To
His Excellency Governor
The State of Telangana
Hyderabad

Dear Hon’ble Your Excellency,

Sub: Report of Indian Peoples’ Tribunal on LTR Cases in Scheduled Areas of
Telangana- submitted

Indian Peoples’ Tribunal was organized on 24th March 2018 on the issues of tribal land alienation
under Land Transfer Regulation in Telangana at Eturunagaram, Jayashankar Bhupalapalli
district. A panel of Jury constituted with Dr. A. Vidya Sagar, IAS, (retd), Dr. H. K. Nagu, retired
Commissioner of Labour, Prof. Jaidheer Tirumala Rao and chaired by Justice Chandrakumar,
retired high court judge heard the presentations made by Adivasis from erstwhile districts of
Khammam, Warangal and Adilabad. The public hearing was attended by around 180 tribal and
their leaders. Tribals from Gondi, Kollam, Nayakapodu, Doli and Koya communities from have
participated. 7 tribals from Gondi community from Narnoor, Gudihathnoor, Indravelli, Sirikonda
mandals of Adilabad, 7 koya and Kollam tribals from Manuguru, Dhammapeta, Tekulapalli,
Janampeta, Mulakalapally from Badradri Kothagudem district and 12 members from
Jayashankar Bhupalapally district and several tribal leaders made presentations on their
individual land issues and the conditions of governance in 5th Schedule of the Constitution in
Telangana. In all 40 participants backed by the land records made the presentations. Lawyers
from tribal communities also participated and spoke.

We have prepared an executive summary of the discussions in the public hearing. In addition we
have also added the analysis of the data on the disposal of LTR cases. We are presenting the
report for your perusal and further action. In this regard, we would like to make few points for
your consideration and appropriate action.
Subsequent to Koneru Ranga Rao headed Land Committee appointed in 2006, the Chief Commissioner of Land Administration (CCLA) issued series of GOs to ameliorate the conditions of land alienation by the tribals in Scheduled Areas. We request you to review the status of implementation of those GOs and direct the government to take appropriate steps to protect the life and lands of the tribals in Scheduled Area.

A large chunk of lands in Scheduled Areas of Telangana is under the actual control and enjoyment of non-tribals and tribals who migrated from plain areas. To resolve land disputes and restore the lands to Adivasis, government/CCLA may be directed to set up Special Revenue Court at district level in addition to strengthening the existing mechanisms.

In two out of 4 ITDAs, the District Collectors are holding additional charges of Project Officers, who are not giving sufficient time and attention to address the land disputes. The government may be directed to appoint full time Project Officers from central services who can discharge their duties with competence and effect.

The report shows that the posts of Special Deputy Collectors (SDC) have been vacant for the past 3 years and have just been filled and as a result of which 4827 cases have been pending for many years. And hundreds of case are pending at the Project Officer level also. The government may be directed to strengthen the revenue court mechanism to defend the constitutional status of tribals.

It is found in all cases pending before various revenue courts, the tribals have absolutely no legal support by competent lawyers. As a result tribals are officially loosing thousands of acres.

It may be observed from the statistics provided, that the extent of land to be restored to tribals after verdict in their favour increased from 10444 acres in 2005 to 20023 acres in 2018. The reluctance of the local administration to restore the land to tribals from the non-tribals is very visible. The government may be directed to take steps to restore the lands to the tribals.
The tribals have lost nearly one lakh acres (99765) of land to the non-tribals. The Koneru Ranga Rao Land Committee recommended for review of all the cases lost by the government. That has not happened so far.

The non-tribals of Scheduled Areas are enjoying a large amount of lands by getting stays in hundreds or thousands of cases from the High Court. Some of the stays are still in force since 1980 and the government has not taken measures to get them vacated. This has virtually sealed the fate of lands of tribals in the hands of non-tribals. These is need for constitution of special bench in High Court to hear these cases and resolve the disputes in time bound manner. We request his Excellency to use his good offices to take up the matter with the high court of Telangana.

In Gaddam Narsa Reddy And Ors. vs Collector, Adilabad District And others (AIR 1982 AP 1) the High Court of Andhra Pradesh had virtually validated the transactions of transfer of immovable property in Scheduled Area prior to Land Transfer Regulation of 1959 and 1963 came into force, whereas the Tribal Areas Regulation of 1359 (1949) of Hyderabad State also prohibited the transfer of immovable property by the revenue officials without the consent of the Agent. There is need to challenge the full bench judgment in Gaddam Narsa Reddy And Ors. vs Collector, Adilabad District And others by the government. We request His Excellency to direct the government to challenge this judgment so as to restore the lands alienated during 1954-55, when Kasra Phahani records were updated.

The government of Telangana, which started the cleaning of land records should stop them in the 5th Scheduled Agency area. The consent of the Grama Sabha is not taken before confirming the titles of the lands in the records. The tribal communities fear that this would further permanently alienate thousands of tribal lands to the non-tribals.

This report is our humble effort to bring to your notice the issues faced by the Indigenous communities in Telangana. In view of the above concerns, we pray Your Excellency to go
through the Executive Summary of the Report and take appropriate actions Your Excellency deems fit and proper.

With regards

Dr. Murali Karnam, Advocate and Academic
TV Ramesh, Advocate
P1, Rathnidhi Towers, Snehpuri Colony
Nacharam Road, Hyderabad
murali.karnam@gmail.com
9866479775

Copy to
1. Chief Secretary, Secretariate, State of Telangana, Hyderabad
2. Principle Secretary, Tribal Welfare, State of Telangana, Hyderabad
3. Member Secretary, Tribes Advisory Council-cum- Commissioner, Masab Tank, Hyderabad
4. The District Collector, Badradri Kothagudem District
5. The District Collector, Jayashankar Bhupalapalli District
6. The District Collector, Adilabad
7. The District Collector, Komram Bhim District, Asifabad
8. The District Collector, Mahabubabad
Executive Summary of Proceedings of

Indian Peoples’ Tribunal

on

Land issues in Scheduled Areas of Telangana

Organized on 24-3-2018
At ITDA, Eturunagarama

Research and Report Proceedings
by
Dr. Murali Karnam
Advocate and Academic, Hyderabad
Introduction

Indian People’s Tribunal was organized with the support of tribal leaders and communities in Telangana on 24<sup>th</sup> March 2018 on the issues of tribal land alienation under Land Transfer Regulation at Eturunagaram of Jayashankar Bhupalapalli district. A panel of Jury constituted with Dr. A. Vidya Sagar, IAS, (retd), Dr. H. K. Nagu, retired Commissioner of Labour, Prof. Jaidheer Tirumala Rao and chaired by Justice Chandrakumar, retired high court judge heard the presentations made by Adivasis from erstwhile districts of Khammam, Warangal and Adilabad. The public hearing was attended by around 180 members. Tribals from Gondi, Kollam, Nayakapodu, Doli and Koya communities from have participated. 7 tribals from Gondi community from Narnoor, Gudihathnoor, Indravelli, Sirikonda mandals of Adilabad, 7 koya and Kollam tribals from Manuguru, Dhammapeta, Tekulapalli, Janampeta, Mulakalapally from Badradri Kothagudem district and 12 members from Jayashankar Bhupalapally district and several tribal leaders made presentations on their individual land issues and the conditions of governance in 5<sup>th</sup> Schedule of the Constitution in Telangana. In all 40 presentations backed by the land records made the presentations. Lawyers from tribal communities also participated and spoke.
Hon’ble Jury Members Speaking in the meeting.
The following are some of the important points that came up for discussion.

1. There has been enormous delay on the part of the Adivasis in approaching the officers after encroachment of lands by non-Adivasis and that is resulting in the distortion of land records. Maintenance of records by the Adivasis is difficult. In this regards the government officers are not forthcoming to help Adivasis to fight their cases.
2. There are no punishments for revenue officers when found that land records of Adivasis are distorted in favour of non-Adivasis. This situation continues to abate the land alienation by the tribals.

3. The revenue and police personnel are not enforcing the verdicts given in favour of the tribals and even cooperating with the encroachers. As a result tribals are hesitant to approach the courts.

4. Most of the Adivasis who spoke said that they are getting indebted small amounts from non-Adivasis and Lambadas and in order to repay it they lease their land to Lambadas and other non-Adivasis for lease for 3 to 4 years for cultivation. During this period the names of the non-tribals and Lambadas are entered into revenue records as cultivators, though the Adivasis names figure as the Pattadar. Among the non-Adivasis, only Lambadas succeed in getting their names entered as the Pattadars as they are also considered as the Scheduled Tribes in Agency areas.

5. With the help of police and revenue officers, persons belonging to Lambada community are able to encroach the lands, get the title deeds and even implicate the Advisis in to false cases and send them to prisons. The case in point is that the four family member of of Kumra Govind Rao S/o Yeswanth Rao, of Pavarguda village, Jainur Mandal of Kumram Bheem District were sent to prison on the basis of case filed by Sathru Naik, who illegally occupied the 19 acres of land and got the titled deeds. During recent record survey undertaken by the government, the Complainant Sathru Naik did not claim his land.
6. In most cases the Adivasis said that they never sold the lands to the lambadas or non-Adivasis. They never entered into any kind of sale deeds. The Jury opined that all cases of land alienation by the Adivasis without entering into any sale deed by them should be automatically considered as the encroachment by others.

7. The legal position is that Adivasis can sell the land to Lambadas who are scheduled tribes but when Adivasis say that they have not sold their land, it should be considered as encroachment. Then they can give a complaint against the encroachers.

8. The government should critically scrutinize all the cases in which names of Lambadas and non-Adivasis figure as enjoyers or cultivators in the land records and consider them being under encroachment and evict them, if it is not voluntarily given by the Adivasis.

9. The Legal presumption is that if there is land in the hands of non-Adivasis, they are obligated to explain how they got that land. Hence the government on its own has to file cases against the encroachers and force them prove their claim or give it up. But the government has not been doing this.

10. Given the particular pattern of the problems, the Chief Commissioner of Land Administration (CCLA) may be requested to set up Revenue Court at district level.

11. In Gaddam Narsa Reddy And Ors. vs Collector, Adilabad District And ... on 21 August, 1981 Equivalent citations: AIR 1982 AP 1, the High Court of AP decided that “The validity or otherwise of the transfers made prior to S. 3(1)
or is amendments by Regulation II of 1963 or I of 1970, coming into force, cannot be adjudicated upon under S. 3 (2) of the Regulation and the same has to be challenged in an appropriate forum constituted for deciding disputes relating to immovable property situate in Scheduled Areas”. But the Jury felt that the Tribal Areas Regulation Act of 1359, which came into force on 1-10-1949 clearly prohibited revenue authorities from exercising the power of transfer of immovable property from tribals to non-tribals. In the scheduled areas of Telangana region especially in Adilabad district tribal lands were transfereed in favour of non-tribals by the Revenue Authorities (Tahsildar) during the compilation of Khasra Pahani during 1954-55, even though they have no revenue Jurisdiction in the scheduled areas under the rule 42 of the Notified tribal Areas Rules. Hence there is need to challenge the judgment of Gaddam Narsa Reddy And Ors. vs Collector, Adilabad District And others. The government should take steps to challenge this judgment.

12. The present district collector of Badradri Kothagudem, Rajeev Hanumanthu in all meetings openly takes a position against the Agency laws and argues that non-tribals have rights over the land in Badrachalam.

13. The government of Telangana, which started the cleaning of land records should stop them in the 5th Scheduled Agency area. The consent of the Grama Sabha is not taken before confirming the titles of the lands in the records.

14. The government should confiscate the government lands occupied by the non-tribals in Agency areas and distribute them to the tribals.
15. In Land Transfer Regulation cases in which the Special Deputy Collectors (SDC) gave verdict in favour tribals, the Tahsildars should conduct the Panchanama and eject the non-tribals from the land and the same should be given to tribals.

16. The government (Principle secretary of tribal Department) should take steps to expedite the LTR cases in the courts of SDC and Project Officer (PO) in Agency Areas.

17. In all Agency districts newly carved out, the civil and revenue courts should be established.

18. The government should establish Legal Aid Cells with Lawyers from Adiviasi Community in all Agency Courts to represent Adivasis.

19. The proposed move of authorizing the Tahsildars and Deputy Tahsildars to register the lands should be stopped. When the same official is granted the power to register the lands and change the land records, it will lead to land encroachers.

20. The names of non-tribals inserted in the revenue records illegally in the past few decades should be deleted.

21. In cases of providing the lands to women from Adivasi community in the name of inheritance, the consent of Grama Sabha should be made mandatory.
22. The government should stop the attempt of cleaning the land records until the re-survey on the agency lands are not completed.

23. As per the recommendations of Koneru Ranga Rao Committee, the titles should be provided to tribals who are cultivating the government lands.

24. If the lands are under the cultivation by one tribals, the D-form title of another tribals should be cancelled and title to the cultivator should be given.

25. As per the Forest Rights Act of 2006, the government should provide land titles to the tribals doing PODU agriculture on forest lands.

26. PESA Act should be implemented diligently.

27. The courts have said that Hindu Marriages Act of 1957, Inheritance of Property Act 1956 are not applicable to tribal women as the Tribals are not Hindus. In matters of marriage, lands and inheritance, the opinion of elders of tribal sects should have a crucial place in deciding the disputes. This is more important in cases of tribal women marrying the non-tribals and claiming the property. Such women are getting injunction orders from the courts against the interference of the Grama Sabha.

28. When lower courts are giving verdict in favour of tribals, the high court has been giving stays over them. In this situation, a special bench needs to be created to hear all the land disputes in agency area. The government should make concerted effort to defend the rights of tribals in such courts.
29. The non-tribals of Badrachalam revenue division in British ruled Telangana area, have got illegal settlement Pattas (title) which are popularly known as old Pattas. The government should verify such lands in the field and abolish them.

30. When the lands are under the cultivation of a tribal, the names of non-tribals are inserted in the revenue records by the conniving revenue officials. As a result the non-tribals move the courts, get the injunction orders and ejecting the tribals from their ancestral land. In such cases, the government should initiate the action against the conniving officials.

31. In the Nizam ruled state of Telangana, the land survey had not been conducted. As a result one often hears officials say that they also do not know where the exact land is located in a particular survey number. Hence the resolving the land disputes is becoming difficult. The government should conduct land enjoyment survey in the entire state. Land records need to be created. The lands should be restored to real owners of the land.

**Tribal Land Alienation in Agency Areas of Telangana at a Glance**

9. As per the Land Committee Report, popularly known as Koneru Ranga Rao Committee, in the entire undivided AP, 48% of the lands in the Agency Area is under the control of non-tribals.

10. There are thousands of acres of land in the Agency Areas of Telangana in the enjoyment by the non-tribals, while the tribals have these lands perfectly in their names on the records. The tribals are not even aware that they can
challenge non-tribal encroachers and nor the government is challenging or ejecting them from the lands. Hence, non-tribals are enjoying the fruits of lands without any opposition. This is one of the causes of serious concern for tribal community in Agency Areas.

11. While the Agency law expects the government to challenge the land alienation in the courts, the Adivasis themselves filed 50358 cases challenging the legality of nearly 2 lac (200655) acres of land in the hands of non-tribals.

12. In Telangana alone, in undivided Khammam, Warangal and Adilabad districts, 94520 acres were legally decided in favour of non-tribals as on January 2018. This means 50% of the land contested had already been officially transferred to non-tribals by the courts. This should be the cause of concern of government.

13. As of January 2018, the Agency Courts decided 30004 cases covering an extent of 1,01,910 acres in favour of tribals. However, the enforcing machinery set up under the LTR could only restore 81,887 acres pertaining to 22,704 cases. This means nearly 20023 acres of land still remains in the hands of non-tribals even after it was decided against them.

Micro Picture
In undivided Khammam:

1. In this district alone more than 121461 acres of land of tribals has been alienated to non-tribals. But only 48921 acres has been restored to tribals.
2. Even after court verdict in favour tribals, 8253 (57174-48921) acres of land is yet to be restored to tribals.

3. In the past 13 years another 1500 acres of land alienation has been detected.

4. While on paper tribals are winning more cases and non-tribals less number of cases, still in practice non-tribals are holding more land in their hand.

5. Non-tribals won less number of cases but retained more acres of land. It means courts wrested lands from only small farmers of non-tribals but not from non-tribal rich landlords.

In undivided Adilabad and Warangal

1. As on 31-1-2018, 4645 acres of land needs to be restored in cases in which court decided in their favour in undivided Adilabad district. Of this restoration of 3983 acres were pending since 2005. This shows the apathy of district administration. There are 492 cases pending here.

2. In the present newly carved out district around 1770 acres needs to be restored. The share of pending LTR cases in new district is 201 before SDC and 58 cases before District magistrate.

3. Similarly in undivided Warangal district 7125 acres of land in the hands of non-tribal after they were decided in the favour of tribals as on 2018.
**The Administration of the ITDAs**

It is a well known fact that the post of Project Officer of ITDAs are created with unified power of judicial, administrative and financial in order to take quicker decisions about the welfare of the tribal people.

1. After creation of new districts, the coherent scheduled areas fell into the purview of different districts. They have reduced the tribal majority areas into tribal minority districts.

2. The POs have wider powers in scheduled areas on administering the Recognition of Forest Rights Act of 2006, but it is gradually transferred from them to Social Welfare Officers in the district administration. This may have serious impact on the scheduled areas.

3. In Utnoor and Badradri Kothagudem, the district collectors are holding additional charge of Project officers. As a result they are not able to give full attention to needs of the tribals.

4. In ITDA Eturunagaram and Utnoor, there were no Special Deputy Collectors (SDC) for the past 3 years. The primary work of SDC is to dispose of LTR cases. As a result last year 2017, only one case was disposed of in Eturunagaram.

5. After formation of new districts, now the Warangal Rural, Mahabubabad and Jaishankar Bhupalapally fall under ITDA of Eturunagaram but for the first two districts SDC post have not been sanctioned so far.
6. The SDC of Utnoor holds the court only once in a week. The court of SDC of Eturunagaram has no practice of involving lawyers during the proceedings. The court of SDC of Bhadrachalam has full of lawyers.

A comparative statistical statement of detection, disposal of LTR case since inception in 2005 and 2018

Detection and disposal of cases under LTR since inception to 31st January 2018

<table>
<thead>
<tr>
<th>District</th>
<th>Total booked</th>
<th>Cases</th>
<th>Total disposed</th>
<th>Decided in favour tribals</th>
<th>Decided in favour non-tribals</th>
<th>Restored to Tribals</th>
<th>Balance of the cases</th>
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<tbody>
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<td></td>
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<td>Extent in acres</td>
<td>No cases</td>
<td>Extent in acres</td>
<td>No cases</td>
<td>Extent in acres</td>
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<td>49499</td>
<td>197361</td>
<td>30004</td>
<td>101910</td>
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Detection and disposal of cases under LTR since inception to 30-09-2005

<table>
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<tr>
<th>District</th>
<th>Total booked</th>
<th>Cases</th>
<th>Total disposed</th>
<th>Decided in favour tribals</th>
<th>Decided in favour non-tribals</th>
<th>Restored to Tribals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No cases</td>
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<td>Extent in acres</td>
<td>No cases</td>
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<td>44300</td>
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<td>21776</td>
<td>81666</td>
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</tbody>
</table>

- In the past 12 years another 12000 acres are found to be alienated.
- Tribal have won legal battles in regard to 20000 acres of land.
- The yet to be restored increased from 10444 to 20023.
- On the whole the non-tribals have lost only 5000 acres of land in the past 12 years.
In all 40 people made presentations and more number of people than expected turned up with land records in hands. Many were not given opportunity to make the presentations due to paucity of time. The Adivasis traveled from far off places on their own expenditure and after travelling sleepless nights. All of them were anxious about their lands and future. Each one of them brought unique story of deprivation and struggle with non-tribals and with the system. All of them spoke to the point and made space for other presentations. This allowed more people make their cases than planned with 6 hours of time. The Jury members motivated the participants to be alert and systematically keep records and move the government officers at different levels in order to save their lands. Most participants expressed the hope that some concrete change will happen after this meeting.

(The Report drafted by Dr. Murali Karnam, Advocate and Academic, Hyderabad)

Annexure:

PROGRAMME SCHEDULE

INDIAN PEOPLES TRIBUNAL
TRENDS IN THE IMPLEMENTATION OF LAND TRANSFER REGULATION IN SCHEDULED AREAS

24TH MARCH 2018
VENUE- ITDA CONFERENCE HALL
ETURUNAGARAM
JAYASHANKAR BHUPALAPALLY, TELANGANA

JURY MEMBERS
JUSTICE CHANDRAKUMAR (retd)
PROF. JAYADHEER THIRUMALA RAO
DR. A VIDYA SAGAR IAS (retd)
DR. H.K. NAGU, (retd Commissioner of Labour)

11.00 TO 11.30 AM
WELCOME AND INTRODUCTION OF JURY MEMBERS

1. PODEM RATHNAM, ADIVASI JAC, ETURUNAGARAM
2. TV RAMESH, ADVOCATE, HYDERABAD

11.30-12.40 AM
PRESENTATIONS BY INDIVIDUALS FROM ADILABAD DISTRICT
1. Kumra Manku, s/o Bapu Rao, Nagalakonda, Narnoor Mandal, Adilabad District
2. Marsukola Soma Rao s/o Ranji, Gurji, Gudihatnoor Mandal Adilabad
3. Urvetha Nagorao, S/o Ramu, Mendapalli, Indravelli Mandal, Adilabad
4. Sidam Maruthi s/o Sonerao, Muthyampet, Sirikonda,
5. Bhale rao s/o Dev rao, Saleguda, Indravelli Mandal
6. Kumra Govind Rao, s/o Yeshwanth Rao, Parakaguda, Jainur
7. Pasnaka Lakshan, S/o Chithru, Khandala village, Adilabad

12.50 AM TO 2.00 PM
PRESENTATIONS FROM INDIVIDUALS BHADRADRI KOTHAGUDEM DISTRICT
1. Karam Anantharamulu, Manuguru
2. Posam Somamma, Dhammapeta Mandal
3. Ethiraju Achchaiah, Dhammapeta Mandal,
4. Kali Venkateswarlu, Tekulapalli,
5. Joga Phakiru, Tekulapalli
6. Dhanasari Muththaiah Dora, Janampeta
7. Konneboina Venakata Narsaiah, Mulakalapalli Mandal,

2.00 TO 3.00 PM LUNCH

3.00 TO 4.10 PM
PRESENTATIONS BY INDIVIDUAL FROM JAYASHANKAR BHUPALAPALLY DISTRICT
1. Katti Sambaiah, Kothaguda V Mandal
2. Mr. Sateesh, Mahabubabad
3. Vattam Janardhan, Sivapuram,
5. Perilli Chandrakala, Eturunagaram town
6. Empalli Sathish, Kothagudem
7. Moddaboina Ravi, Pasra, +5 members
8. Yetti Rajababu, Wazedu, Jayashankar District
9. Siddaboiyana Hanmaiah, SS Tadwai, village Kalwapalli, Bhupalapalli Mandal
10. Veeresham Venkateswarulu, Mahabubabad
11. Tholem Mallaiha
12. Devamma, w/o Laxmi Narayana
13. Buchchamma, Wazedu Mandal
14. Peereela Chandrakala, Teacher

4.10 PM TO 4.25 PM
COLLECTIVE PRESENTATION BY ONE REPRESENTATIVE FROM ADILABAD BY
ATHRAM BHUJANGA RAO (ON IMPLEMENTATION OF LTR AND FUNCTIONING OF
ITDAS)

4.25 PM TO 4.55 PM
COLLECTIVE PRESENTATION BY ADIVASI JAC REPRESENTATIVE FROM
BHADRADRI KOTHAGUDEM DISTRICT: YASAM RAJU (ON IMPLEMENTATION OF
LTR AND FUNCTIONING OF ITDAS)

4.55 PM TO 5.35 PM
ADIVASI JAC REPRESENTATIVE FROM JAYASHANKAR BHUPALAPALLY DISTRICT

1. PODEM RATHNAM
2. VATTAM UPENDER
3. Dadla Nageswar Rao (ON IMPLEMENTATION OF LTR AND FUNCTIONING OF
   ITDAS)
4. Komuram Prabhakar,
5. Arem Papa Rao, Lawyer
6. D. Narasinha Murthy, Lawyer

5.40 TO 6.30 PM
RELEASE OF PRILIMINARY FINDINGS FROM PRESENTATIONS BY JURY
MEMBERS

6.30 TO 6.40 PM
VOTE OF THANKS BY YASAM RAJU, TRIBAL LEADER FROM BADHRACHALAMA
For details contact:
Dr. Murali Karnam, P1, Rathnanidhi Towers, Snehapuri Colony, Nacharam, Hyderabad 500076
9866479775, murali.karnam@gmail.com