levels of administration and government is clear and non-overlapping.</i>				
9	1	4	Land right and use information is shared by public bodies; key parts are regularly reported on and publicly accessible. <i>B: Information related to rights in land is available to interested institutions and although this information is available at reasonable cost, it is not readily accessible as the information is not maintained in a uniform way.</i>				

9	1	5	Overlaps of rights (based on tenure typology) are minimal and do not cause friction or dispute. <i>C: The Legal framework and procedures for land-related matters (incl. renewable and subsoil resources) deal with land-related matters very differently but have functioning mechanisms for redressing overlap in place.</i>				
9	1	6	Ambiguity in institutional mandates (based on institutional map) does not cause problems. <i>B: With minor exceptions, the processes applied by public institutions dealing with land are fully integrated and consistent.</i>				
9	2	1	Land policies and regulations are developed in a participatory manner involving all relevant stakeholders. <i>C: Policy exists or can be inferred by the existing legislation but it is incomplete (some key aspects are missing or only covers part of the country such as only urban or only rural areas) and decisions that affect some sections of the community are made without prior consultation.</i>				
9	2	2	Land policies address equity and poverty reduction goals; progress towards these is publicly monitored. <i>C: Land policies incorporate some equity and poverty objectives but these are not regularly and meaningfully monitored.</i>				
9	2	3	Land policies address ecological and environmental goals; progress towards these is publicly monitored. <i>C: Land policies incorporate some ecology and environmental sustainability objectives but these are not regularly and meaningfully monitored.</i>				
9	2	4	The implementation of land policy is costed, matched with benefits and adequately resourced. <i>C: The implementation of land policy is not fully costed and/or to implement the policy there are serious inadequacies in at least one area of budget, resources or institutional capacity.</i>				
9	2	5	There is regular and public reporting indicating progress in policy implementation. <i>C: Formal land institutions report on land policy implementation but in a way that does not allow meaningful tracking of progress across different areas or in a sporadic way.</i>				
9	2	6	Land policies help to improve land use by low-income groups and those who experienced injustice. <i>B: Policy is in place to improve access to and productive use of assets by poor and marginalized groups, is applied in practice, but is not effective</i>				
9	2	7	Land policies proactively and effectively reduce future disaster risk. <i>D: No policy is in place to prevent settlement in high risks areas or anticipated future risks.</i>				

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ANNEXES.

Annexure 1 Status of Notification of Forest Blocks

Annexure 1 Status of Notification of Forest Blocks					
Sl.No	District	Total Blocks		Total Area in (Ha.)	
		Notified as Reserved Forests U/s. 15	To be notified	Notified as Reserved Forests U/s. 15	To be notified
1	2	3	4	5	6
1	Srikakulam	54	36	41215	27426
2	Vizianagaram	82	19	79851	39452
3	Vizag	132	54	206767	234399
4	East Godavari	116	178	261764	61480
5	West Godavari	46	6	76870	4296
6	Krishna	41	21	48291	18137
7	Guntur	101	3	161716	225
8	Prakasham	132	12	437277	5222
9	Nellore	271	46	206271	45666
10	Chittoor	186	25	344947	107071
11	Kurnool	85	20	345949	5600
12	Ananthapur	111	15	192061	4917
13	Kadapa	159	25	485227	15068
14	Mahboobnagar	59	28	251441	51810
15	Ranga Reddy	82	100	39012	34063
16	Nalgonda	84	41	66279	17414
17	Medak	58	75	62425	28169
18	Nizamabad	81	55	136672	44543
19	Adilabad	181	74	488184	235005
20	Karimnagar	150	57	228410	26073
21	Warangal	64	46	228274	142740

22	Khammam	317	50	757923	85771
	Grand Total	2592	986	5146826	1234547

Source: A.P. Forest Department,2014

Annexure 1a

CHAPTER - VI
FOREST REVENUE AND EXPENDITURE

**REVENUE AND EXPENDITURE AND SURPLUS OR DEFICIT FROM 1987-88 TO
2006-2007**

Table No. 6.1
(Rs. in Lakhs)

Year	Net Revenue	Net Expenditure		Total	Surplus or Deficit
		Plan	Non-Plan		
1987-88	4786.06	1764.52	3579.27	5343.79	(-)557.73
1988-89	4893.13	1530.19	3129.94	4660.15	232.98
1989-90	6093.16	1695.09	3583.08	5278.17	814.99
1990-91	5258.60	1878.40	3922.90	5801.30	(-)542.70
1991-92	7709.86	1605.79	3952.45	5558.24	2151.62
1992-93	8449.12	1924.38	5056.99	6981.37	1467.75
1993-94	7043.32	1360.01	5515.77	6875.78	167.75
1994-95	10285.59	2098.24	6038.70	8136.94	2148.65
1995-96	14475.92	3910.61	6522.64	10433.25	4042.67
1996-97	11589.00	6775.44	7056.15	13831.59	(-)2242.59
1997-98	10734.63	9192.99	8331.21	17524.20	(-) 6789.57
1998-99	10059.36	12571.55	8909.43	21481.98	(-) 11421.62
1999-00	8457.65	10933.31	9168.11	20101.42	(-) 11643.77
2000-01	8330.25	14749.94	10913.34	25663.28	(-) 17333.03
2001-02	6381.13	11667.61	9404.45	21072.06	(-) 14690.93
2002-03	8316.79	7050.24	9493.92	16544.16	(-) 8227.37
2003-04	9943.17	19927.65	10101.55	30029.20	(-) 20086.04
2004-05	10094.60	14344.47	10873.83	25218.30	(-) 15123.70
2005-06	9454.95	15630.24	11364.59	26994.83	(-) 17539.88
2006-07	8138.42	12941.76	10122.73	23064.49	(-) 14926.07

Source: Forest at a Glance - 2008.

Note: These Figures represent the actuals as per those of the reconciliation of departmental figures with Accountant General's Office

Annexure 2 Status of implementation of FRA,2006 (30-10-2013)

Sl. No.	Activity	No.	Extent (Acs.)
1	Individual Claims received	400053	1195212
2	Community Claims received	10959	1255681
Total		411012	2450893
1	Individual claims surveyed	356763	1031947
2	Community claims surveyed	7346	1098439
Total		364109	2130386
1	Individual claims recommended by G S to SDLC	241440	628553
2	Community claims recommended by GS to SDLC	3470	1007059
Total		244910	1635612
1	Individual claims recommended by SDLC to DLC	193664	535171
2	Community claims recommended by SDLC to DLC	2262	980042
Total		195926	1515213
1	Individual claims approved in DLC	175593	499815
2	Community claims approved in DLC	2176	979434
Total		177769	1479249
1	Title deeds distributed to individuals	167263 (41% of claims received by Gram Sabha)	477315 (39.93 % of claims received by Gram Sabha)

2	Community claims settled	2107 (19 % of claims received by Gram Sabha)	979227(77.98 % of claims received by Gram Sabha)
Total		169370 (43% of claims received by Gram Sabha)	1456542(60.35 % of claims received by Gram Sabha)
Source: A.P.Tribal Welfare Department,2014			

Annexure 3 - List of Minor Forest Produce Items Procured By GCC

1 Addaleaf	10 Kusum Oil Seed	19 Soapnuts
2 Hill Brooms	11 Myrobalans	20 Honey Wax
3 Wild Brooms	12 Mohwa Seed	21 Gum Karaya
4 Sheekakai	13 Mohwa Flower	22 Tamarind – A) Shell B) Seeded C) Deseeded D) Green E) Seed
5 Amla Fruit & Seed	14 Markingnuts	23 Teripods
6 Cleaning Nuts	15 Nuxvomica Fruit & Seed	24 Maredugeddal
7 Chiranji	16 Pungam Seed	25 Sugandhipala
8 Rock Bee Honey	17 Naramamidi Bark	
9 Apiary Honey	18 Rawulfia Serpentina	
Source: RM, G.C.C, Hyderabad		

Annexure 4 Year wise turn over of GCC 2000-01 to 2012-13

Year	Turn over (Rs in lakhs)	Year	Turn over (Rs in lakhs)
2000-01	1940.29	2007-08	1396.68
2001-02	1487.96	2008-09	1302.26
2002-03	1660.82	2009-10	900.34

2003-04	1365.44	2010-11	1160.74
2004-05	2949.70	2011-12	1631.49
2005-06	1997.68	2012-13	1133.26
2006-07	2076.66	2013-14	993.15 (up to Nov,12)
Source: RM, G.C.C, Hyderabad			

Annexure 5 Minor forest products

GIRIJAN COOPERATIVE CORPORATION LIMITED, VISAKHAPATNAM
STATEMENT SHOWING THE MFP / AP PROCUREMENT FOR THE LAST 10 YEARS

(Qty. in Qtls & Value in Rs. Lakhs)

Sl. No.	Name of the Commodity	2000-01		2001-02		2002-03		2003-04		2004-05		2005-06	
		Qty.	Val.	Qty.	Val.								
	Minor Forest Produce												
1	Gum Karaya	5986.00	448.06	6842.00	493.71	6935.00	516.01	5086.00	389.52	7689.00	678.82	6179.02	534.25
2	Gum Thiruman	84.00	1.95	56.00	1.54	187.00	4.85	186.00	7.60	101.00	5.33	22.33	1.43
3	Gum Olibanum	1063.00	25.61	370.00	7.48	415.00	20.22	437.00	8.46	209.00	4.57	130.18	3.08
4	Gum Kondagogu	1160.00	86.82	115885.00	85.40	1297.00	101.90	1244.00	100.81	1184.00	116.63	622.16	49.29
5	Gum Dikamali	455.00	4.55	522.00	8.87	1127.00	16.90	676.00	7.43	363.00	4.28	130.00	0.00
6	Myrobalans	19507.00	100.86	10685.00	34.80	12058.00	19.45	7606.00	11.41	14246.00	30.66	5948.00	12.06
7	Nuxvomica	1938.00	9.34	1860.00	10.14	5399.00	53.35	2348.00	29.98	13118.00	236.64	1416.00	23.78
8	Seeded Tamarind	110573.00	645.51	54295.00	329.56	58846.00	235.17	47842.00	319.42	70256.00	486.14	56768.92	469.71
9	Deseeded Tamarind	12168.00	163.00	10656.00	94.19	3506.00	25.86	4007.00	28.16	5211.00	68.01	13376.16	177.55
10	Tamarind Seed	14365.00	22.81	10128.00	18.23	2765.00	5.53	4611.00	11.50	7508.00	36.06	15463.21	62.04
11	Pungam Seed	2607.00	11.72	6542.00	29.35	1946.00	10.17	4870.00	26.81	981.00	6.03	2988.59	20.80
12	Cleaningnuts	762.00	3.02	338.00	1.37	1520.00	12.12	275.00	3.09	8942.00	319.33	1872.12	23.77
13	Markingnuts	7751.00	19.09	5791.00	11.43	8108.00	20.05	4794.00	14.52	6906.00	25.19	5492.49	26.66
14	Mohwa Seed	9394.00	65.80	6671.00	40.75	6252.00	55.07	4950.00	49.25	11944.00	121.30	6188.68	65.24
15	Mohwa Flower	3795.00	17.88	11360.00	54.37	10003.00	40.02	4238.00	18.74	26545.00	154.64	13706.32	84.08
16	Honey	1995.00	79.78	1650.00	65.95	2078.00	87.74	1108.00	58.13	3802.00	302.05	2335.15	186.47
17	Sheekakai	1734.00	14.70	2577.00	24.72	2600.00	30.58	2697.00	29.06	3869.00	38.78		17.58
18	Soapnuts	1660.00	20.06	2419.00	26.40	2564.00	14.62	2532.00	14.74	1912.00	10.60	674.92	3.35
19	Hill Brooms (Nos)	189835.00	16.10	243315.00	25.15	436637.00	57.82	409037.00	63.49	332961.00	55.66	3411.56	42.28
20	Hill Brooms (Qtls.)							368.00	6.96	115.00	2.08	12.50	0.15
21	Wild Brooms (Qtls.)	350.00	3.53	1134.00	12.65	1079.00	11.73	878.00	10.26	292.00	3.67	972.98	14.37
22	Wild Brooms (Nos.)									57860.00	3.16	99.10	0.30
23	Adda leaf	10506.00	46.30	3912.00	12.86	12625.00	42.50	9867.00	34.93	13645.00	51.54	8865.83	37.95
24	Naramamidi Bark	3316.00	62.99	1079.00	21.58	8192.00	163.81	3261.00	70.67	2906.00	47.72	1929.02	34.80
25	Teripods												
26	Maredugeddalalu	2065.00	28.91	1030.00	15.42	2651.00	44.34	1833.00	31.16	470.00	8.14	1258.83	31.44
27	Others		41.90		62.04		71.01		19.34		132.67		75.25
28	Medicinal Herbs												
	Total		1940.29		1487.96		1660.82		1365.44		2949.70		1997.68

F

GIRIJAN COOPERATIVE CORPORATION LIMITED, VISAKHAPATNAM
S STATEMENT SHOWING THE MFP / AP PROCUREMENT FOR THE LAST 10 YEARS
& Value in Rs. Lakhs)

Sl. No.	Name of the Commodity	2006-07		2007-08		2008-09		2009-10	
		Qty	Value	Qty	Value	Qty	Value	Qty	Value
	Minor Forest Produce								
1	Gum Karaya	6050.40	510.77	3715.97	313.55	2392.31	226.74	1965.32	213.23
2	Gum Thiruman	4.33	0.23	14.04	0.75	5.47	0.29	2.79	0.14
3	Gum Olibanum	246.03	9.33	174.64	6.82	79.02	3.12	41.84	1.65
4	Gum Kondagogu	420.26	40.60	222.96	21.46	143.02	14.39	93.44	9.40
5	Gum Dikamali	17.25	0.21	29.02	0.35	0.00	0.00	0.00	0.00
6	Myrobalans	7862.31	21.98	4750.87	18.92	4361.64	23.81	8440.65	48.21
7	Nuxvomica	8387.02	133.36	1103.31	17.01	4513.00	71.91	1666.11	27.46
8	Seeded Tamarind	50113.40	440.63	37816.86	289.45	47783.29	382.22	22796.87	268.43
9	Deseeded Tamarind	3999.50	74.17	4897.05	76.20	3277.31	58.27	864.00	13.73
10	Tamarind Seed	3270.23	12.62	4106.01	15.20	314.20	0.65	868.00	1.81
11	Pungam Seed	745.18	5.99	2847.90	28.48	2190.22	22.98	982.40	10.79
12	Cleaningnuts	1320.74	12.47	232.17	2.09	189.22	1.70	235.98	2.15
13	Markingnuts	8352.23	41.70	7714.17	38.57	10072.76	50.37	2222.53	7.99
14	Mohwa Seed	9441.87	104.49	3063.44	33.70	2437.75	28.85	3598.18	42.64
15	Mohwa Flower	15519.83	93.74	6183.32	43.28	5621.99	36.74	1835.95	11.02
16	Honey	3523.28	281.53	3088.00	246.96	2731.89	217.11	1477.26	122.77
17	Sheekakai	2957.72	29.62	1661.80	14.85	2124.61	17.00	1474.10	9.78
18	Soapnuts	2550.45	23.80	3769.32	40.27	468.53	4.48	991.17	14.28
19	Hill Brooms (Nos)	390623.00	56.09	319092.00	46.06	56183.00	7.33	76669.00	18.60
20	Hill Brooms (Qtls.)	3.60	0.07	20.11	0.36	0.50	0.01		
21	Wild Brooms (Qtls.)	692.55	10.14	1137.74	17.38	457.32	7.89	476.24	9.41
22	Wild Brooms (Nos.)			50.00	0.00	0.00	0.00		
23	Adda leaf	9140.67	46.70	6820.95	32.82	2819.93	13.30	1511.31	8.59
24	Naramamidi Bark	1850.89	37.69	875.16	17.51	1655.24	34.74	930.00	23.25
25	Teripods		0.00	0.00	0.00	10.76	0.04		
26	Maredugeddalalu	762.76	25.57	1058.93	47.99	635.48	31.95	271.12	15.48
27	Others		63.16		25.99		34.85	316.93	8.47
28	Medicinal Herbs				0.66		11.52		11.06
	Total		2076.66		1396.68		1302.26		900.34

BEEDI LEAF SCHEME IN ANDHRA PRADESH

Table No. 2.23

Particulars	Unit	2003 B.L. Season	2004 B.L. Season	2005 B.L. Season	2006 B.L. Season	2007 B.L. Season
1. No. of units for sales	No	331	331	342	403	440
2. Notified target of units put for sale	Lakhs of S.B.s	7.936	6.779	6.57	6.03	6.33
3. No. of units sold	No	184	159	129	211	402
4. Notified target of units sold	Lakhs of S.B.s	5.358	5.410	3.172	4.216	6.206
5. No. of unsold units	No	147	172	213	192	38
6. Notified target of unsold units	Lakhs of S.B.s	2.547	1.369	3.398	1.814	0.124
7. Achievement in sold units	Lakhs of S.B.s	4.339	4.598	2.992	4.530	6.063
8. Estimated cost of the scheme	Rs.in Crores	34.00	38.24	26.00	33.36	44.89
9. Expenditure incurred (in. Rs. Crores)	Rs. In Crores	25.00	28.24	17.80	27.09	42.86
10. Wage component (95% of the total scheme)	Rs. In Crores	25.00	28.24	17.80	27.09	36.29
11. Employment generated (In No. of Mandays)	Lakh Mandays	30.21	47.06	22.25	25.55	45.36
12. Net revenue (in Rs. Crores)	Rs. In Crores	19.90	11.29	12.13	9.48	30.61

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Source: State Trading Circle, Hyderabad.

Annexure 6 Laws dealing with Agricultural Land in AP:

1. AP Land encroachment Act, 1905
2. Andhra Pradesh (Andhra Area) Estate Land (Reduction of Rent) Act, 1947
3. The AP Estates (Abolition and Conversion into Ryotwari) Act, 1948
4. A.P. (T.A) Jagir Abolition Regulation 1949
5. The AP (Telangana Area) Tenancy and Agricultural Lands Act, 1950
6. The AP (Telangana Area) Tenancy and Agricultural Land Act, 1950
7. The A.P. (T.A.) Abolition of Inams Act, 1955
8. The A.P. (A.A.) Inams (Abolition and Conversion into Ryotwari) Act, 1956
9. The A.P. (A.A.) Tenancy Act of 1956
10. The AP (Andhra Area) Tenancy Act, 1956
11. A.P. Gram Panchayats Act, 1964
12. AP Rights in land and pattadar passbooks act, 1971
13. The AP Land Reforms (Ceiling on Agricultural Holdings) Act, 1973
14. The A.P. Assigned Lands (Prohibition of Transfers) Act, 1977
15. The AP Occupants of Homesteads (Conferment of Ownership) Act, 1976
16. AP Land grabbing (Prohibition) Act, 1982.
17. The Andhra Pradesh Agricultural Land (conversion for non-agricultural purposes) Act, 2006
18. AP Licensed Cultivators Act, 2011.

Land Related Acts (Urban Areas):

1. A.P. Town Planning Act, 1920.
2. Hyderabad Municipal Corporation Act, 1955.
3. Andhra Pradesh Non-Agricultural Land Assessment Act (NALA), 1963.
4. Andhra Pradesh Municipalities Act, 1965 (replaced Andhra Pradesh (Andhra Area) District Municipalities Act, 1920 which governed Andhra Area and Andhra Pradesh (Telangana Area) District Municipalities Act, 1956)
5. A.P. Urban Areas (Development) Act, 1975.
6. The Andhra Pradesh Water Tax Act 1988
7. Hyderabad Metropolitan Development Act, 2008.
8. A.P. Agricultural Land (Conversion to Non Agricultural Purposes) Act, 2006.

Land related Acts (Forest Lands)

- (1) Agency Tracts Interest and Land Transfer Act, 1917

- (2) Tribal Areas Regulation Fasli 1356 enacted in 1946
- (3) AP Scheduled Areas Land Transfer Regulation (APSALTR) Act in 1959
- (4) The Andhra Pradesh Forest Act, 1967
- (5) The AP Scheduled Areas *Ryotwari* Settlement Regulation 1970
- (6) The Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959 (amended in 1970, 1971, and 1978 prohibit the transfer of tribal land to the non-tribal).
- (7) Panchayats (Extension to the Scheduled Areas) Act (PESA), 1996
- (8) Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006