

## *Adivasis* and Land Rights in India

### Dispossession and the “Implementation Gap”

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*Adivasis*, or India’s Indigenous Peoples, constitute 8.6 percent of India’s total population (Government of India, 2013). Land and forests are the “twin pillars of the Adivasi economy” (Ambagudia, 2010, p. 61). The term “*Adivasi*” is believed to have originated in the state of Bihar during the 1930s (Ambagudia, 2019; Hardiman, 1987) and was popularized by social worker A. V. Thakkar in the 1940s to advance the unique cultural, property, and political rights of *Adivasis*. Today, many tribal communities employ it as a political term of self-reference in contemporary India. Despite being a signatory to the International Labour Organization ILO Convention 107 (1957), the first international instrument to protect Indigenous Peoples from labor market discrimination, and endorsing the United Nations Declarations on the Rights of Indigenous Peoples (UNDRIP) (2007), India recognizes neither the term “Indigenous Peoples”<sup>1</sup> nor *Adivasi* for that matter. The contention revolves around the additional rights and privileges that recognition may grant Indigenous Peoples or *Adivasis*, particularly around rights to lands and natural resources (particularly as these relate to consent) (Nikolakis & Hotte, 2020).

The Indian state uses the statutory and constitutional term “Scheduled Tribes” (STs) to differentiate *Adivasis* from other social groups.<sup>2</sup>

<sup>1</sup> Although the working definition of the United Nations Working Group on Indigenous Populations may not apply to all *Adivasi* communities living across India *in toto*, they can be considered Indigenous Peoples by employing the region-specific criteria within India (Ambagudia, 2019). The tribal communities in central India and northeast India would perhaps prefer to call themselves *Adivasis* and Indigenous Peoples, respectively. *Adivasis*, tribes, tribal communities, and STs are used interchangeably in this chapter for analysis. In Assam, tea tribes are known as *Adivasis* and are not recognized as STs.

<sup>2</sup> The STs are different from Scheduled Castes (SCs), another social group for whom similar constitutional and statutory provisions are enacted for protecting and promoting their rights and interests.

To paraphrase Article 342(1) of India's Constitution, STs are "the tribes or the tribal communities or parts of or groups within tribe or tribal communities" whom the president may specify as STs. There are no criteria set out in the constitution for declaring STs. The Indian state has adopted five criteria for determining STs – primitive traits, a distinctive culture, geographical isolation, shyness of contact with the community at large, and backwardness – prescribed by the Lokur Committee in 1965 for recognizing an ST. Most of these criteria are outdated in contemporary India but continue to be used and have important implications for *Adivasi* recognition and land rights – being granted ST status provides additional rights and privileges. *Adivasis*, however, would prefer to define themselves based on their relationship with land, water, and forests.

In 2006, the Indian state enacted one of the key *Adivasi* land rights mechanisms, the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act* (commonly known as *Forest Rights Act*, FRA). The FRA grants *Adivasis* the heritable, inalienable and non-transferrable legal rights to four hectares of forest land per person. There are also other statutory provisions, such as the *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act* 1989, the *Panchayat (Extension to the Scheduled Areas) Act* 1996 (PESA), the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act* 2013 (LAA), Compensatory Afforestation Fund Rules 2018, and many others at the federal and state levels to recognize and safeguard the land interests of *Adivasi*.

Against this backdrop, the chapter analyzes the various nuances of *Adivasi* land rights. First, the chapter discusses the land tenure systems in *Adivasi* areas. Second, it briefly describes the legislative measures enacted by various federal and state governments to protect *Adivasi* land rights and their ramifications over *Adivasis*. Third, it deals with federal legal measures to allot land to *Adivasis*. Fourth, it delves into the land situation in the *Adivasi* area. Fifth, it discusses the nature and scale of *Adivasi* land alienation. Sixth, it explores the various strategies that *Adivasis* have adopted to advance and safeguard their land rights. This is followed by the conclusion. Recommendations are offered for strengthening *Adivasi* land rights in practice, which includes the need for safeguards, consistent governance, and independent monitoring of land rights.

### Land Tenure Systems in *Adivasi* Areas

While there is heterogeneity, traditionally, *Adivasi* communities had individual and communal ownership, and these have continued into

the contemporary period, albeit with some changes. Individual land ownership broadly includes kitchen garden/homestead land; swidden land, terrace land; paddy land; wetland acquired through inheritance, purchase, gift, and mortgage; and dry lands or up lands. Individual lands are transferred through the patrilineal system of inheritance. In contrast, collective areas include sacred sites, such as ritual places, funerals and cremation sites, and sacred groves; swidden land (*dangar*) owned collectively by clan members or belonging to the village; socio-culturally significant lands; village grasslands and grazing land; and commons for thatching grass and firewood (among others) (Kumar & Choudhary, 2005).

In central and eastern India, *Adivasis* use a clan-based land tenure system that provides customary rights to land, trees, and forests, with collective decision-making around use (Kumar & Choudhary, 2005). Among the tribes of northeast India, the Nagas of Manipur, for example, have village community land, clan, or lineage land, and individual private land defines the land ownership system (Devi, 2006). In contrast, a feudal system of land ownership exists among the Kuki and Kuki-Chin-Mizo tribes' villages, where the village chief owns village lands, and the villagers are considered tenants. The tribal communities of the Sixth Scheduled area of Assam, Meghalaya, Mizoram, and Tripura of northeast India largely have community ownership of almost all lands, except the land under reserve forests, with customary legal and institutional mechanisms for their management and governance, and some individual ownership of lands (Land Portal, n.d.). Nevertheless, the state now controls most of the lands under communal ownership.

### Federal Constitutional Framework and Land Legislation

*Adivasi* lands include lands located in the Fifth and Sixth Schedule Areas, and those that the *Adivasis* possess outside the Scheduled Areas. At the institutional and federal levels, the Indian state has established the National Commission for Scheduled Tribes and the Ministry of Tribal Affairs. These examine issues concerning *Adivasi* land, and both conduct or commission studies to understand the *Adivasi* land rights, and the extent of land alienation and restoration. State governments have *Adivasi* welfare departments to advance and safeguard *Adivasi* land rights. The states also have dedicated research institutes to conduct studies on *Adivasi* socio-economic needs and land rights.

On the legislative front, both the federal and state governments have enacted laws to protect and promote *Adivasi* land rights (see Table 12.1). Central laws such as the PESA, the FRA, and the LAA protect and

Table 12.1 Legislation for protection and promotion of land rights of adivasis

Federal /state	Legislative measures	Descriptions
Federal	The <i>Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act</i> 1989	Makes it a punishable offence to wrongfully occupy or cultivate any land owned by or allotted to a member of a ST, or allotted or transferred lands.
Federal	The <i>Panchayat (Extension to the Scheduled Areas) Act</i> 1996	Empowers the Gram Sabha to prevent <i>Adivasi</i> land alienation and restore lands that were unlawfully dispossessed in Scheduled Areas.
Federal	The <i>Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act</i> 2006	Grants land rights to <i>Adivasis</i> . Endows the Gram Sabha with a critical role in customary forest and resource governance, including decision-making for <i>Adivasi</i> land alienation and forest conversion.
Andaman and Nicobar Islands	The Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation 1956	Mandated to protect the STs in the four tribal reserves. This regulation empowers the government to prohibit and regulate the entry of outsiders, and restricts the transfer of lands to non-tribals in the reserves.
Andhra Pradesh	The Andhra Pradesh (Scheduled Areas) Land Transfer Regulation 1959, amended by the Andhra Pradesh (Scheduled Areas) Land Transfer (Amendment) Regulations of 1970, 1971, and 1978	Prohibits transfer of land to non-tribals in Scheduled Areas. Authorizes government to acquire land in case a tribal purchaser is not available. There is, however, no legal protection to ST land outside the scheduled areas.
Assam	The Assam Land and Revenue Regulations 1886, amended in 1981	Chapter X of the Regulation prohibits land alienation in tribal belts and blocks.
Arunachal Pradesh	Bengal Eastern Frontier Regulation 1873, as amended	Prohibits transfer of tribal land.

Chhattisgarh	(a) Sections 165 and 170 of Madhya Pradesh Land Revenue Code 1959 (b) <i>Madhya Pradesh Land Distribution Regulation Act 1964</i>	Sections 165 and 170B of the Code protects STs against land alienation. The 1964 Act is in force in the scheduled areas.
Dadra and Nagar Haveli	Dadra and Nagar Haveli Land Reform Regulation 1971	Protects tribal interests in lands.
Gujarat	The <i>Bombay Land Revenue Code as amended by Bombay Land Revenue (Gujarat Second Amendment) Act 1980</i>	Sections 73A, 73AA, 73AB, 73AC, and 73AD prohibit transfer of tribal lands and provide for restoration of alienated land in Gujarat.
Himachal Pradesh	The <i>Himachal Pradesh Transfer of Land (Regulation) Act 1968</i>	Prohibits transfer of land from tribals to non-tribals.
Jharkhand	(a) <i>Chhota Nagpur Tenancy Act 1908</i> (applies to old Ranchi district, mostly comprising Mundas and Uraons) (b) <i>Santhal Parganas Tenancy (Supplementary Provision) Act 1940</i> (c) Bihar Scheduled Areas Regulation 1969 (d) Wilkinson's Rule 1837 (applies to Hos of Singhbhum)	Prohibit alienation of tribal land and provide for restoration of alienated land.
Karnataka	The <i>Karnataka Scheduled Caste (SC) and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act 1975</i>	Prohibits transfer of land assigned to SCs and STs by government. No provision to safeguard SC/ST interest in other lands.
Kerala	The <i>Kerala Scheduled Tribes (Regulation of Transfer of Land and Restoration of Alienated Land) Act 1975</i>	Act of 1975 made applicable in effect from June 1, 1982, by notification of January 1986. Prohibits transfer of land of tribals and provides for restoration.
Lakshadweep	The Laccadive Islands and Minicoy Regulation I of 1912. Lakshadweep (Protection of Scheduled Tribes) Regulation 1964	Alienation of tribal lands prohibited in entire union territory of Lakshadweep.

Table 12.1 (cont.)

Federal /state	Legislative measures	Descriptions
Madhya Pradesh	(a) Sections 165 and 170 of Madhya Pradesh Land Revenue Code 1959 (b) <i>Madhya Pradesh Land Distribution Regulation Act 1964</i>	Sections 165 and 170B of the Code protect STs against land alienation. The 1964 Act is in force in Scheduled Areas of Madhya Pradesh.
Maharashtra	(a) The Maharashtra Land Revenue Code 1966, as amended in 1974 (b) The <i>Maharashtra (Restoration of Lands to Scheduled Tribes) Act 1974</i>	Prohibits alienation of tribal land and provides for restoration of both illegally and legally transferred lands of a tribe.
Manipur	The <i>Manipur Land Revenue and Land Reforms Act 1960</i>	Section 153 forbids transfer of tribal land to non-tribals without permission of the District Collector. The statute has not been extended to hill areas; therefore, hill area tribals are not covered.
Meghalaya	<i>Meghalaya Transfer of Land (Regulation) Act 1971</i>	Prohibits alienation of tribal land.
Nagaland	Bengal Eastern Frontier Regulation 1873 and Assam Land and Revenue Regulation 1866, as amended vide <i>Nagaland Land and Revenue Regulation (Amendment) Act 1978</i>	Prohibition of transfer of tribal lands.
Odisha	The Orissa Scheduled Areas Transfer of Immovable Property (by Scheduled Tribes) Regulation 1956. The <i>Orissa Land Reforms Act 1960</i>	Prohibits transfer of tribal land and provides for its restoration, both in Scheduled Areas (1956 Regulation) and non-Scheduled Areas (1960 Act).
Punjab	The <i>Punjab Land Alienation Act 1916</i>	Prevents alienation of tribal lands to non-tribals.
Rajasthan	The <i>Rajasthan Tenancy Act 1955</i> The <i>Rajasthan Land Revenue Act 1956</i>	Sections 175 and 183B specifically protect tribal interest in land and provide for restoration of alienated land to them.

Sikkim	Revenue Order No. 1 of 1917 <i>The Sikkim Agricultural Land Ceiling and Reform Act 1977</i>	Order of 1917 still in force. Chapter 7 of the 1977 Act restricts alienation of lands by STs but is not in force.
Tamilnadu	Standing Orders of the Revenue Board BSO 15–40. Law against land alienation not enacted	BSO 15–40 apply only to Malayali and Soliga tribes. Prohibit transfer of assigned land without approval of District Collector.
Tripura	<i>Tripura Land Revenue and Land Reform Act 1960</i> , as amended in 1974	Act prohibits transfer of tribal land to others without permission of the Collector. Only lands transferred after January 1, 1969 are covered under restoration provision.
Uttar Pradesh (UP)/ Uttarakhand	<i>Uttar Pradesh Zamindari Abolition and Land Reforms Act 1950</i> , as amended by <i>U. P. Land Laws (Amendment) Act 1981</i>	Provides protection of tribal land. However, amending Act stayed by Allahabad High Court in <i>Swaran Singh v. State Govt</i> (1981).
West Bengal	<i>West Bengal Land Reforms Act 1955</i>	Chapter II-A prohibits the alienation of tribal land and provides for restoration.

Source: Government of India, not dated, pp. 87–92.

advance *Adivasi* land rights. The PESA prohibits *Adivasi* land alienation and restores lands unlawfully dispossessed in Scheduled Areas. The FRA grants *Adivasis* communal and individual rights to forest land and empowers them to make decisions on *Adivasi* land alienation and forest conversion. The LAA prohibits land alienation in Scheduled Areas. In the case of unavoidable circumstances where land acquisition is essential, the prior consent of the *Gram Sabha* (village council) is mandatory. In addition, the *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act* 1989 punishes those guilty of wrongfully occupying or cultivating *Adivasi* land.

As Table 12.1 shows, the legal framework for *Adivasi* land rights is a complex mix of federal and state legislations. These legal measures grant land rights to *Adivasis* and promote and safeguard them from alienation by empowering the grassroots-level collective institutions (*Gram Sabha*). However, there are examples where the *Gram Sabha* has been misused and manipulated, and has enabled the alienation of *Adivasi* land.

### Land Allotment to *Adivasis*

The most prominent legislative measures for providing land to *Adivasi* are the *Central Land Ceiling Act*<sup>3</sup> and state land ceiling laws, and the FRA.

#### *Land Ceiling Act*

The federal and state ceiling laws were enacted to impose a ceiling on agricultural holdings and prioritize *Adivasi* land tenure when distributing any surplus agricultural land. Implementing these laws across India resulted in the redistribution of 795,886 acres of surplus lands in 2007;

<sup>3</sup> By 1961–1962, all states had enacted ceiling laws as part of land reform measures to address skewed agricultural land ownership. However, ceiling levels vary from state to state and, in some cases, even within the same state. The need for some consistency in land holding ceilings across states prompted the Parliament to pass the *Urban Land (Ceiling and Regulation) Act* 1976, which applied to eleven states, such as Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Maharashtra, Odisha (Orissa), Punjab, Tripura, Uttar Pradesh, West Bengal, and union territories. Other states, such as Madhya Pradesh, Rajasthan, Bihar, Assam, Manipur, and Meghalaya, later adopted the central law. However, due to the failure to achieve the objectives, the law was repealed in 1999, followed by the repeal in Madhya Pradesh (2000), Odisha (2002), and Assam (2003). This law was repealed in 2011 by Bihar, Maharashtra, Andhra Pradesh, and Jharkhand. However, various state ceiling laws continue to exist, albeit with numerous amendments in recent times. It has been observed that eleven states have amended the land ceiling laws that favor the industry (Lopes & Chari, 2021).



779,858 acres in 2008; and 789,288 acres in 2009.<sup>4</sup> In December 2007, the surplus land distributed to the *Adivasis* under land ceiling laws constituted 16 percent of the total area of land distributed, and 15 percent of the total number of beneficiaries (Government of India, 2009). The government informed the Lok Sabha<sup>5</sup> on September 6, 2012 that 7.96 lakh (0.796 million) acres had been distributed under the land ceiling laws to the *Adivasi* communities in India by March 31, 2012.<sup>6</sup> The *Committee on State Agrarian Relations and the Unfinished Task in Land Reforms* expressed its disenchantment with a lack of statewide data on landless *Adivasi* communities (Government of India, 2009); and that most *Adivasi* received less than the required 1.26 hectares of land.

### *Forest Rights Act*

The Indian Parliament enacted the FRA to undo the historical injustices meted against *Adivasi* forest dwellers. The FRA recognizes and grants legal land rights to a maximum of four hectares of forest land. Section 6 of the FRA outlines the procedure for evaluating and recognizing *Adivasi* forest land tenure claims (Government of India, 2007; Nikolakis & Hotte, 2020). To commence a claim, the Gram Sabha (village assembly) forms a Forest Rights Committee (FRC) consisting of 10–15 members, two-thirds of whom should be *Adivasis*. The FRC evaluates claims by employing criteria of (i) whether the claimant is an *Adivasi* and (ii) in case of a non-*Adivasi* claimant, whether the member has resided and depended on the forest for their livelihood for at least three generations prior to December 13, 2005. The FRC makes recommendations to the Gram Sabha, which evaluates these and makes recommendations to a Sub-Division Level Committee (SDLC), which, in turn, can accept or reject them and recommend them to the District Level Committee (DLC). An individual or community can appeal any SDLC or Gram Sabha decision within sixty days to the SDLC and the DLC. The decision of the DLC is final and binding.

As Table 12.2 highlights, by March 31, 2022, a total of 4,429,065 claims have been made under the FRA, consisting of 4,260,247 individual claims

<sup>4</sup> Lok Sabha Unstarred Question No. 1383, dated November 27, 2009, available at [http://164.100.47.193/Annexure\\_New/lsq15/3/au1383.htm](http://164.100.47.193/Annexure_New/lsq15/3/au1383.htm).

<sup>5</sup> The Lok Sabha is the Lower House of the Indian Parliament, with members elected directly by the people. *Adivasis* can elect their own Lok Sabha members under Article 332 of the Indian Constitution to protect and promote their community's rights and interests.

<sup>6</sup> Lok Sabha Unstarred Question No. 4225, dated September 6, 2012.

Table 12.2 Forest land allotted to tribal people

States	No. of claims received up to March 31, 2022 (individual = I; community = C)			No. of titles distributed up to March 31, 2022 (individual = I; community = C)			Extent of forest land for which titles distributed (in acres) (individual = I; community = C)		
	I	C	Total	I	C	Total	I	C	Total
Andhra Pradesh	274,078	3,294	277,372	210,828	1,822	212,650	436,606	526,454	963,060
Assam	148,965	6,046	155,011	57,325	1,477	58,802	NA/NR	NA/NR	NA/NR
Bihar	8,022	NA/NR	8,022	121	0	121	NA/NR	NA/NR	NA/NR
Chhattisgarh	866,955	50,806	917,761	445,573	45,303	490,876	898,010	478,3047	568,1057
Goa	9,758	378	10,136	138	11	149	299	17	316
Gujarat	182,869	7,187	190,056	91,686	4,597	96,283	156,926	1,236490,	1,393,416
Himachal Pradesh	2,746	275	3,021	129	35	164	5.96	4,742	4,748
Jharkhand	107,032	3,724	110,756	59,866	2,104	61,970	153,396	103,759	257,155
Karnataka	288,357	5,938	294,295	14,680	1,343	16,023	19,989	36,340	56,329
Kerala	43,466	1,109	44,575	26,745	183	26,928	35,449	0	35,449
Madhya Pradesh	585,326	42,187	627,513	266,609	27,976	294,585	902,750	1,463,614	2,366,365
Maharashtra	362,679	12,037	374,716	165,032	7,084	172,116	392,929	2,736,661	3,129,589

Odisha	627,998	15,282	643,280	452,164	7,624	459,788	666,089	337,043	1,003,132
Rajasthan	85,243	2,016	87,259	45,135	361	45,496	63,788	12,290	76,078
Tamil Nadu	33,755	1,082	34,837	8,144	450	8,594	9,626	NA/NR	9,626
Telangana	204,176	2,808	206,984	97,434	102	97,536	310,916	3,631	314,547
Tripura	200,696	277	200,973	127,931	55	127,986	460,182	91	460,274
Uttar Pradesh	92,577	1,162	93,739	180,49	861	18,910	19,190	120,776	139,966
Uttarakhand	3,587	3,091	6,678	184	1	185	0	0	0
West Bengal	131,962	10,119	142,081	44,444	686	45,130	210,14	572	21,586
Andaman and Nicobar Island	0	0	0	0	0	0	0	0	0
Ladakh	0	0	0	0	0	0	0	0	0
<b>Total</b>	4,260,247	168,818	4,429,065	2,132,217	102,075	2,234,292	4,547,166	11,365,529	15,912,694

Source: Lok Sabha Unstarred Question No. 3510, dated August 8, 2022, available at <http://164.100.24.220/loksabhaquestions/annex/179/AU3510.pdf> (NA/NR: Related figure is either not available or not reported).

(96.18 percent) and 168,818 community claims (3.81 percent). Table 12.2 also shows a total of 2,234,292 titles distributed to *Adivasi* communities and other traditional forest dwellers, and just over 95 percent of these were for individuals (or 2,132,217 titles), and the remainder were communal titles (or 102,075 titles). In total, just over 15.9 million acres of forestland were distributed to *Adivasi*, of which just over 11.36 million acres were communal lands (71.42 percent), and the remainder were for individuals. It is argued that the state has given undue importance to and expanded individual rather than collective rights (Nikolakis & Hotte, 2020), and thus dilutes the constitutional and collective rights of *Adivasi* communities (Bose et al., 2012). Also, it is important to note that for nomadic and pastoral communities, their rights are not recognized through the FRA. However, they access forest resources, collecting non-timber forest products and other traditional resources, and their stock can access grazing lands and water (Government of India, 2007).<sup>7</sup>

Overall, the lands granted under the ceiling laws and the FRA have expanded *Adivasis'* marginal and small-scale land holdings across India.<sup>8</sup>

### Landholding Patterns in *Adivasi* Areas

The data on *Adivasi* communities and land tenure, especially the number of operational holdings and area of operational holdings,<sup>9</sup> are largely drawn from different Agricultural Census reports. Though the Agricultural Census commenced in 1970–1971 with an interval of five years, and the most recent in 2015–2016,<sup>10</sup> the data on *Adivasi* land

<sup>7</sup> The nomadic or pastoralist communities do not fulfil the criteria of occupying the forest land for three generations or 75 years prior to December 13, 2005 and depending on forests for livelihood under the FRA due to the nature of occupation they practice for their living.

<sup>8</sup> The state follows a standard definition of land holdings across the country and categorizes them into five groups based on size, such as marginal (below 1 hectare), small (1–2 hectares), semi-medium (2–4 hectares), medium (4–10 hectares), and large (above 10 hectares).

<sup>9</sup> Operational holding refers to entire tracts of land under the same management used entirely or partially for agricultural production using the same means of production. Area of operational holdings includes land owned and cultivated by self, leased land and encroached land, forcibly occupied land, and unauthorized or disputed land (which cannot be owned or leased). The operational holder may be an individual, joint, or institutional, who gets the right to cultivate or lease the land to others for fixed money, fixed produce, share of production, etc. (Government of India, 2015).

<sup>10</sup> The fieldwork for the Eleventh Agricultural Census (2021–22) is planned to start in August 2022.

holdings were collected separately in the Third Agricultural Census (1981–1982) and continued since then. Tables 12.3 and 12.4 illustrate the statewide distribution and area of *Adivasi* operational holdings in last two Agricultural Census, and the percent changes over time (2005–6 to 2010–11, 2010–1, and 2015–6).

Table 12.3 shows that in 2005–2006 and 2010–2011, there was a decline in the number of *Adivasi* operational holdings in Andhra Pradesh, Jammu and Kashmir, and Maharashtra. Similarly, in 2010–2011 and 2015–2016, there was a decline in seven states: Andhra Pradesh, Bihar, Gujarat, Maharashtra, Mizoram, Sikkim, Uttar Pradesh, and one union territory, Daman and Diu. The number of operational holdings is significantly less in smaller states and union territories such as Sikkim and Daman and Diu.

Table 12.4 demonstrates a decline in operational holdings in twelve states and one union territory in 2005–2006 and 2010–2011. Similarly, there was a decline in eighteen states in 2010–2011 and 2015–2016.

The statistics show a general negative trend in *Adivasi* land holdings that accelerated during 2015–2016. The average area of holdings has declined from 1.76 hectares in 2000–2001 to 1.64 hectares in 2005–2006 (Government of India, 2012, p. 44) and 1.40 hectares in 2015–2016 (Government of India, 2020, p. 49). The socio-economic and caste census in 2011 shows that 5.47 percent of rural *Adivasi* households were landless in India.<sup>11</sup> In 2003, 35.5 percent of *Adivasi* households, against 41.6 percent of all households, did not own any land other than their homestead (Bakshi, 2008, p. 101).<sup>12</sup> The unit-level data from various rounds of the National Sample Survey Office (NSSO) shows that the *Adivasi* household that did not own any land, not even the homestead land, has increased from 16 percent in 1987–1988 to 24 percent in 2011–2012 (Karat & Rawal, 2014). The same data set indicates that *Adivasi* households that did not possess any land increased from 13 percent in 1987–1988 to 25 percent in 2011–2012. Similarly, landlessness among *Adivasis* has increased from 28 percent in 1987–1988 to 39 percent in 2011–2012 (Karat & Rawal, 2014). In short, landlessness among rural *Adivasi* households has increased over time, with alarming rates of tenure insecurity.

<sup>11</sup> See <https://secc.gov.in/homepage.htm>.

<sup>12</sup> Homestead is land used for house construction and surrounding land used for kitchen garden.

Table 12.3 Statewide distribution of number of operational holdings for STs during agriculture census 2005–2006 to 2015–2016 (in'00)

States/Union Territories (UTs)	2005–06	2010–11	2015–16	Percent of Variation in 2010–11 over 2005–06	Percent of Variation in 2015–16 over 2010–11
Andhra Pradesh	9,267	3,871	4,056	–58.22	–61.72
Arunachal Pradesh	1,064	1,065	1,103	0.09	3.57
Assam	4,379	4,382	4,431	0.07	1.12
Bihar	1,906	2,121	2,030	11.28	–4.29
Chhattisgarh	11,054	11,768	12,565	6.46	6.77
Goa	118	211	215	78.81	1.90
Gujarat	4,875	5,043	4,981	3.45	–1.23
Haryana	0	0	0	0.00	0.00
Himachal Pradesh	447	560	572	25.28	2.14
Jammu and Kashmir	1,844	1,813	2,087	–1.68	15.11
Jharkhand	NA	9,670	9,791	-	1.25
Karnataka	4,391	4,726	5,213	7.63	10.30
Kerala	873	952	1,079	9.05	13.34
Madhya Pradesh	16,274	17,823	20,005	9.52	12.24
Maharashtra	8,798	8,635	8,560	–1.85	–0.87
Manipur	642	643	645	0.16	0.31
Meghalaya	2,026	2,088	2,287	3.06	9.53
Mizoram	897	917	896	2.23	–2.29

Nagaland	1,687	1,778	1,959	5.39	10.18
Odisha	14,074	14,255	14,605	1.29	2.46
Punjab	0	0	0	0.00	0.00
Rajasthan	9,673	11,198	12,281	15.77	9.67
Sikkim	302	365	312	20.86	-14.52
Tamil Nadu	686	744	946	8.45	27.15
Telangana		6,724	7,125		5.96
Tripura	1,558	1,635	1,641	4.94	0.37
Uttarakhand	297	297	793	0.00	167.00
Uttar Pradesh	556	709	281	27.52	-60.37
West Bengal	5,516	5,823	5,996	5.57	2.97
Andaman and Nicobar Islands	0	0	0	0.00	0.00
Chandigarh	0	0	0	0.00	0.00
Dadra and Nagar Haveli	127	129	132	1.57	2.33
Daman and Diu	6	7	6	16.67	-14.29
Delhi	0	0	0	0.00	0.00
Lakshadweep	93	94	95	1.08	1.06
Puducherry	0	0	0	0.00	0.00
<b>Total</b>	<b>103,431</b>	<b>113,322</b>	<b>126,687</b>	<b>9.57</b>	<b>5.53</b>

Source: Government of India (2015, pp. 108–109; 2020, pp. 85–86).

Note: #excluding Jharkhand; Neg, negligible; NA, not applicable.

Table 12.4 Statewide distribution of area operated by operational holdings for STs during agricultural census 2005–2006 to 2015–2016 (area in '00 ha.)

States/Union Territories (UTs)	2005–06 (hectares, 00s)	2010–11 (hectares, 00s)	2015–16 (hectares, 00s)	Percentage of variation in 2010–11 over 2005–06	Percentage of variation in 2015–16 over 2010–11
Andhra Pradesh	12,120	4,774	4,321	–60.61	–9.49
Arunachal Pradesh	3,516	3,803	3,763	8.16	–1.05
Assam	4,901	5,166	5,098	5.41	–1.32
Bihar	995	1,055	1,032	6.03	–2.18
Chhattisgarh	22,103	21,587	21,241	–2.33	–1.60
Goa	79	241	224	205.06	–7.05
Gujarat	9,690	9,685	9,584	–0.05	–1.04
Haryana	0	0	0	0.00	0.00
Himachal Pradesh	427	502	490	17.56	–2.39
Jammu and Kashmir	1,435	1,298	1,347	–9.55	3.78
Jharkhand	NA	14,306	13,879	-	–2.98
Karnataka	7,249	7,052	7,297	–2.72	3.47
Kerala	302	344	383	13.91	11.34
Madhya Pradesh	32,333	31706	31,379	–1.94	–1.03
Maharashtra	15,288	15,580	15,099	1.91	–3.09
Manipur	789	790	792	0.13	0.25
Meghalaya	23,77	2,862	2,974	20.40	3.91
Mizoram	1,068	1,045	1,114	–2.15	6.60
Nagaland	11,696	10,715	9,535	–8.39	–11.01



Odisha	17,483	16,147	15,380	-7.64	-4.75
Punjab	0	0	0	0.00	0.00
Rajasthan	17,658	17,850	17,511	1.09	-1.90
Sikkim	569	568	473	-0.18	-16.73
Tamil Nadu	752	747	754	-0.66	0.94
Telangana		7,707	7,406		-3.91
Tripura	1,126	1,239	1,246	10.04	0.56
Uttarakhand	482	799	895	65.77	12.02
Uttar Pradesh	703	479	464	-31.86	-3.13
West Bengal	3,958	3,966	3,964	0.20	-0.05
Andaman and Nicobar Islands	0	0	0	0.00	
Chandigarh	0	0	0	0.00	0.00
Dadra and Nagar Haveli	172	169	172	-1.74	1.78
Daman and Diu	2 (Neg)	3 (Neg)	2 (Neg)	0.00	
Delhi	0	0	0	0.00	
Lakshadweep	14	23	23	64.29	0.00
Puducherry	0	0	0	0.00	
<b>Total</b>	163,949	182,207	177,841	11.14	-2.40

*Source:* Government of India (2015, pp. 109–110; 2020, pp. 87–88).

*Note:* #excluding Jharkhand; Neg, negligible; NA, Not applicable

Dispossession and tenure insecurity were heightened during the COVID-19-imposed lockdown. In a report to the United Nation's Special Rapporteur on the Rights of Indigenous Peoples, the Housing and Land Rights Network, New Delhi, claimed that between March and June 2020, both the Indian federal and state governments engaged in at least twenty-two cases of forced eviction of *Adivasis* without due process. Incidents in Odisha, Manipur, Gujarat, and Madhya Pradesh involved activities ranging from setting fire to *Adivasi* houses, to forcible eviction, destroying *Adivasi* standing crops, and using police force to quell *Adivasi* protests (Housing and Land Rights Network, 2020). Several other dispossession activities occurred during COVID-19 that Ambagudia (2022b) argues undermines *Adivasi* land rights further, including the extension of mining leases and the approvals of major projects, many of which are on *Adivasi* lands.

The number of marginal land holdings among *Adivasi* communities has increased from 2.728 million in 1981–1982 to 7.127 million in 2015–2016 (Figure 12.1). A similar increasing trend is also visible in small and semi-medium land holdings; however, there is a gradual decline in the number of medium and large-scale land holdings held by *Adivasis* across India.

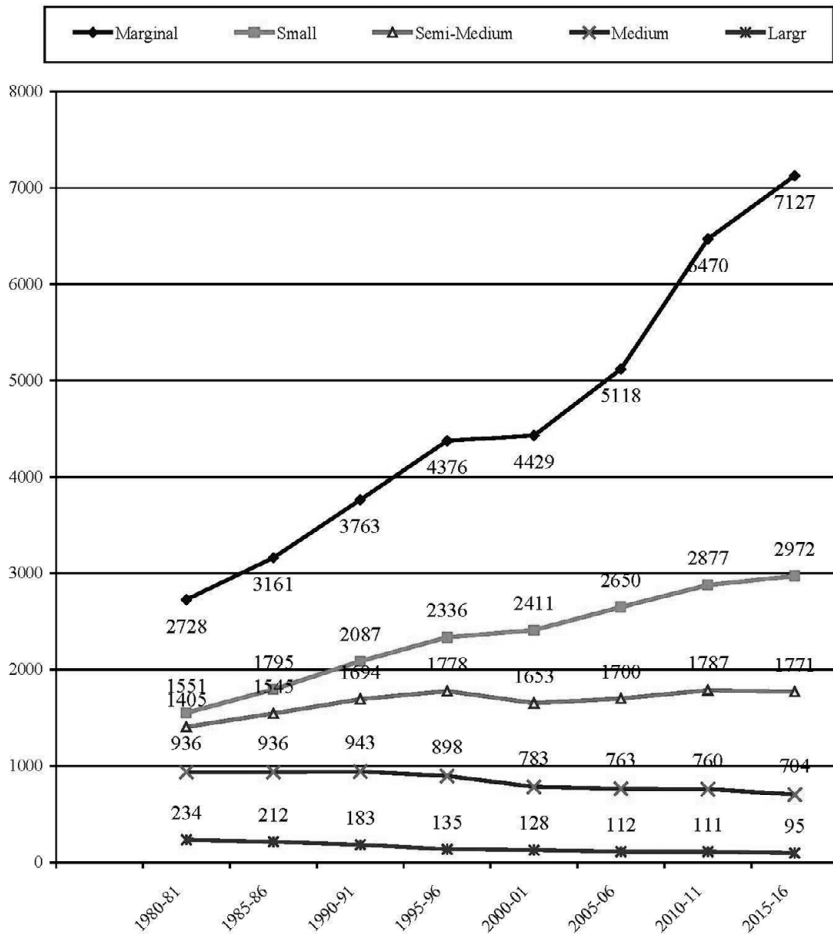
Figure 12.2 examines the operational holdings of *Adivasis* in 1981–1982 and 2015–2016. It shows a sharp decline in medium and large-scale holdings, decreasing in size from 5.596 million hectares and 3.729 million hectares in 1980–1981 to 3.984 million hectares and 1.434 million hectares in 2015–2016, respectively. However, marginal, small, and semi-medium land holdings gradually increased, except for 2000–2001, 2005–2006, and 2015–2016 for semi-medium.

The comparative land picture paints *Adivasis* as at the margin of society and lagging behind other social groups, such as SCs and others (non-*Adivasis* and non-SCs) regarding the number of operational holdings (Figure 12.3). However, they are above the SCs concerning the area of operational holdings in 1985–1986 and 2015–2016 (Figure 12.4).

### Five Dispossession Pathways

Figure 12.5 shows the nature and scale of *Adivasi* land dispossession and alienation in post-independence India, which occurs broadly in five different ways.

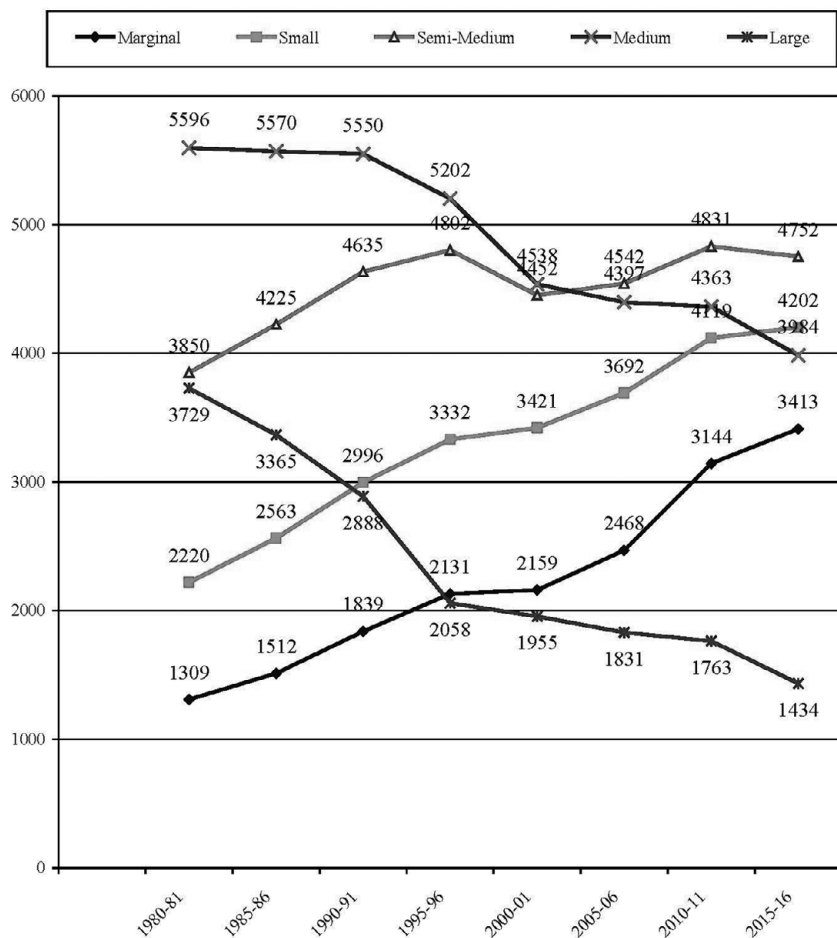
First, land is alienated in private transactions, such as *Adivasis* mortgaging their lands to non-*Adivasis* to meet their basic needs, perform rituals and religious ceremonies, celebrate festivals, or meet the



**Figure 12.1** Number of operational holdings in India by size groups for STs, 1980–1981 to 2015–2016 (in '000 ha)

Source: Government of India (2020, p. 50)

expenditure of a daughter's marriage (among other reasons), which sometimes leads to the illegal transfer of land. Until the 1950s and 1960s, non-*Adivasis* could purchase *Adivasi* lands with permission from relevant authorities. In some cases, records and permissions were manipulated to acquire *Adivasi* lands (Government of India, 2014). In some states, *Adivasi* communities also seek permission to sell land to non-*Adivasi* communities. For instance, in Tripura, seventy-four cases

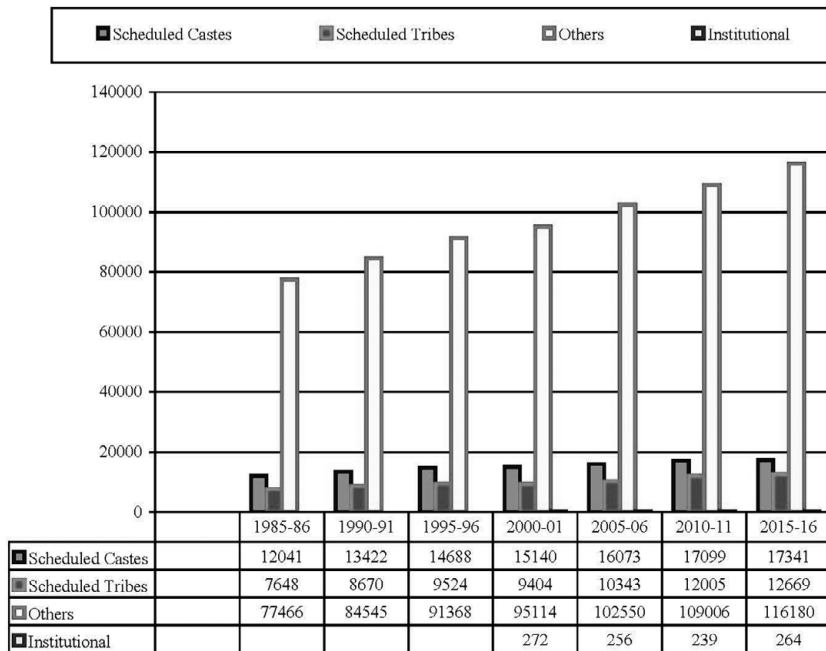


**Figure 12.2** Area operated by holdings in India by size groups for STs, 1980–1981 to 2015–2016 (in '000 ha)

Source: Government of India (2020: p. 51)

were submitted to and approved by the Tribes Advisory Council (TAC) in 2006–2007 and 2015–2016, transferring 52.2956 acres of *Adivasi* lands (Centre for Equity Studies, 2016). *Adivasi* communities also suffer land loss due to encroachment of their land by non-*Adivasis* (Ambagudia, 2019; Buckles et al., 2013; Viegas, 1991).

Second, the state acquires land for public purposes (such as development projects, highways, railways, and even conservation) through the



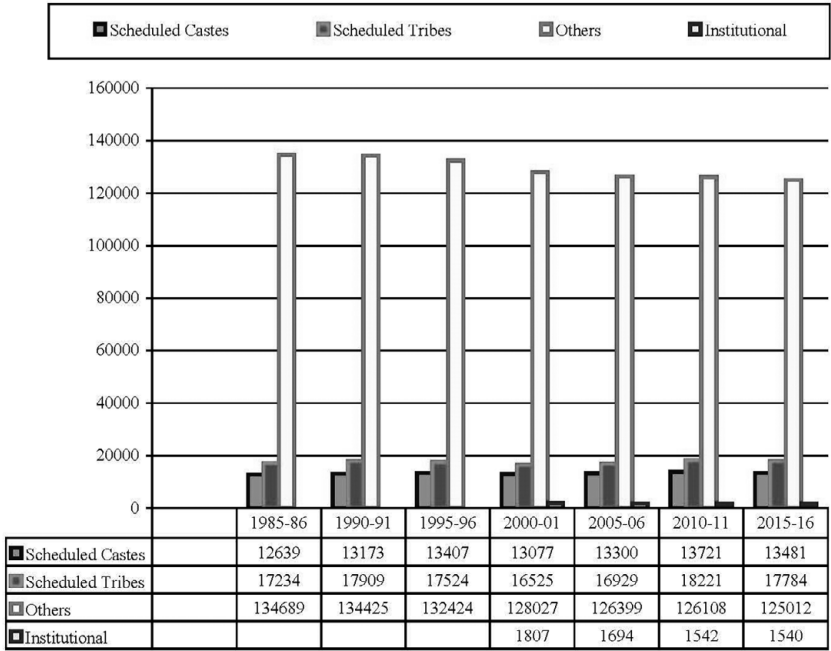
**Figure 12.3** Number of operational holdings in India by social groups 1980–1981 to 2015–2016 (in %)

Source: Government of India (1998, p. 68; 1995–1996, pp. 59–61; 2012, p. 38; 2015: p. 47; 2020: p. 40) \* Excluding Jharkhand

“eminent domain principle” under the *Land Acquisition Act* 1895 (Levien, 2015). On March 19, 2015, the government informed the Lok Sabha that 15,363 hectares of *Adivasi* lands were acquired for power plants, affecting 2,133 *Adivasi* families.<sup>13</sup> Similarly, Coal India Limited acquired 691 hectares of *Adivasi* lands in 2014–5; 990 hectares in 2015–6; 1,332 acres in 2016–7; and 884 acres in 2017–8 (till February 2018).<sup>14</sup> The state also acquires *Adivasi* lands to rehabilitate migrants in various parts of *Adivasi* territories in India (Ambagudia, 2019; Government of India, 2014; Singh, 2010).

<sup>13</sup> Lok Sabha Unstarred Question No. 3837, dated March 19, 2015, available at [http://164.100.47.193/Annexture\\_New/lq16/4/au3837.htm](http://164.100.47.193/Annexture_New/lq16/4/au3837.htm).

<sup>14</sup> Lok Sabha Unstarred Question No. 5440, dated March 28, 2018, available at <http://164.100.24.220/loksabhaquestions/annex/14/AU5440.pdf>.



**Figure 12.4** Area operated by social groups 1980–1981 to 2015–2016 (in '000 ha)  
*Source:* Government of India (1998, p. 68; 1995–1996, pp. 59–61; 2012, p. 38; 2015, p. 47; 2020, p. 40) \* Excluding Jharkhand

Third, surveys and settlements of *Adivasi* areas in eastern India were delayed until the 1960s, allowing lands to be transferred to non-*Adivasis*. Sometimes, due to flawed surveys, most of the land in *Adivasi* areas was registered as government land, and correspondingly, the privately owned land was significantly less (Ambagudia, 2019; Government of India, 2014).

Fourth, the continuation of landlessness among the *Adivasi* communities is due to the poor distribution of government wastelands, land acquired through land ceilings, and the FRA (among others).

Fifth, the *Adivasi* communities' access to land also gets reduced due to areas being designated forests or protected areas, which limits access for traditional uses.

As Figure 12.5 outlines, the state not only dispossesses *Adivasis* in the name of “national development” but also facilitates the transfer of land and forest resources to non-*Adivasis* and multinational corporations (MNCs). While the government does not assess the socio-economic

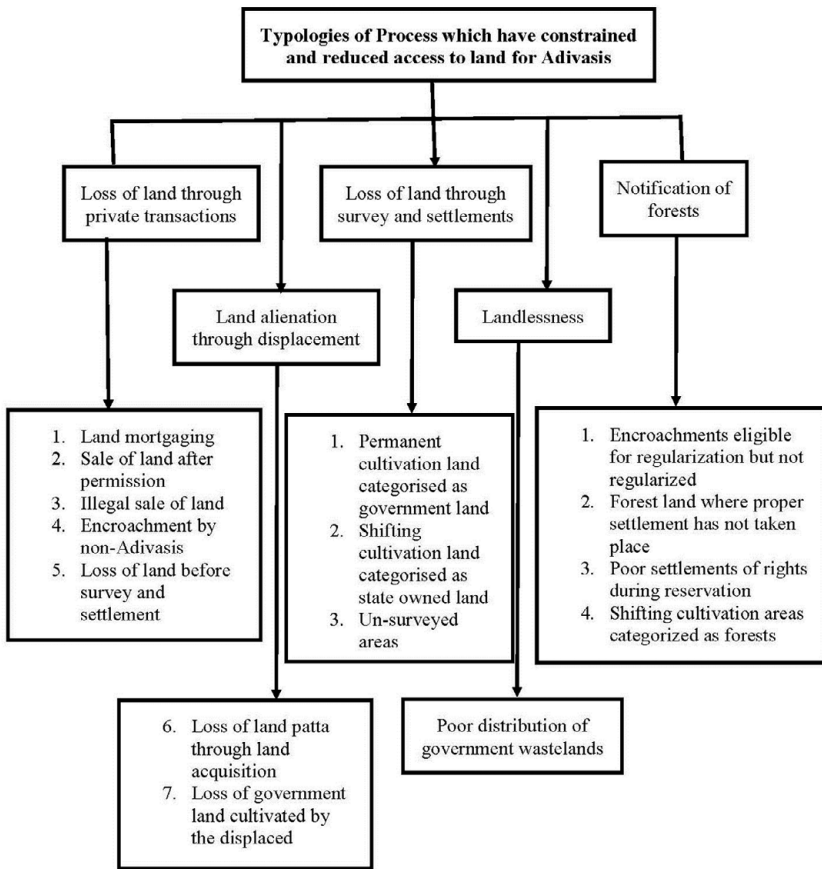


Figure 12.5 Process of Adivasi land alienation

Source: Kumar and Choudhary (2005, p. 38)

outcomes of *Adivasis* following land acquisition,<sup>15</sup> it is clear that dispossession is a major driver of poverty and inequality among *Adivasis*. This issue, in turn, has mobilized *Adivasi* resistance and social movements.

### Strategies for Protecting *Adivasi* Land Rights

*Adivasis* have employed various strategies to advance and protect their land rights across India. These strategies range from working with non-

<sup>15</sup> Lok Sabha Starred Question No. 265, dated August 19, 2011, available at <http://loksabhaph.nic.in/Questions/>.

governmental organizations (NGOs) to launching social movements and pursuing land justice through the courts. The *Adivasi* educated class has been meeting and putting pressure on their political representatives to raise questions on *Adivasi* land rights in decision-making bodies such as the Parliament and state assemblies. However, the two most prominent strategies are *Adivasi* social movements and litigation.

### *Adivasi* Social Movements

Land alienation in *Adivasi* areas, Mohanty (2001) argues, was driven by the colonial state's land revenue policy and exploitative policies. A new land tenure system and the British introduction of non-*Adivasi* intermediaries and administrators accelerated *Adivasi* land dispossession (Xaxa, 2021). The colonial state also diluted the *Adivasis'* relationship with forest resources by introducing various forest policies, thereby restricting their access. Subsequently, it commercialized and extracted the forest resources in *Adivasi* areas. *Adivasis* were compelled to work as laborers in the land they once possessed. Nevertheless, the *Adivasis* launched a series of rebellions against resource alienation, albeit with little or no success.

Dispossession accelerated in the post-colonial period (Murdia, 1975). *Adivasi* territories have abundant natural resources, which have been an easy target for the state and its treasury. The Twelfth Five Year Plan (2012–2017) document acknowledged that the proportion of displaced *Adivasis* was at least 55 percent of the total displaced people in India, and it was around 76 percent in Gujarat (cited in Government of India, n.d., p. 60). In the post-colonial period, the *Adivasi* movements mounted against land alienation demanded restoration of alienated land and advocated for recognizing *Adivasi* land rights within the country's constitutional framework. *Adivasi* movements have focused their attention on the state and MNCs extracting mining and forest resources from *Adivasi* lands, especially since the 1990s (Ambagudia, 2017).<sup>16</sup> *Adivasi* movements, involving direct action, lobbying, and advocacy, were critical for

<sup>16</sup> The state signs memorandum of understandings (MoUs) with MNCs reflecting mutually acceptable terms and conditions, where the former is perceived to provide liberal terms and conditions to the latter to attract capital. As part of the MoU, the state acquires *Adivasi* lands and makes them available to MNCs for establishing industries and project plants. The state also creates infrastructural facilities for MNCs to extract natural resources from the *Adivasi* region.



developing two of India's most progressive land rights statutes: the PESA and the FRA (Nikolakis & Hotte, 2020). Both of these laws seek to secure and safeguard *Adivasi* lands, a response to the unprecedented dispossession experienced across the country.

### *Litigation*

The *Adivasis* of India also resort to litigation to advance and safeguard their land rights. Sometimes they take individual initiatives to file cases in the court, and other times various organizations mobilize and file cases on behalf of *Adivasis* in the courts for restoring the alienated land. The *Adivasis* usually arrange financial resources required for fighting cases in cash or in-kind (crops) if the organizations are involved. Table 12.5 shows 437,173 cases covering 661,806 acres of unlawfully alienated land were filed in the courts; of these, 360,590 cases were decided, and 217,396 (60.28 percent) cases were decided in favor of *Adivasi* communities (covering 412,865 acres). However, all decided lands were not restored.

The highest number of cases were filed in Odisha (107,798), followed by Bihar (86,291) (Table 12.5). Similarly, Andhra Pradesh witnessed the highest amount of *Adivasi* land alienation (287,776 acres), followed by Odisha (106,530 acres). On September 6, 2012, the government informed the Lok Sabha that 4.37 lakh cases, covering 6.61 lakh acres of *Adivasi* land alienation had been registered, out of which 2.17 lakh cases have been legally disposed of in favor of the *Adivasis* that covered 4.12 lakh acres.<sup>17</sup> However, the overall progress of the restoration of alienated *Adivasi* land was unsatisfactory, with the *Committee on State Agrarian Relations and the Unfinished Task in Land Reforms* arguing the dismal progress was because the “Courts, bureaucrats and mostly public men, are often formidably interlocked against the *Adivasis*” (Government of India, 2009, p. 37).

Examining the various interim orders and judgements of *Samatha vs State of Andhra Pradesh & Ors* (Samatha Judgment), *Narmada Bachao Andolon vs Union of India & Ors* (Narmada Bachao Andolan case), *T. N. Godavaraman Thirumulpad vs Union of India and Ors* (Niyamgiri Judgment) and February 2019 judicial Order on the FRA (FRA case), Ambagudia (2022a) contends that the judiciary has maintained an inconsistency around *Adivasi* land rights. In the *Samatha* case,

<sup>17</sup> Lok Sabha Unstarred Question No. 4225, dated September 6, 2012, available at <http://loksabhapn.nic.in/Questions>.

Table 12.5 Statewise information on alienation and restoration of tribal lands (area in acres)

State	Cases Filed in Court		Cases Disposed of by the Court		Cases Decided in favor of <i>Adivasi</i>		Cases in which Land was Restored to <i>Adivasis</i>	
	Number	Area	Number	Area	Number	Area	Number	Area
Andhra Pradesh	65,875	287,776	58,212	256,452	26,475	106,225	23,383	94,312
Assam	2,042	4,211	50	19	50	19	50	19
Bihar	86,291	104,893	76,518	95,151	44,634	45,421	44,634	45,421
Chhattisgarh	49,138	NA	21,290	13,440	21,202	NA	13,364	NA
Gujarat	20,847	76,612	20,044	74,053	19,522	72,666	363	1,919
Himachal Pradesh	2	21	0	0	0	0	0	0
Jharkhand	5,382	4,002	1,362	NA	1,079	860	1,079	860
Karnataka	10,686	40,189	10,222	37,457	4,544	16,234	4,490	16,127
Madhya Pradesh	13,440	8,997	11,705	8,429	7,721	6,277	8,738	8,300
Maharashtra	45,634	NA	44,624	99,486	19,943	99,486	19,943	99,486
Odisha	107,798	106,530	107,190	105,840	62,943	57,891	61,257	57,013
Rajasthan	886	3,099	285	176	195	418	195	417
Tripura	29,152	25,476	9,088	7,368	9,088	7,368	8,994	7,318
<b>Total</b>	437,173	661,806	360,590	697,871	217,396	412,865	186,490	331,192

NA = No Availability Source: Lok Sabha Unstarred Question No. 6693, dated May 17, 2012, available at [http://164.100.47.193/Annexture\\_New/lsq15/10/au6693.html](http://164.100.47.193/Annexture_New/lsq15/10/au6693.html).

the Supreme Court considered whether the state is a “person” under Section 3(1)(a) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 (Regulation 1 of 1959) and whether it could lease out land in Scheduled Areas to mining companies. Samata, an NGO, challenged the Andhra Pradesh High Court’s decision to reject the state “as a person” and uphold the mining lease in the Visakhapatnam district Scheduled Areas.<sup>18</sup> On appeal, the Supreme Court considered the state a person and ruled that the mining lease to non-*Adivasi* in Scheduled Areas was invalid. The federal and state governments attempted to dilute this judgment and tried to amend the Fifth Schedule to ease the legal blockade created by the *Samatha* judgment for leasing Scheduled Area lands to non-tribal entities (Ambagudia, 2022a).

Similarly, when the Supreme Court delivered the *Niyamgiri* judgment in favor of *Adivasi* communities on April 18, 2013, the Odisha Mining Corporation Limited again approached the Supreme Court in 2016 to reopen the case and reconvene the twelve Gram Sabhas that had rejected the bauxite mining in Niyamgiri in 2013 (Ambagudia, 2022a).

In the *Narmada Bachao Andolan* case, the *Narmada Bacho Andolan* launched a social movement (consisting of native *Adivasis*, farmers, environmentalists and social activists) against the Sardar Sarovar Dam Project on the Narmada River in western India, which would displace the *Adivasis* living in the region. The Supreme Court has delivered mixed judgments, with the end result being project approval and *Adivasi* displacement. In the *FRA* case, when the Supreme Court further heard the matter on February 13, 2019, the executive (central government) did not send its law officer to defend the central law, FRA, and the Supreme Court ordered the eviction of the rejected claimants of *Adivasis* and other forest dwellers from the forest land by July 24, 2019 (Ambagudia, 2022a). However, the judicial order has been put on hold due to pressure from the *Adivasis* and *Adivasi* rights activists, as due process was not followed while rejecting the claims. In short, while these institutions are expected

<sup>18</sup> Section 3(1)(a) of the Andhra Pradesh Scheduled Area Land Transfer Regulation 1959 (Regulation 1 of 1959) prohibits the transfer of tribal land to non-tribals. In 1995, the High Court of Andhra Pradesh deliberated upon the writ petition filed by Samata and considered that the “person” mentioned in Section 3(1)(a) applies to a natural person, such as tribes and non-tribes, and hence, the state cannot be considered as a person. Samata challenged the decision of the High Court in the Supreme Court (for details, see Ambagudia, 2022a).

to protect and promote *Adivasi* land rights, they have often worked to undermine *Adivasi* land rights.

### Conclusions and Recommendations

Due to an implementation gap – where the executive, legislature, and courts work at odds to *Adivasi* land justice – the comprehensive constitutional and statutory measures for *Adivasi* land rights, at federal and state levels, have neither advanced nor safeguarded these rights. Indeed, what this chapter shows is that over the last decades, the *Adivasi* land base has been eroded, and landlessness and the poverty that comes with it is now a persistent problem for *Adivasis* across India.

The dispossession and deprivation of *Adivasis* have led to conflicts over land and natural resources between the *Adivasis* and other actors such as the state, MNCs, and non-*Adivasi* communities in different parts of the country. The need of the day is to take a series of robust measures to strengthen and advance *Adivasi* land rights. Six steps are critical to strengthening *Adivasi* land rights.

First, the existing legislative frameworks for *Adivasi* land rights must be implemented with sincerity and commitment across the country. In addition, existing land laws must also be independently assessed, based on their effectiveness, and any changes must be made if necessary.

Second, institutions such as the legislature, executive, and judiciary should be sensitive while dealing with the *Adivasi* land issues. Any oversight would lead to the dispossession of *Adivasi* lands. Any attempt to dilute the relationship between the *Adivasis* and land would only incite resistance on an unprecedented scale.

Third, as outlined in Table 12.5, several *Adivasi* land cases are yet to be disposed of. In this context, special courts must be set up to dispose *Adivasi* land rights cases in a timely manner.

Fourth, Sixth Schedule Areas are relatively less prone to *Adivasi* land alienation due to the legislative power of the Autonomous District Councils of *Adivasis* to make laws on land relations. On the contrary, state governments enact laws governing the *Adivasi* land in Fifth Schedule Areas with, of course, less sensitivity towards *Adivasi* land rights. In this context, enacting similar provisions of Sixth Schedule Areas in Fifth Schedule Areas would advance and safeguard the *Adivasi* land rights in India.

Fifth, building on the *Adivasi* land-based data, institutional mechanisms should be established such as independent monitoring agencies to

regulate the *Adivasi* land relations with the federal and state governments and their sub-units. The monitoring agencies could collect data on various dynamics of *Adivasi* land. They could examine and (dis)approve the acquisition of *Adivasi* land. They could also examine the state governments' move to dilute the legislation to protect and promote *Adivasi* land rights.<sup>19</sup>

Sixth, support for *Adivasi* leaders must be enabled to build a robust *Adivasi* land movement, collaborating with civil society organizations in ways that strengthen and advance *Adivasi* land rights. The involvement of civil society organizations in the past has proved beneficial for *Adivasis*, especially in reference to PESA and FRA.

Looking ahead, further research could examine the success stories and the failures for *Adivasi* land rights – it is important to share what is working, and what is not, to guide land justice across India.

## References

- Ambagudia, J. (2010). Tribal rights, dispossession and the State in Orissa. *Economic and Political Weekly*, 45(33), 60–67.
- (2017). Regime of marginalisation and sites of protest: Understanding the Adivasi movement in Odisha, India. In H. Devere, K. Maiharoa, & J. P. Synott (eds.), *Peacebuilding and the rights of Indigenous Peoples: Experiences and strategies for the 21st Century* (pp. 155–165), Cham: Springer.
- (2019). *Adivasis, migrants and the state in India*. New York: Routledge.
- (2022a). Judiciary and tribal rights in India: Shifting terrains of judicial pronouncements in India. In A. Linkenbach & V. Verma (eds.), *State, law and Adivasis: Shifting terrains of exclusion* (pp. 153–188), New Delhi: Sage.
- (2024). Tribes, Covid-19 and the State in India. *Journal of Asian and African Studies* 59(2), 563–577. <https://doi.org/10.1177/00219096221117073>.
- Bakshi, A. (2008). Social inequality in land ownership in India: A study with particular reference to West Bengal. *Social Scientist*, 36(9/10), 95–116.
- Bose, P., Arts, B., & van Dijk, H. (2012). 'Forest governmentality': A genealogy of subject-making of forest dependant 'scheduled tribes' in India. *Land Use Policy*, 29, 664–673.
- Buckles, D., Khedkar, R., Ghevde, B., & Patil, D. (2013). *Fighting eviction: Tribal land rights and research-in-action*. New Delhi: Cambridge University Press.

<sup>19</sup> In 2015, the Manipur Assembly passed the controversial Manipur Land Revenue and Land Reform Act (7th Amendment Bill 2015). The tribals of Manipur alleged that the Act would dilute Section 153 of the *Manipur Land Revenue and Land Reforms Act 1960*, which would lead to the transfer of tribal land to non-tribal people.

- Centre for Equity Studies. (2016). *The extent and nature of individual tribal land alienation in Fifth Schedule States in India*. New Delhi: Centre for Equity Studies.
- Devi, P. B. (2006). *Tribal land system of Manipur*. New Delhi: Akansha Publishing House.
- Government of India. (1995–1996). *All India Report on Agricultural Census, 1995–96*. New Delhi: Ministry of Agriculture, Department of Agriculture & Cooperation.
- (1998). *All India Report on Agricultural Census, 1990–91*. New Delhi: Ministry of Agriculture, Department of Agriculture and Cooperation.
- (2007). *The Scheduled Tribes and other traditional forest dwellers (Recognition of Forest Rights) Act, 2006*. New Delhi: Ministry of Law and Justice.
- (2009). *Report of the Committee on State Agrarian Relations and the Unfinished Task in Land Reforms*. New Delhi: Ministry of Rural Development (Department of Land Resources).
- (2012). *All India Report on Agriculture Census 2005–06*. New Delhi: Ministry of Agriculture (Department of Agriculture & Cooperation).
- (2013). *Statistical profile of Scheduled Tribes in India 2013*. New Delhi: Ministry of Tribal Affairs.
- (2014). *Report of the high level committee on socio-economic, health and educational status of tribal Communities of India*. New Delhi: Ministry of Tribal Affairs.
- (2015). *All India Report on Agriculture Census 2010–11*. New Delhi: Ministry of Agriculture & Farmers Welfare (Department of Agriculture, Cooperation, & Farmers Welfare).
- (2020). *All India Report on Agriculture Census 2015–16*. New Delhi: Ministry of Agriculture & Farmers Welfare (Department of Agriculture, Cooperation, & Farmers Welfare).
- (n.d.). *Land and governance under the Fifth Schedule: An overview of the law*. New Delhi: Ministry of Tribal Affairs and UNDP.
- Hardiman, D. (1987). *The coming of the Devi: Adivasi assertion in Western India*. Delhi: Oxford University Press.
- Housing and Land Rights Network. (2020). *Impact of COVID-19 on India's Indigenous Peoples, Submission to the Special Rapporteur on the Rights of Indigenous Peoples*. New Delhi: Housing and Land Rights Network.
- Karat, B., & Rawal, V. (2014). Scheduled tribe households: A note on issues of livelihoods. *Review of Agrarian Studies*, 4(1), 135–158.
- Kumar, K., & Choudhary, P. R. (2005). *A socio-economic and legal study of Scheduled Tribes' land in Orissa*. Washington: World Bank.
- Land Portal. (n.d.). *India: Land governance and country narrative*. <https://landportal.org/nl/library/resources/india-land-governance-country-narrative-full-report>

- Levien, M. (2015). From primitive accumulation to regimes of dispossession: Six theses on India's land question. *Economic and Political Weekly*, 50(22), 146–157.
- Lopes, F., & Chari, M. (2021). In 12 Years, 11 states changed land ceiling laws in favour of industry over farmers. *IndiaSpend*. <https://www.indiaspend.com/land-rights/in-12-years-11-states-changed-land-ceiling-laws-in-favour-of-industry-over-farmers-724650>
- Mohanty, B. B. (2001). Land distribution among Scheduled Castes and Scheduled Tribes. *Economic and Political Weekly*, 36(40), 3857–3868.
- Murdia, R. (1975). Land allotment and land alienation: Policies and programmes for Scheduled Castes and Scheduled Tribes. *Economic and Political Weekly*, 10(32), 1204–1214.
- Nikolakis, W., & Hotte, N. (2020). How law shapes collaborative forest governance: A focus on Indigenous Peoples in Canada and India. *Society & Natural Resources*, 33(1), 46–64.
- Singh, D. K. (2010). *Statelessness in South Asia: The Chakmas between Bangladesh and India*. New Delhi: Sage.
- Viegas, P. (1991). *Encroached and enslaved: Alienation of tribal lands and its dynamics*. New Delhi: Indian Social Institute.
- Xaxa, V. (2021). Tribal politics in India: From movement to institutionalism. In J. Ambagudia & V. Xaxa (eds.), *Handbook of Tribal Politics in India* (pp. 29–42), New Delhi: Sage.