



Academic Social Responsibility: The Legal Aid Initiatives by the Centre for Tribal and Land Rights, NALSAR

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Abstract

Access to land and the recognition of land rights are crucial for the socio-economic development and justice for the rural poor and tribal communities in India. Despite the existence of progressive land reform laws and constitutional guarantees for legal aid, land-related disputes continue to undermine the dignity and livelihoods of millions, especially marginalized groups. The Centre for Tribal and Land Rights (CTLR) at NALSAR University of Law, established in 2005, stands out with its unique vision to bridge the gap between land rights legislation and grassroots legal empowerment. As part of its Academic Social Responsibility, CTLR has implemented numerous initiatives, including training programs, legal awareness workshops, and the pioneering establishment of the Land Rights Legal Aid Clinic in Warangal in 2013. This clinic, which provides free legal assistance and awareness on land issues to Scheduled Castes, Scheduled Tribes, and economically disadvantaged individuals, has had a significant impact. With a model combining academic expertise, paralegal training, community outreach, and collaborative engagement with government agencies, the clinic has addressed over 500 cases and empowered thousands through legal literacy programs. The initiative demonstrates the potential of university-led legal aid in promoting access to justice and calls for replication across law schools nationwide. Recommendations include enhancing gender sensitivity, local language adaptation, and integrating alternative dispute resolution mechanisms into legal training for effective and inclusive land governance.

Key Words: Paralegal Volunteers, Land Disputes, Land Legal Aid Clinic, Land Legal Literacy and Land Governance.

Introduction:

Universities are not just centers of knowledge acquisition, but also play a crucial role in shaping the future of their students and guiding them towards a service-oriented and responsible citizenship. NALSAR University of Law, in this context, not only imparts knowledge but also produces professionally competent, technically sound, and socially relevant lawyers, thereby contributing to the betterment of society.

The Centre for Tribal and Land Rights of NALSAR, established in 2005, is on an ongoing mission to ensure that justice is delivered to the poorest and landless population by securing their land rights. The mission of CTLR is

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clear-to create awareness on legal issues relating to land by conducting workshops, conferences, and training programs for Paralegals, Activists, NGOs, Law Teachers, Researchers, Revenue officials, and Judicial officers. It also serves as a knowledge partner to the State and Central Government on many land-related subjects, a policy maker, and has contributed many draft legislations for the State and Central Government.

Due to a lack of awareness on land records, Revenue and Land Laws, farmers of villages are facing a lot of problems with regard to boundary disputes, succession and mutation of land, encroachment of lands, and sometimes land-related civil cases are turning into criminal cases. The farmers, who have purchased land, shall get that land mutated in their name in the Revenue Records. The CTLR team has trained local villagers on land issues and how to protect their lands whenever any dispute arises. With the involvement of villagers, a proper survey was conducted with physical verification of the area of the land. This work has had a profound impact, empowering the community and bringing positive change to their lives.

Land Problems and the Need for Legal Services:

India has a primarily agriculture-based economy, and rural poverty and well-being remain closely tied to question of land ownership and control. However, access to land and securing rights over it are of critical significance for the vast majority of Indians. In this regard the Government of India and state governments have taken up several land reforms measures since independence to secure land to all the landless poor in the country. Land and land reforms are under the exclusive legislative and administrative jurisdiction of the states, as provided by the Constitution of India. However, the central government has played an advisory and coordinating role in the field of land reforms. Several progressive and pro-poor land laws were enacted in last six decades. In fact, the largest body of land reform legislation ever to have been passed in so short a period in any country was in post-independence India.

These laws include the following measures: (1) land ceiling laws that put restrictions on family land holdings and redistributed surplus land; (2) abolition of intermediaries and conferring ownership on actual cultivators; (3) protection of the rights of tenants; (4) allocation of government waste land and bhoodan land donated by individuals for distribution to the poor; and (5) prohibition on alienating land allotted to the poor and the land belonging to tribal. Recently, a historic piece of legislation, the Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act (2006), was enacted by the Government of India to recognize land and other forest rights of the tribal and other traditional forest dwellers.

Despite the severity and complexity of this issue, land governance and property rights are largely overlooked within policy research and development initiatives in India. the explanations for this are many, starting from historical to political. Historically, the majority of the colonial government's revenues came from taxing agricultural produce. Over time, as this revenue declined, the main focus on rural land administration reduced. As our cities grew in hit or miss manner, we didn't invest in building strong land administration systems. On a political level, land and housing are very valuable assets, which, when regulated poorly, attract corruption and violence³.

Secured land rights to poor – an incomplete mission:

In spite of the efforts by both central and state governments, a significant percentage of the poor are still either landless or have insecure rights to land. The mission to secure land rights is far from complete, as it is estimated that at least 15 million rural households in the country are functionally landless and another estimated 28 million rural families who 'own' land hold it insecurely because they lack one of the three essential ingredients of legally secure land rights: possession of land, a title document and entry in the Record of Rights.

³ Shreya Deb in Developing India, Times of India, Securing property and land rights in India, Published on August 3, 2020

In the states of Telangana and Andhra Pradesh 2.16 million land problems of 1.46 million Scheduled Caste (SC) and Scheduled Tribe (ST) families were identified involving 2.41 million acres of land⁴. It is also known fact that the poor are suffering from either landlessness or insecure rights to land. Since Independence, about 43 million acres of government waste land, ceiling surplus land and Bhoodan land has been distributed to the landless poor in India⁵. However, there are two significant problems with these lands. First, in many cases, the state allots land to the poor on paper, but the state does not show the allottees where the land is. Second, the poor have alienated much of the land distributed to them. Further, the poor have encroached onto government land and have either cultivated it or built a house on it, but their possession is not legalized, even though law provides a process for legalizing their possession.

In Scheduled Areas, which the state has designated as territories in which only ST ("tribal") families may own land, in spite of laws prohibiting alienation of tribal land, the corpus of tribal land is in serious danger of being lost through alienation⁶. The Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act (2006) for the first time provided for recognition of rights of tribal and other traditional forest dwellers on forest, forest land and forest produce. This Act was enacted to undo the historical injustice done to tribal and others in denying their customary rights over forests. As of 31 December 2012, 1.27 million tribal and other traditional forest dwellers have received titles to forest land under the Act⁷. However, there are many more who have either not been able to apply or whose claims have been rejected.

Rural families that are landless or that lack secure land rights experience great hardship. This is more so for the poor and tribal who are doubly vulnerable. Landless and insecure land rights are the root causes for people's movements and spread of extremism. Land occupies the core of the Naxalite/Maoist agenda, and even those who know very little about the Naxalite/Maoist movement know that its central slogan has been "land to the tiller"⁸. Unresolved land disputes are the one of the three causative factors for the violence against Scheduled Castes and Scheduled Tribes⁹.

Empowering laws – inability to benefit:

The poor are unable to get their land problems resolved because they lack of legal awareness, cannot obtain legal aid services and cannot access adjudicating systems (Land Committee, 2006). Other reasons that affect the resolution of land problems are: (1) inadequate time given to dispute resolution by the revenue officials; (2) inadequate training given to the revenue officials; (3) excessive reliance on documents and oral evidence administered under oath with little credence given to field visits; (4) a lack of clarity regarding the role of revenue officers; (5) a demolished traditional dispute resolution mechanism; and (6) a lack of access to land records¹⁰.

The Constitution of India¹¹ provides that "the State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities." Further, the Supreme Court of India on several occasions held that legal aid is a

⁴ These problems were identified during 2010-2012 by the Society for the Elimination of Rural Poverty (SERP), Rural Development Department, through an inventory of land belonging to SC and ST households. The 3.07 million SC and ST households in Telangana and Andhra Pradesh constitute about 23% of the total households in these two states. These figures indicate that about 40% of households have some land problems, and that there are between 100 and 200 land problems in each village.

⁵ Department of Land Resources, 2001.

⁶ Committee on State Agrarian Relations and Unfinished Task in Land Reform [CSARUTLR], 2008). As per the reports, 375,000 cases of tribal land alienation have been registered so far, covering 855,000 acres of land, of which 154,000 cases covering an area of 363,000 acres have been rejected by the courts on various grounds (CSARUTLR, 2008).

⁷ Ministry of Tribal Affairs, 2013

⁸ Expert Group on Developmental Challenges in Extremist Affected Areas, 2008

⁹ National Commission on Scheduled Castes and Scheduled Tribes, 1988).

¹⁰ CSARUTLR, 2008; Land Committee, 2006.

¹¹ Article 39A of the Constitution of India

fundamental right, and it is a sine qua non for justice. In fulfillment of the constitutional mandates, the Government of India enacted the Legal Services Authorities Act of 1987, which came in to force in 1995. Legal Services Authorities were constituted at the mandal, district, state and national levels to provide free legal services to the poor and needy¹².

The Legal Services Authorities Act (1987), a national law which came into force in 1995, provides for free legal aid to the poor. However, in revenue courts, the law is absolutely non-functional. “The poor get little or no help as they go from one court to another, as the existing legal aid framework is weak. By the time a case reaches the apex courts, the average age of a case is 15-20 years. . . . Through all this time, the poor are forced to engage lawyers, which cost them thousands of rupees, forcing them into a debt trap.”¹³.

Seeking to provide legal aid to the rural poor in Andhra Pradesh, the State Legal Services Authority introduced the Paralegal Volunteers Program in 2006. The Paralegal Volunteers Program aimed to impart legal awareness to volunteers selected from certain target groups. The trained volunteers, in turn, act as harbingers of legal awareness and legal aid to all sections of the people. The volunteers are expected to act as intermediaries between the common people and legal services institutions, thereby removing barriers to access to justice.

Genesis of the Land Rights Legal Aid Clinic

NALSAR University of Law, in collaboration with Landesa / Rural Development Institute (RDI), organized a one-day workshop on the “Land-related Legal Needs of the Poor and the Need for Legal Aid” on September 8, 2012. The workshop discussed the need to develop an effective community-based legal aid and paralegal programmes to address land-related problems in rural areas and the ways to help the rural poor to get their land cases resolved. The workshop strongly felt that legal empowerment and legal assistance through paralegals is the key to resolve the land problems and secure rights over land for the poor and tribal. It was recommended that, building on the existing experiences of paralegal initiatives, a one place solution offering all the needed legal services to the poor, needy and tribal should be developed. As a result, with the support of the State Legal Services Authority, a first-of-its-kind Land Rights Legal Clinic was established at NyayaSevaSadan, Warangal, on March 3, 2013, by NALSAR and Landesa.

Establishment of the Land Rights Legal Aid Clinic

NALSAR University of Law and Landesa with the support of State Legal Services Authority established Land Rights Legal Aid Clinic at Nyaya SevaSadan, District Court, Warangal on March 3, 2013. Legal Aid Clinic aims to provide free legal services to the poor and needy, creating awareness among the people about their rights and helping the litigants in all possible ways. A team of land experts of Landesa, faculty members and the students of NALSAR looks after the activities of the clinic with the support of State Legal Services Authority, Hyderabad

The clinic provides legal service for resolving land problems. The clinic acts as one stop service centre for the poor, needy and tribal with legal problems regarding land. This clinic has been developed as model to set up similar clinics in other places in the state and in other parts of the country. The main Aims and Objectives are as under:

- To increase the legal awareness levels of the poor and tribal and work for their legal empowerment;
- To provide free legal services to the poor and tribal in securing rights over land;
- To enhance and/or add to the capacities of the officials of Revenue and Agency Courts;
- To train various key stake holders, including paralegal volunteers, SHG members, civil society organisations and students on land matters;

¹² Reports of National Legal Services Authority, 2010; Andhra Pradesh State Legal Services Authority, 2010

¹³ Land Committee, 2006: 80.

- Legal advices and resolving land problems

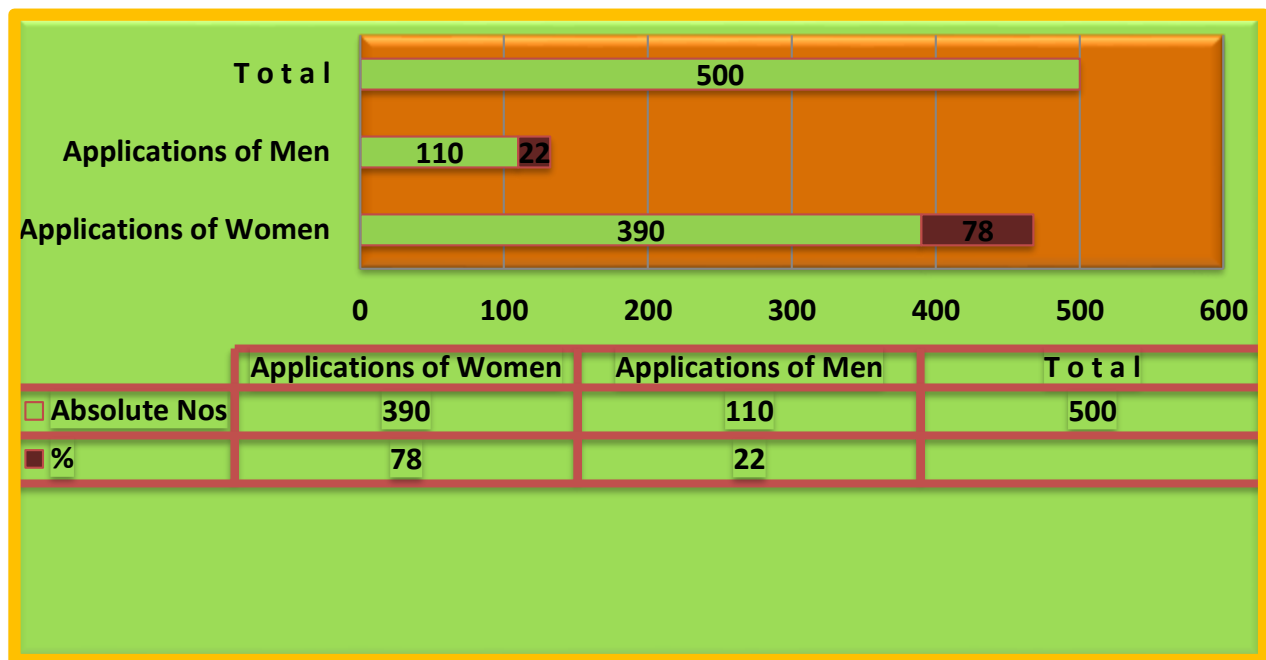
Legal advice and resolving land problems

The Land Rights Legal Aid Clinic has been successfully running for the last three years and innovatively supporting various categories of beneficiaries approaching the Clinic. The operational mechanism has been kept as a simple process so as to support the ordinary people to the greatest possible extent. The Clinic operates as per the court timings and extends support through telephone even after the official Clinic functioning time is over. The Clinic receives walk-in beneficiaries visiting for the first time for guidance, and also those who revisit to update the case status, and also seek further support and guidance.

As the saying goes, it is the light that guides the path, indicating the path more than the walk through the path, as the path would not be even visible without a guiding light. It goes without saying that the effective efforts of the Legal Aid Clinic (LAC), Warangal, have been performing the role of a lighthouse for those underprivileged, ignorant, and docile poor in reaching their goals and saving their social and economic capital in the form of land.

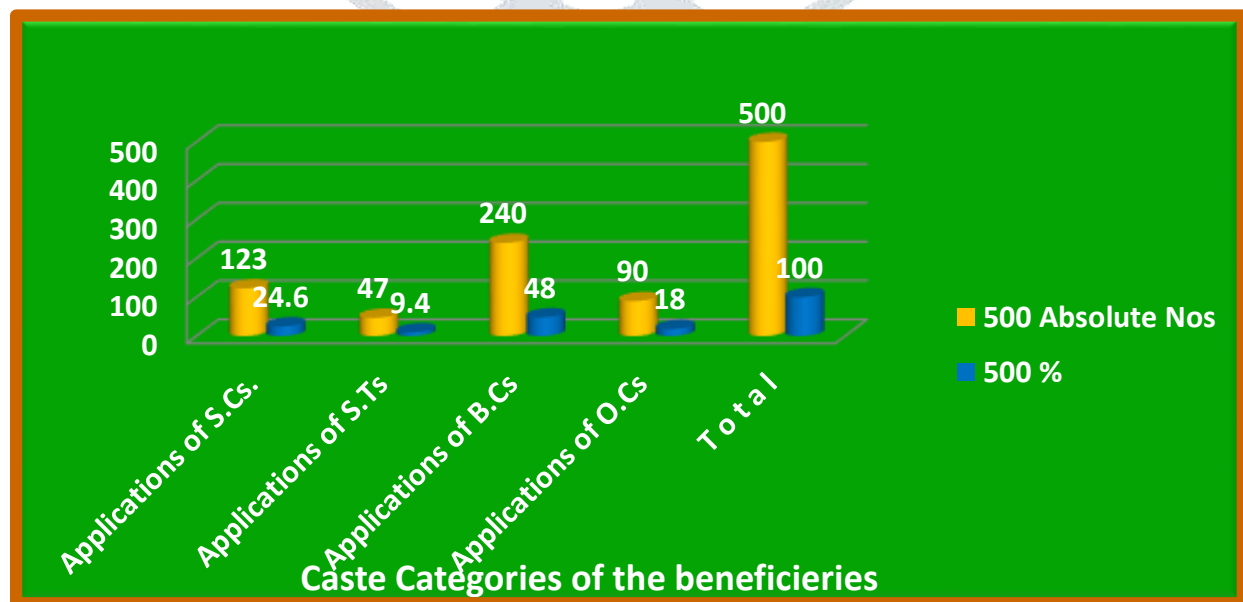
How the clinic works: The steps

1. Persons with land-related problems approach the Legal Aid Clinic for assistance.
2. Many times, they initially seek information or guidance through phone calls.
3. Need-based legal information is provided over the phone, and appropriate follow-up is initiated with concerned authorities.
4. Basic details about the case—such as nature of the dispute, ownership documents, and current status—are collected from the individual at the time of consultation.
5. After assessing the situation, legal advice is provided by faculty, student volunteers, or legal experts associated with the clinic.
6. Where required, legal services such as drafting notices, filing applications, or mediation are arranged, often with the support of alumni in legal practice.
7. The Clinic maintains a record of the advice given and services rendered for future reference and accountability.
8. Periodic follow-up is conducted to monitor the progress of the case and collect case status updates.
9. In matters involving government departments or public authorities, the Clinic may intervene by drafting RTI applications or formal representations.
10. The Clinic also conducts awareness sessions in rural or marginalized communities to educate people on their land rights and available legal remedies.

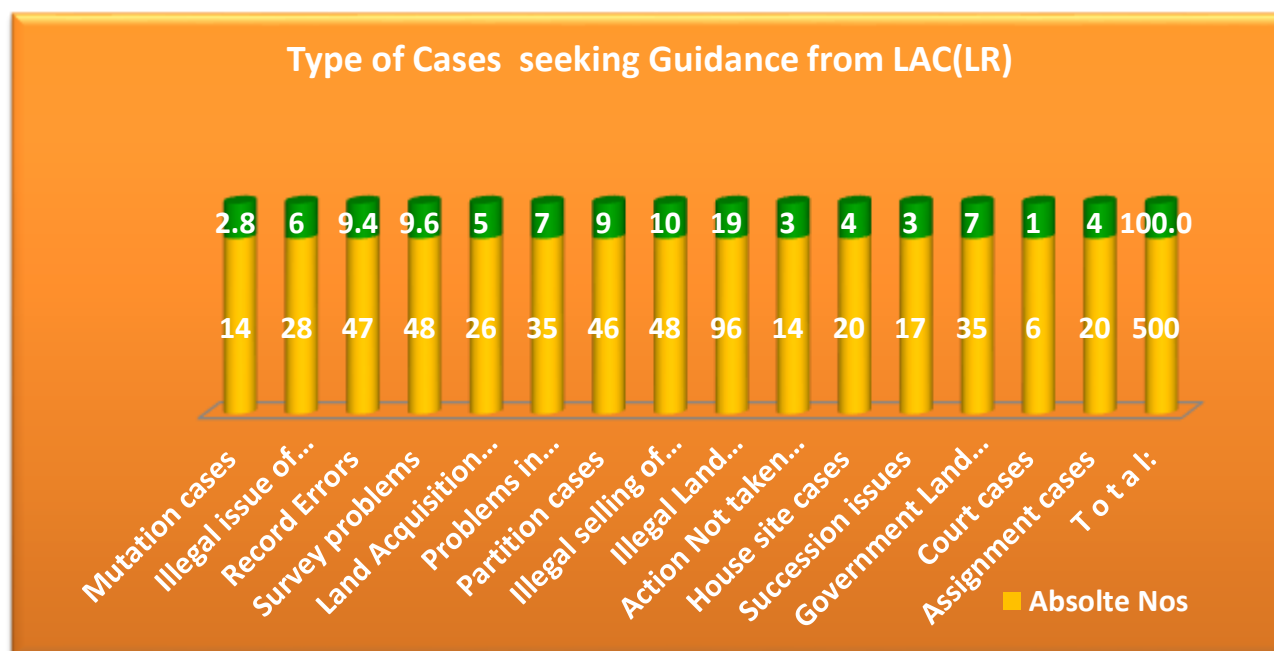


In the recent past, legal advice has been provided to 538 persons with land problems and has helped them resolve their land issues. The majority of the people approaching the Clinic belong to the Scheduled Castes and Scheduled Tribes.

The diagram provides a clear understanding of the same. The data provided in the form of the diagrams herein is the exclusive property of the Centre for Tribal Land Rights (CTLR), NALSAR, Hyderabad.



The analysis of the land problems of the persons who have approached the Clinic shows that the majority of these problems pertain to discrepancies in land records, inheritance / family partition, mutations in land records, assigned land, and land grabbing.



The Land Rights Legal Aid Clinic of NALSAR: Reference of Beneficiaries:

1. Guidance of the clinic saves a suicide bid by an ignorant landowner

It is sad indeed that rural people, even to this day, try ending their lives due to ignorance and lack of procedural knowledge. The Land Rights Legal Aid Clinic's response and support were very effective and quick in the case of Mr. Matla Dayakar, who belongs to the Scheduled Caste, who thought of attempting suicide due to consistent stress caused by not having a proper response to his petition to the revenue officials for resolving his land problem. Mr. Dayakar owns 0.21 guntas of land and has the Pattadar Pass Book (PPB) and the Title Deed (TD). His name appeared in the land records as owner and cultivator until 2000. But to his utter dismay, post year 2000, he found that the land records were not carrying his name and were depicting the name of someone else.

Having observed this flaw, he approached various officials for help. Having lost hope, he was on the verge of attempting suicide, and as a last resort, he was directed to the Clinic. The Clinic provided him with the information pertaining to land Acts and revenue procedures to be followed for regaining his name in the records. He was advised to apply for Form 1B and Form 7 of the Mutation Register and approach the Authorities under the RTI Act if necessary. He was further advised to file an appeal to the RDO regarding the name correction required in the records.

On consistent persuasion and follow-up, his name was successfully changed in the records. The support of the Clinic saved a poor land-owner's life.

2. The land clinic helps in getting back the grabbed land

With no other means of sustenance, Mr. Karne Gopal, a native of Dharmasagar in Warangal district, migrated and started begging for his sustenance. In his native village he had around 0.20 guntas and was from scheduled caste background and an illiterate. He has Pattadar Pass Book and Title deed. He migrated to other places for begging. But during the crop season when he wanted to cultivate his land by going back to his village, he was shocked to observe and learn that his land has been occupied by his neighbors' and he was helpless. He reached the Land Clinic for guidance and support

The Clinic suggested him to approach the Tehsil office in Dharmasagar and seek the support of the officer in reclaiming his land. The Clinic contacted the Dharmasagar Tehsil office to support the petitioner. The support provided by the Clinic helped in evicting the encroachers and supporting the victim. He now successfully possesses his land and also is cultivating the same. Other four family members who lost their land in similar way also got back the land with the advice of the Clinic.

3. Scheduled Caste Family Gets Back the Land

Mr. Kalakuntla Anand and his sister inherited 5 acres and 21 guntas of land from his mother, which she purchased through an unregistered document in 1961. Subsequently, the sellers of the land illegally occupied it. Mr. Anand approached the Clinic to get back possession of the land. With the support of the Clinic, after several legal proceedings and counselling efforts, he has got back the land.

Legal Literacy Initiatives to Resolve Land Problems: The Way Forward

In extension of the activities of the Land Rights Legal Aid Clinic of NALSAR, two sub-district level Land Centres were established at Jangaon and Narsampet in Warangal District. A team of thirty paralegals, community resource persons, and lawyers is working in six selected villages and providing legal assistance to the poor and needy on land matters. In all six selected villages, land legal aid clinics are established. The Clinic, with the support of the District Legal Services Authorities of various districts, organised land legal literacy programmes in about 62 villages in Telangana and created awareness on land rights, records, and procedures for getting the land problems resolved. Until now, about ten thousand rural people have been reached through the legal awareness meetings organized in the villages. Training programs organized on land matters to various stakeholders, including paralegal volunteers, SHG (Self Help Group) women, Anganwadi workers, students, police officers, revenue officers, Advocates, etc., to sensitize them, with about 3000 people trained until now through the Land Clinic of NALSAR.

Conclusion:

For the legal aid on land issues, every law university/college should come forward to identify the people who are suffering from land problems and provide possible support to them to secure their rights over the land. Apart from the initiatives of the law colleges to have more success, the government must take appropriate steps to spread awareness and educate people about their land rights. The sole purpose or goal of government should be to provide "equal justice for all". The Legal Services Authorities of each district should come forward to solve the land problems by creating awareness on the land rights of individuals. It is obvious that when people made aware of their rights and the role legal aid clinics, they themselves would approach to the land legal aid clinics established by the law schools and get their land problems such as boundary disputes, succession, mutation of names in land records and legal help to get the land back from the illegal occupants or from the encroachments.

Suggestion:

The following suggestions are made on the basis of the experiences of Land Clinic initiatives:

1. The training methods should also be tailored to specifically address the needs and insecurities of rural women and their rights over land which include their traditional and customary rights over the land.
2. To foster a gender-neutral atmosphere, gender sensitization should be pushed as part of the training in addition to raising understanding of legal issues that affect women and rights over land they possess or cultivate, etc.
3. To increase accessibility and maximise utility, the language use in the content of material should be in regional languages with their dialect rather than Hindi and English.

4. As part of formal training, the minimum legal training is required for paralegal practitioners who can help community members access justice at the revenue courts and legal service authority.
5. It is essential that though the law and rules are important but not the sole way to seek justice. Thus, alternate dispute resolution methods for obtaining legal help, such as approaching panchayats or pro bono lawyers to deal with a variety of land issues, legal and social issues, should also be provided to trainees.
6. Before going to design the legal literacy programmes to the paralegals, the extensive consultation with grassroots organisations who are working on topics like legal rights of poor and NGOs working on the land rights to make the each and every training programme comprehensively.

