

Think Globally Act Locally

EFFORTS IN SUPPORTING THE ECONOMIC AND HUMAN RIGHTS OF THE TRIBALS IN ANDHRA PRADESH

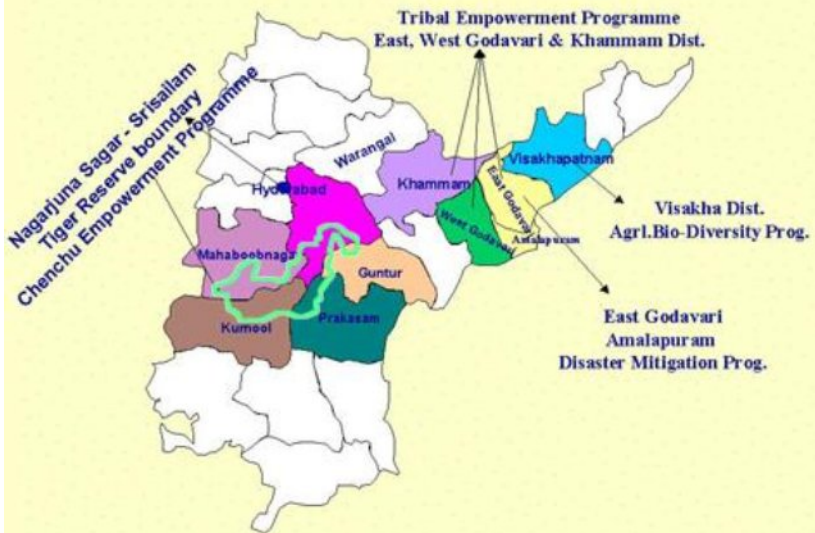
**Booklet with posters displayed in the stall of SAKTI in
Asia Social Forum Jan,2003, Hyderabad.**

**2003
SAKTI**

Working for the welfare of tribals - conservation of forests
305, 1st Block, Janapriya Abodes, Musheerabad,
HYDERABAD – 500 080. PH: 040 –55614787 E-MAIL: SAKTISRK@YAHOO.COM

SAKTI – AREA OF OPERATION

INFRASTRUCTURE



SAKTI - AN OVERVIEW

1. SAKTI, an NGO was established in 1985 by Dr. Sivarama Krishna who got doctorate degree in 1982 on "Tribal Knowledge Systems", from Osmania University. Sarada Devi married Sivaramakrishna and joined Sakti in '87.

SAKTI's strength has been a through understanding of administrative and legal procedures, which it has used to ensure that tribals derive due and effectual benefits from the law.

2. "After the 1986 Godavari floods and the 1990 hill stream floods SAKTI has taken up sand caste removal programme and helped tribals in agriculture by providing seeds with the support of OXFAM. After the Godavari floods and landslides in Ramavaram mandal in East Godavari, wherein seventeen tribals died, the organisation started working on conservation of forests and environment as it realised that deforestation was one of the main causes for floods."

"NGO-supported community based conservation: NGOs are supporting community struggle for conservation of their resources in two ways: one is to fight the attempts of entrenched classes to do any more damage and the second is to devise positive solutions for conservation. For example, SAKTI is a federation of 23 community groups who have been protecting their forests for more than 10 years, much before the advent of JFM, and, because of their strength, are in a position to consolidate their conservation efforts by utilizing JFM provisions."

-Aravind Khare Community based conservation in India-1998..

3. With the collection of Government records on deforestation, land alienation with direct and in-direct cooperation of officials coupled with public interest litigation, Sakti stopped the state-supported deforestation by plywood industries, mining leases and timber contractors in East Godavari district.

- Restored the rights of tribals to get *khair* trees for *kattha* production offered to private merchants by forest departments in Khammam and Karimnagar districts .

- The contention of SAKTI that 'person includes govt' was upheld by

High Court of A.P. in 1994 was later confirmed by Supreme Court in SAMATA Judgement in 1997.

- In March 1995, the High Court responding to the petition filed by SAKTI directed the state govt that permission of govt of India is mandatory to fell the trees, much before to the similar orders of Supreme Court in T.N.Godavarman case of 96. SAKTI was a NGO member in the expert

committee convened by Government of Andhra Pradesh at the instance of Supreme Court of India in 1997.

- Obtained Stay Orders from High Court of A.P. against the circular of Inspector General of Forest for eviction of tribals from the 'forests' in Oct'2002.

G.O.Ms.No.1, EFS& T (For1), Dt.10-1-1997

The following are the members of the Expert Committee:

1. R.P.Bahadur, IFS(Retd)
2. M.D., APSRAC
3. Director, NRSA(National Remote Sensing Agency)
4. Secretary to Commissioner Land Revenue(CLR)
5. Commissioner, Tribal Welfare,
6. Sivaramakrishna, SAKTI
7. K.Subba Rao, IFS, Chief Conservator of Forests, Member Convenor

4. In 1997 the Government of Andhra Pradesh requested SAKTI to facilitate the verification process of land records of West Godavari Agency area responding to the agitation of tribals.

Minutes of the meeting on conduct of Survey:

The following members attended the meeting: dated: 20-10-1997

1. Sri S.Ray, I.A.S., Principal Secretary to Government, social Welfare Department
2. Sri J.Rambabu, IAS, Principal Secretary to Government, Revenue Department
3. Sri G.Sudhir, IAS, Secretary to Government, Revenue
4. Sri T.S.Apparao, IAS, Commissioner of tribal welfare
5. Sri Anil Kumar Singhal, Project Officer, ITDA, K.R.Puram, W.G.Dist.
6. Dr.Sivaramakrishna from SAKTI

Sakti is spearheading for the distribution of land evicti

Government repeated its commitment to the guidelines evolved in the above meeting held on 20-10-1997:

Objectives of Guide lines:

- A) *Enlisting the cooperation of political parties and others in setting the problems amicably;*
- B) *By educating through appropriate information the agitating tribals about the scope of their legal rights;*
- C) *By a comprehensive analysis of the existing judicial adjudications; and*
- D) *The ascertainment through inquiry and study of title deeds and documents of the respective rights of tribals and non-tribals.*

- Secretary Tribal Welfare Dptt. Govt. of A.P., 13-08-2001.

"16000 tribals have been released from bonded labour due to the restoration of 23300 acres of land from the non-tribals. Although the rules do not allow sale of land, the cost of the released land, for the sake of valuation, can be estimated as Rs.233 crores. This has improved their quality of life in many ways. Now, They can get loans and subsidies from the government and banks against their assets."

5. There are a series of tanks in the area (Rampachodavaram), where SAKTI works. Many of these tanks have either become dysfunctional or are performing at sub-optimal levels. Government initiated programmes aimed at implementing medium irrigation projects (Bhupathipalem reservoir etc.) have met with stiff resistance from local tribals because such programmes entail large scale displacement, apart from unfavourable ecological externalities. Also, in this area, use of ground water resources for irrigation is not feasible (as per satellite imageries). This has prompted local NGOs like SAKTI to focus their attention on local tank management systems.

Social mobilisation against arbitrary developmental policies which have threatened and gone against the life support systems of tribals.

6. SAKTI developed alternative mechanisms in checking exploitation e.g., providing weighing balances to the tribal sellers in market places and organized them to bargain for higher prices for MFPs.

"About 4000 palm fibre producers gained through the price increase of fibre from Rs two to five. This was due to the palm market influencing done by SAKTI, in terms of rate fixing and weighing balances. This is a substantial gain for most tribals, as a typical family works for about 24 weeks during the season and sells about 20-25 kg of fibre per week. Thus, the overall gain to an average family works out of Rs 2400."

7. Trained tribal women to argue their cases in the local courts. The training is continuing in land surveys, document verifications, forest management principles.

8. Such involvement of tribals in understanding the information procedures of Government and other institutions empowered the tribals to deal with the institutions of revenue, forest, police, judiciary and development agencies.

9. Built up a team capable of carrying forward this work of capacity building of tribals.

- In 1987 officials allowed SAKTI to copy the land records.
- In 1997 officials agreed to distribute the land records to tribals
- In 1997 High Court allowed locusstandi of SAKTI in court adjudicating land rights.
- In 2001 SERP (Society for Elimination of Rural Poverty) engaged SAKTI to train the poor in understanding the land records and identify their problems.

10. Conducted barefoot land surveyors training for SERP(Society of Elimination of Rural Poverty) in Srikakulam district.

It is found that land issue is one of the major areas where poor required lot of support and knowledge base. The whole approach is to build the capacities of poor to secure their rights and entitlements.

- CEO SERP.

11. The seasonal streams and occasional springs supply water for their needs. When the streams dry up in summer the springs are still active and meet the drinking water needs of the people. Borewells are drilled in many villages, but people do not use this water for drinking as the water contain soluble Iron, which on exposure make the water coloured and soils the clothes. The springs have to be protected from pollution by the users and from the flood waters during rainy season. Most of the springs are located at the level of the stream bed. Tribals houses settled near the perennial springs occurring at the foot of the hills. The springs need protection by constructing spring boxes to keep the water clean. Tribals can be trained in constructing these spring boxes. Iron removal plants can be attached to all drinking water Borewells to supply Iron free drinking water.

**Spring Boxes
Iron Removal Plants
Hand pump repair**

12. Sivarama Krishna was a member of the Regional committee of CAPART, Hyderabad, (Ministry of Rural Development, Govt. of India) 1999-2002.
13. Member of Steering Committee of the UNDP Project on “People’s Empowerment through Panchayat Raj in Schedule V Areas and studies on Laws affecting the poor” convened by NIRD(National Institute of Rural Development).
14. Through public interest litigation, SAKTI secured voting rights for Chenchus of Nagarjuna Sagar – Srisailem Tiger Reserve(NSTR) for the Panchayatraj institutions in September 2000. Restored fishing rights of the chenchus in Rasul tank of NSTR in

Tribal is born forester. He should become active partner in sanctuary management.

Mahaboobnagar District. Helped the tribals to obtain orders to convert forest villages to revenue villages in the NSTR.

15. Developing GIS and MIS for the Tiger Reserve on the basis of Chenchu knowledge. The objective is to enable Chenchus to be knowledgeable partners of tiger sanctuary management.

16. In Vishaka District SAKTI is conducting a study highlighting the Agricultural Bio-Diversity practiced by tribals and helping them to earn more to meet the growing demands through proper management methods.

*Stimulating
Agricultural
Diversity*

17. Sakti is working extensively in the disaster-affected area of East Godavari delta with special focus on the livelihood of weavers, housing, health, drinking water and sanitation and popularising disaster mitigation education among the school children.

"After the 1996 cyclone, the organisation has taken up relief and rehabilitation work along with development. The organisation has adopted an integrated approach on disaster preparedness and relief"

Vulnerable should become capable and secure

"School Children informed us of their knowledge about disaster preparedness due to the disaster preparedness training introduced in their schools. Among all the other CAP partners, this is a unique programme initiated only by SAKTI in India. The curriculum includes topics such as: causes of disasters both natural and man made; flood, cyclones, earthquake; importance of environment protection to reduce natural disaster; Importance of preparing contingency plan and task force groups; government accountability and action taken pre-disaster, namely warning people, shifting people to a safe place, storing food grains, kerosene, water etc. and identifying the most vulnerable groups such as children and the aged, and shifting them in the safe place first. About four hundred children from various schools have already undergone such training."

"SAKTI is the only organisation, which has introduced *retrofitting houses* in Andhra Pradesh. Now the government is also intending to use this technology for building houses for the weaker sections."

INDEX

Page No.

1. To protect the tribes from exploitation (British Enacted Laws).....	1
2. Tribals up in arms against sale of arrack.....	2
3. Tribals' Triumph.....	3
4. The number of tribal women deceived by plains people in the name of marriage is more than the number of land disputes cases.....	3
5. Court orders DNA test to ascertain paternity.....	4
6. State sponsored deforestation was totally stopped by 1993 in East Godavari Kondareddy tribes habitat.....	6
7. Checking felling of private forests.....	9
8. Mining of non-tribals cancelled.....	12
9. Upholding tribal rights over Khair trees.....	14
10. Staying eviction of tribals from 'forests'.....	16
11. Reversing the wrongs.....	18
12. Ensuring minimum wages.....	20
13. Untapped water leaves Girijan farmers 'dry'.....	23
14. Waters of tribal areas – benefitting non-tribal areas.....	23
15. Fight for land records with right to participate in adjudication in West Godavari & Khammam.....	24
16. Sustaining Agrl.Bio-Diversity of Visakha tribes.....	45
17. Nagarjuna Sagar – Srisailam Tiger Reserve.....	47
18. Check the Globalisation of natural resources by.....	50
19. Organising the tribal producers in the market palces: "Dhramkatha as a symbol of Justice:.....	54
20. Guideliens for verification of title and possession of land in west godavari area dated: 05-12-1997.....	55

To protect the tribes from exploitation

british enacted laws

- i. Prohibiting tribal land alienation without the permission of Dist. Collector
- ii. Preventing the entry of forest officers not less than rank of Asst. Conservator into the Rampa Country. Regulated the felling and transport of timber by distinct procedure
'RAMPA TRANSIT RULES'
- iii. Special Rules to administer Justice in the tribal areas.
a) summary trial b) village courts c) avoiding litigation.

But these enactments not at all checked the alienation of a resources. Moreover dismissal of petitions of tribals, in the courts meant for implementing the above acts were used to gain legitimacy to the on going appropriation of resources by vested interests conniving with the officials till late 80's

SAKTI started in 1985 has been active in supporting tribals against illicit sale of liquor - against non-tribals husband deserting tribal women - taken up afforestation in the lands under shifting cultivation vocational training in cane furniture production, carpentry, blacksmithy etc. trysem programmes - organising balances in market places for tribal producers in collaboration with Integrated Tribal Development Agency (ITDA) of Government.

River Godavary was flooded heavily in 1986. Several tribals died under land slide caused by flash floods in the interior hills. Sri Chandi Prasad Batt, the Chipco leader visited the area to know the causes of the this natural disasters. His visit inspired SAKTI to take up the issues leading to deforestation.

TRIBALS UP IN ARMS AGAINST SALE OF ARRACK

Indian Express – June 14, 1985:

Tribal villagers of Kakavada of Rampachodavaram taluk agitating against the opening of an arrack depot in their village, a board displayed by the villagers declares “Maa vurulo saara kottu vaddu” (We do not want liquer shop in our village)

Express News Service

Rajahmundry, June 13. The tribal population of Kakavada, 15 km from Rampachodavaram, in the East Godavari agency area, has risen in revolt against the opening of an arrack depot in their village.

The main reason for the resistance from the villagers to the running of arrack sales in the village is the fact that people who had their heart's fill quarrelled among themselves and become victims of harassment from men of Andhra Pradesh Special Police camping near the village.

The villagers, certainly an over whelming majority of them expressed themselves against the functioning of the arrack shop in the village in view of the fact that it attracted a number of tribals from other villages and became a centre of constant feuds.

Moreover, the arrack shop, according to the villagers, is not a licensed one. The people who got the right to sell arrack spread to centres originally not authorised for the purpose to increase their sales. Kakavada is one of them.

The educated among the tribals aided by social workers from outside started an agitation against the arrack sales in the shop which was opened on May 8. Twice last week the villagers tried to stop the sales by seizing the arrack cans and putting them in a hut under lock and key.

The police on a complaint from the arrack shop people arrested four tribal youths. One of the youths, V.Samaiah, is a student of Veeresalingam Theistic College at Rajahmundry while another, S AdiReddy, runs a kirans shop started with the help of the Integrated Tribal Development Agency (ITDA). The two other held are it. Chinnalu Dora and N.Adinarayana of the same village.

A non-tribal arrested in connection with the same case is Dr.P.Sivaramakrishna director of Sakti (Search for Action and Knowledge of Tribal Initiative) a voluntary organisation working for the furtherance of tribal welfare programme in co-ordination with ITDA. Dr Sivaramakrishna was a school teacher in the area before. He later did research and was awarded a doctorate for this work on anthropology and folklore in the tribal areas.

Dr.Sivaramakrishna is understood to have tried to help the tribal agitators in stopping the arrack sales by the new shop in the village. He tried to bring about a peaceful and in the matter by persuading the arrack shop people to close down the shop conceding the just demand of the villagers.

The social worker as also the four tribal youths were released on bail on the night of June 8 itself. But the cases against them which includes wrongful confinement of persons, outraging the modesty of woman, simple hurt and criminal intimidation continue in the records as also the agitation by the villagers for

- 3 -

TRIBALS' TRIUMPH

Express News Service, Rajahmundry, June 25

The tribals of Kakavada village in the East Godavari agency area who put up a valiant fight against opening of an arrack shop at the village have won the battle.

The fight put up by the tribals, has ultimately forced the excise department officials to direct the arrack contractors to close down the shop and leave the village.

The curtain was rung down on the drama, subsequent to the opening of the "unauthorised" arrack shop when the excise officials visited the village a few days ago and ordered the contractors not to make any more efforts to carry out their trade there.

Much to the elation of the villagers, Mr.M.Sivaramaiah, Assistant excise superintendent, Kakinada, who visited the village accompanied by Mr.K.G.Krishna murthy, excise circle inspector, Rajahmundry, asked the villagers to bring to his notice if attempts were made by the contractors to sell arrack in the village in future.

It may be recalled that some of the educated tribals, helped by some social workers have launched an agitation against the location to the "unauthorised" arrack shop in the village, and demanded its closure.

The number of tribal women deceived by plains people in the name of marriage is more than the number of land disputes cases.

Mr.Sivaramakrishna, director of a voluntary organisation, brought to the notice of the meting (convened by district legal aid committee) how interpretation of law had robbed many tribal women of their case for maintenance, many people from the plains deceived tribal women in the name of marriage. When the tribal women go to court for maintenance, the judgements went against them. While dealing with these cases he wanted the tribal customs to be taken into account. Among tribals, a concubine is treated on par with the legal wife, he pointed out.

- The Hindu, Wednesday, December, 23, 1992 - Rajahmundry

- 4 -

Court orders DNA test to ascertain paternity

**From our Legal Correspondent
Hyderabad, April 10:**

In a court order having far reaching consequences, Mr. Justice D J Jagannadha Raju of the Andhra Pradesh High Court, on Thursday directed Mr. Pakalapati Suryanarayana Raju, a contractor of non-tribal origin, to undergo a DNA paternity test to determine the parentage of P. Jogi Raju who claims to be his son.

The order was passed in a criminal petition filed by Mrs P Lakshmi, a tribal woman from Maredumilli in East Godavari district, who claimed that she fell prey to the false promises of Suryanarayana Raju the respondent.

In her petition, Mrs Lakshmi complained that Mr. Raju. Who came to her village on contract work, had seduced her in 1981 and lived with her, She gave birth to Jogi Raju in 1983, she added.

Suryanarayana Raju married one Nagamani in 1984 and deserted her and their child. The Rampachodavarm Sub-Divisional Magistrate had dismissed her petition for maintenance. When she sought a revision of the order, the Rajahmundry Additional Sessions Judge declined to grant maintenance.

In the petition before the AP High Court, Mrs Lakshmi contented that as a tribal, the provisions of the Hindu Marriage Act and the Hindu Adoption and Maintenance Act do not apply to her, and the only remedy for maintenance is available under the benevolent provision in the Code of Criminal Procedure. She further pleaded that if she is asked by the court to establish that she is a legally wedded wife and her son is born to Suryanarayana Raju, she would be deprived of the only remedy of maintenance.

-Indian Express Sunday April 11 1993

**But CCMB declined to take up the case since their pre
occupation with research work.**

SAKTI - SAKTI - SAKTI - SAKTI - SAKTI - SAKTI - SAKTI - SAKTI - SAKTI - SAKTI

Maintenance cases: The State Government will examine the possibility of implementing the provisions of Cr.PC for awarding maintenance to women in tribal areas. Tribal Welfare Minister K.Bhim Rao told the BJP floor leader, Mr.Ch.Vidyasagar Rao.

Replying to a question on pending maintenance cases filed by tribal women in Rampachodavaram agency area, the minister said so far 48 cases had been filed (of which 22 by tribal women) in Rampachodavaram division.

Sharing the concern of the members Deputy Speaker A.DharmaRao, who was in the Chair said it was a genuine issue, following which the minister agreed to consider it.

- *Indian Express Dt.7-10-90*

SAKTI trained tribal women to argue their cases in local Courts. But in 1995 ITDA formed a free legal aid committee and entrusted it to local advocates there by distancing the tribal women from the participatory process initiated by SAKTI.

- 6 -

Forest Department allowed tribals to collect cane for furniture production

Office of the Dist.Forest Officer, Kakinada Dvn. Kakinada, E.G.Dist

MEMO Rc.No.18945/85.L. dt.29-06-85

Sub:- Issue of cane wood to the Tribal beneficiaries - through ITDA - Rampachodavaram - reg.

Ref:- Project Officer, ITDA, R.Chodavaram D.O.No.T5/1136/85
Dt.25.6.85.

A copy of the reference cited is herewith enclosed. The Forest Range Officer is directed to give necessary instructions to the section officers and forest guard to guide the beneficiaries in cutting and transporting the cane.

Sd/ Dist.Forest Officer, Kakinada

State sponsored deforestation was totally stopped by 1993 in East Godavari Kondareddy tribes habitat

W.P.No. 5515/87 M.P.No. 7398/87 Date: May 1987

W.P. No.6175/87 M.P.No. 8273/87 Date: May 1987

“Managing Director Godavari plywoods ltd. Rampachodavaram E.G.Dt. be and hereby is directed not to cut any mango trees, jamun and jack trees and cutting the forests of Maredumilli mandal, E.G.Dt”

“At one stage the high court which lifted a stay obtained by Sakti stipulated that fruit trees should not be cut. Around this time the government of Andhra Pradesh revised the rate charged for trees allotted to the unit. The revision was contested in courts disposal of this litigation. The factory become a sick unit since then”.

- Times of India dated 30-04-91

Forcing the closure of wood based industry

“The policy of the government which has seriously affected the food supply of the Konda Reddis in this area (Eastern Ghats) is the granting of the right to fell mango trees in the forest to the Godavari Plywood factory set up in Rampachodavaram. The supply of kernels of mango stones which are a main source of food for the Reddis during rainy season is dwindling due to the felling of this fruit tree on a large scale.”

Prof. Christoph von Furer Haimendorf in **Tribes of India: Struggle for Survival**, OUP 1982.

Tribals Trek To Save Godavari Delta Forests

One of the common complaints about denudation is that it is carried out with the “protection” of government agencies like the forest department. At one level, the government winks at cutting of trees on a scale magnified several times over the number mentioned in permits. At another level, permits are issued in violation of forest department’s rules or in defiance of the spirit of conservation which ought to gride the department. It is to Sakti’s credit that it has documented such violations and anomalies extensively. Motivated people in many villages to report such vilations to prevent tree cutting in the first place and fought legal battles right up to the high court.

One of Sakti’s major campaigns was against a plywood unit which had been allotted 60,000 hectares of reserved forest at a rate of Rs.70 per cubic metre. The open market rate for mango trees, which accounted for 80 per cent of feelings by the unit, was Rs.1,500.

SAKTI generated over 300 complaints about trees that had been cut or marked for felling in violation of rules. Felling Rules and Silvicultural practices stipulated as follows. ***Only matured or dying trees were to be felled. Jeelugu (Caryota urens) palm, trees yielding minor forest produce like tamarind or cane brakes, creepers were not to be touched. A gap of 20 meters from a stream.*** Cutting a tree was not allowed if it would disturb the canopy. Complaints citing instances of violation of the above rules saved many trees. At

one stage the high court which lifted a stay obtained by Sakti stipulated that fruit trees should not be cut.

Around this time the government of Andhra Pradesh revised the rate charged for trees allotted to the unit. The revision was contested in courts and cutting of trees has been stopped pending disposal of this litigation.

- C Lokeswara Rao - Times of India April 30, 1991

**A.P.High Court ruled that the government of India permission is mandatory to fell the trees in the forest -
- much before the Supreme Court taken up the matter in
T.N.Godavarman case.**

**Order in W.P.M.P. No.6021 of 1995,
Between: SAKTI Vs. M/s. Godavari Plywoods, rep. by its
Managing Director.
Dated: Wednesday, The Sixth Day of September, One
Thousand Nine Hundred and Ninety Five.**

“By order dt. 15-3-95 passed in W.P.M.P.6021/95 this court granted interim direction to respondents 1 to 3 not to permit the felling of trees in the forests of Andhra Pradesh for non-forest purposes.

It appropriate to dispose of these M.Ps. with a direction to the 4th respondent to approach the competent authorities for the grant of necessary permission.”

“There are 17 plywood industries operating at different places in the Western Ghats though, admittedly by the authorities, the raw materials available in the forests are not enough for even three plywood industries. What is shocking is the fact that the Government has been yielding to the industrial lobby. An order was passed on June 11, restricting allocation of fresh forest areas for existing plywood industries. But within a month another order was issued allowing western India plywood factory to extract wood from Kodagu forests for another five years.”

- *H.G.Belgaumkar, Indian Express, Bangalore, July 6, 1987-Chaos in
catchment areas – SAVE THE WESTERN GHATS, Published by Central
Organising Committee of Save the Western Ghats-March, Bandora,
Ponda, Goa.*

CHECKING FELLING OF PRIVATE FORESTS

THE REPORT OF THE DISTRICT COLLECTOR

“There are large number of cases where pattas were issued illegally by the settlement officer to Non-tribals, In many of these settlement patta lands, there is dense forest growth.”

“Unfortunately, due to the inadequate legal provisions felling permissions were already granted in 26 cases on the directions of High Court. 17 cases are pending in the Collector’s office for grant of permission. In five cases the permissions were rejected. There are 9 cases pending in the High Court. In some of the cases pending before the High Court, the felling permits are claimed in virgin forests.”

“The scheduled areas in the District are the catchments area for Yeleru River and a large number of other minor streams and springs which provide irrigation and drinking water in the tribal areas and in the upland. These springs and streams are fast drying up and there is perceptible change in the ecological balance in the Agency area.”

- *M.V.P.C.Sastry, IAS, Dist.collector, (East Godavari)*

Dated: 3.6.1987

Tree felling stayed in Chintalapudi forests

- News Time 11-5-1988

Newstoday

Hyderabad: Justice K.Ramaswamy of the state High Court, on Tuesday directed the District Collector of East Godavari district and the Divisional Forest Officer of Kakinada not to grant permission for cutting down the trees in the forests of Chintalapudi, until further orders.

The order was passed while admitting a writ petition filed as a public interest litigation by Mr.Dokkuluri Kannaiah and 19 others complaining against the destruction of the forests in Chintalapudi area.

AP VERDICT FAVOURS ENVIRONMENTALISTS

The Times of India News Service

C Lokeswara Rao

HYDERABAD, April 24: Environment activists have won a significant decision in Andhra Pradesh High Court. A division bench comprising Mr. Justice Mohammed Sardar Ali Khan and Mr. Justice D. Reddeppa Reddy has quashed state government order of 1990, which circumvented an earlier decision to protect forests.

The quashed government order had been hanging over the Chintalapudi forest in East Godavari district, one of the few dense forests in the state. The 200-hectare Chintalapudi forest is a key segment of the thick forests covering 1400 hectares.

The quashed order directed forest officials not to interfere in the felling of trees and issue of transit permits. The order was issued by the Channa Reddy government but the chief minister stayed it following protests by environmentalists and politicians.

The order of 1990 was issued in response to a plea by a timber contractor Mr. V. Shankara Reddy, who sought exemption from an earlier order issued by the NTR government in 1988. The order was meant to protect private forests in scheduled areas and prevent tribals from being exploited by non-tribal timber merchants.

One provision prevented the owner from selling the right to fell trees and another limited the value of trees cut in a year to Rs. 5000.

Mr. Sankara Reddy is a non-tribal timber merchant with a power of attorney and has fought many legal battles to retain his right over the forests. He challenged the order of 1988 which nullified his power of attorney. And when the high court upheld the order, he went to the Supreme Court.

After the government changed in 1989, he approached them with a fresh plea for exemption and offered to withdraw his case in the Supreme Court.

Dr. Channa Reddy's government issued the order but stayed its implementation following protests.

- 11 -

Mr. Sankara Reddy renewed his efforts after Mr. N. Janardhan Reddy became the chief minister. The high court first imposed a stay and now a bench has quashed the order.

In upholding the petition filed by Sakti, a voluntary organisation working for tribals, the court made some important observations. Rejecting objections about the locus standi of the petitioner. The Bench observed that the Constitution attached vital importance to the maintenance of proper environmental and ecological conditions.

Also, a full bench of the Andhra Pradesh High Court had noted in an earlier case that what had to be seen for the purpose of locus standi was whether there a substantive breach of law or the Constitution as changed and not the antecedents of the person who conveyed the information to court.

The court quoted extensively from a Supreme Court judgement to make the point that the government could not empower itself to proceed contrary to the law. An illegality could not be cured because it was undertaken by the government.

The court noted that in the present case Mr. Sankara Reddy was only a power of attorney who was trying to cut trees for his own benefit. The object of the legislation was to save private forests in scheduled areas from denudation.

-Saturday, april 25 1992, the times of india, new delhi

- 12 -

MINING OF NON-TRIBALS CANCELLED

Chief Secretary instructed to cancel mining leases issued to non-tribals.

MINUTES OF THE MEETING HELD BY THE CHIEF SECRETARY TO GOVERNMENT OF 27-10-89 AT 3.30 P.M. IN THE CHAMBERS OF CHIEF SECRETARY, ANDHRA PRADESH, HYDERABAD

So far as the mining leases licences already granted to the non-tribals in the scheduled areas are concerned, all such leases/licences should be determined with reference to the provisions of amendment Regulation (1) of 1970 and the G.O.Ms.No.971 Revenue (B) Department, dated 7-10-1969, the former of which prohibits the transfer of any immovable property held by a tribal or non-tribal in the scheduled areas in favour of non-tribals for the purpose of mining operations also tantamounts to the assignment of Government land so far as the spirit of G.O.Ms.No.971, Revenue (B) Department, Dated 7-10-1969 is concerned. Therefore, all such leases/licences granted in the scheduled areas to the non-tribals after 7-10-1969 are to be revoked as they are prime facis contrary to the existing laws.

(Action: social Welfare Department Industries Department and Revenue)

MINING LEASES TO NON-TRIBALS SACROSANCT

Express News Service

Kakinada, Nov.10: In spite of instructions from the Chief Secretary the Department of Mines is reluctant to cancel the mining leases issued to non-tribals in scheduled areas.

Several activists and officials working with the tribals had brought it to the notice of the Chief Secretary and he promptly took up the matter with the secretaries of departments on October 25, 1989 and issued instructions to the departments to cancel the licences given to non-tribals in scheduled areas.

- *Indian Express – November 11, 1990*

HC INVALIDATES MINING LEASES

From Our Correspondent

HYDERABAD. Aug.27 : A Division Bench of the High Court, consisting of Mr. Justice P. Sivaraman Nair and Ms. Justice S.V. Maruthi, on Friday allowed a public-interest writ petition setting aside mining leases granted by the State Government in scheduled areas in the State.

Sakti, a voluntary organisation at Rampachodavarm in East Godavari district had in its writ petition contended that the mining leases were given in violation of the A.P. Scheduled Areas Land Transfer Regulations.

- *The Hindu Saturday August 28 1993*

Later Samata case against the mines in Visakha District was dismissed. Both Samata and Hyderabad abrasives taken up the matter to Supreme Court.

Extracts from Samata case referring SAKTI Judgement in AP High Court

(1997) 8 Supreme Court cases 191

Samata Vs. ... Appellant
State of A.P.and others ... Respondent

Hyderabad Abrasives & Minerals (P) Vs. ... Appellant
State of A.P.and Others ... Respondent

Para: 3. In the appeal arising from SLP © No.21457 of 1993 filed by Hyderabad Abrasives and Minerals, another Division Bench, earlier had taken diametrically the opposite view and held that mining leases are illegal. The word 'Person' used in Section 3 of the Regulation includes Government. Any lease to the non-tribals even of government land situated in a Scheduled Area is in violation of Section 3 and so is void. Equally, it held that a mining lease in a forest area for non-forest purpose or renewal thereof, without prior approval of the Central Government, is in violation of Section 2 of the FC Act. Accordingly, the Division Bench directed the Government to prohibit mining operations in Scheduled Area except that the mines stacked on the surface be permitted to be removed after obtaining proper permits. **This decision, though earlier in point of time, was not brought to the notice of the latter Bench mentioned above.**

Para: 7. **M/s SAKTI, the voluntary organisation filed the writ petition in the High Court questioning the power of the Government to grant mining leases in violation of Section 3 of the Regulation and the FC act.** The lease expired in 1994. The Division Bench held that by operation of the prohibition contained in Section 3 of the Regulation and Section 2 of the FC Act, the appellant is not entitled to mining operations.

Para: 237: SAKTI, a voluntary social organisation for the upliftment of tribals in East Godavari District filed the writ petition in the Andhra Pradesh High Court praying therein that the mining activities which are carried on by Respondents 6 t 10 in the said writ petition should be immediately stopped as the grant of mining leases in their favour is in

contravention of Section 3 of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (hereinafter referred to as ‘ the Regulation’’) as well as Section 2 of the Forest (Conservation) Act, 1980

Para 240: The High Court came to the conclusion that the word "person" in Section 3 of the Regulation includes the Government and therefore, leases granted by the State Government in a Scheduled Area to a non-tribal are void. On the question of applicability of the Conservation Act the High Court also relied upon the decision of this Court in Banshi Ram case and came to the conclusion that for grant of mining lease in a protected forest area for non-tribal purpose the prior approval of the Central Government is mandatory and since the Government did not obtain the approval of the Central Government, leases are in contravention of Section 2 of the Forest (Conservation) Act, 1980.

SAMATA Vs. STATE OF A.P.
(Page No: 268)

116. It is seen that in one case, the transfer was claimed to have been made in favour of the State instrumentalities, i.e., A.P.S.M.D. Corporation Ltd., It has already been held that transfer of the government land in favour of its instrumentalities, in the eye of law, is not a transfer but one of entrustment of its property for public purpose. Since, admittedly, a public corporation acts in public interest and not for private gain, such transfer stands excluded from the prohibition under para 5(2)(b) of the Fifth Schedule and Section 3(1)(a) of the Regulation. Such transfer or lease, therefore, stands upheld. But a transfer of mining leases to non-tribal natural persons or company, corporation aggregate or partnership firm etc. is unconstitutional, void and inoperative.

In the absence of any total prohibition, undoubtedly Article 298 empowers the Governor being the head of the Executive to sanction transfer of its lands. Since the Executive is enjoined to protect social, economic and educational interests of the tribals and when the State leases out the lands in the Scheduled Areas to the non-tribals for exploitation of mineral resources, it transmits the correlative above constitutional duties and obligation to those who undertake to exploit the natural resources should also improve social, economic and educational empowerment of the tribals. As a part of the administration of the project, the license or lessee should incur the expenditure for:

- (a) reforestation and maintenance of ecology in the Scheduled Areas;

- (b) maintenance of roads and communication facilities in the Scheduled Areas where operation of the industry has the impact;
- (c) supply of potable water to the tribals;
- (d) establishment of schools for imparting free education at primary and secondary level and providing vocational training to the tribals to enable them to be qualified, competent and confident in pursuit of employment;
- (e) providing employment to the tribals according to their qualifications in their establishment/factory;
- (f) establishment of hospitals and camps for providing free medical aid and treatment to the tribals in the Scheduled Areas;
- (g) maintenance of sanitation;
- (h) construction of houses for tribals in the Scheduled Areas as enclosures.

The expenditure for the above projects should be part of his/its Annual Budget of the industry establishment or business avocation/venture.

In this behalf, at least 20 per cent of the net profits should be set apart as permanent fund as a part of industrial/business activity for establishment and maintenance of water resources, schools, hospitals, sanitation and transport facilities by laying roads etc., This 20% allocation would not include the expenditure for reforestation and maintenance of ecology. It is needless to mention that necessary sanction for exemption of the said amount from income tax liability, may be obtained; and the Centre should ensure grant of such exemption and see that these activities are undertaken, carried on and maintained systematically and continuously. The above obligations and duties, should be undertaken and discharged by each and every person/industry/licensee/lessee concerned so that the constitutional objectives of social, economic and human resource empowerment of the tribals could be achieved and peace and good government is achieved in Scheduled Areas.

128. In cases where similar Acts in other States do not totally prohibit grant of mining leases of the lands in the Scheduled Area, similar Committee of Secretaries and State Cabinet Sub-Committees should be constituted and decision taken thereafter.

129. Before granting leases, it would be obligatory for the State Government to obtain concurrence of the Central Government which would, for this purpose,

constitute a Sub-Committee consisting of the Prime Minister of India, Union Minister for Welfare, Union Minister for Environment so that the State's policy would be consistent with the policy of the nation as a whole.

130. It would also be open to the appropriate legislature, preferably after a thorough debate/conference of all the Chief Ministers, Ministers holding the Ministry concerned and the Prime Minister and the Central Ministers concerned, to take a policy decision so as to bring about a suitable enactment in the light of the guidelines laid down above so that there would emerge a consistent scheme throughout the country, in respect of the tribal lands under which national wealth in the form of minerals, is located.

Upholding tribal rights over Khair trees

A.P. TREES PRIVATISATION STAYED

The Times of India News Service

HYDERABAD, August 2.

The Andhra Pradesh high court has granted interim orders staying a state government move to privatise exploitation of Sundra trees. "Katha", an ingredient of pan masala, is produced from Sundra wood.

Mr Justice Upendralal Waghray issued the interim orders on a petition filed by Dr Sivaramakrishna of Sakti, a voluntary agency. The orders said that sundra trees in Karimnagar and Khammam districts should not be leased to anyone except tribals.

The move to privatise exploitation of sundra trees is viewed as a typical example of the way government takes steps detrimental to tribal service to the goal of tribal welfare. The injustices suffered by tribals provide a ready plank for Naxalites. Extremists also get to collect donations from traders and contractors. Thus, in more ways than one, the government's move mocks at the strategy of adopting a holistic approach towards the Naxalite problem.

In the case of sundra trees, the present move for privatisation seeks to reverse the commendable steps to reverse the commendable steps taken by the very same state government a few years ago. Thanks to the co-operatives promoted by it since 1988, the tribals who used to work for wages to produce "katha", graduated to the status of members

of co-operatives who get wages for work done and can also look forward to their share of profits from the sale of finished "katha" to merchants. If the government were to go ahead with privatisation, these tribals would have had to revert to the status of labourers working for wages with privately owned "katha" units.

The Andhra Pradesh government issued orders in 1988 to limit lease of sundra trees in Adilabad, Karimnagar, Khammam and Warangal districts to co-

operatives of tribals. The integrated tribal development agency took the initiative to promote such co-operatives and teach them “Kattha” making with

- 15 -

the help of labourers from Madhya Pradesh. In the past, local tribals used to work with contractors from M.P. for wages.

The government’s initiative worked well, going by the experience of tribal families selected for training in remote areas like Uttnoor in Adilabad district or Eturu Nagaram in Warangal district. Trainee families picked up stipend wages of Rs 1050 per month and also earned profits of about Rs 7000 per family, after deducting expenses like payments to skilled labour from M.P. and royalty payable to forest department.

What merits admiration is the fact that poor tribals were imparted skills and enabled to secure a just share in the profits earned by producing a value added product from forest produce. Kattha produced from sundra wood fetched Rs 134 per kg in an auction held in June 1991. Twenty one traders from different states took part in the sale.

The orders issued in 1988 for granting sundra leases only to tribals were valid for three years. This year there were moves to bring in private parties. Non-tribal parties from Chhatharpur in Madhya Pradesh, Kota in Rajasthan and Hyderabad were reportedly in the running for lease of trees.

However, when orders were issued in June 1991, it was mentioned that sundra trees in Karimnagar and Khammam districts would be leased to other parties. This meant that the laudable venture of promoting tribal cooperatives was to be continued in Adilabad and Warangal districts.

This partial move for privatisation also evoked protests. Since cooperatives had worked well in some places there was no reason why private traders should be brought in other districts. There were also fears that once private traders entered the field on some pretext or the other, it would be difficult to control their activities. They may hold permits for cutting and transporting specific sundra trees to katha units, but they may misuse the permits for cutting other trees and transport them elsewhere. These fears were mostly based on past experience.

- *The Times of India* August 2 - C Lokeswara Rao

Staying eviction of tribals from 'forests'

EVICTING 10 MILLIONS TRIBALS FROM FORESTS STATUS QUO ON TRIBALS' EVICTION ORDERED

By our Legal Correspondent

HYDERABAD, OCT 24, A Division Bench of the A.P. High Court, comprising two judges, on Thursday directed the State Government to maintain status quo regarding the proposals to evict tribals from forest lands.

These orders of far-reaching consequences were passed in a writ petition filed by P.Sivaramakrishna on behalf of SAKTI, a tribal voluntary organisation. The petitioner complained to the court that **in the name of a circular from the Central Government and observations of the Supreme Court, the State Government and its officers were terrorising tribal people to evict them from the forest lands.**

The judges – Motilal B.Naik and Dalva Subramanyam – enquired with Government pleaders as to how such action was taken.

The petitioner traced the history of the action of the Government to push the tribals out of the forests since 1855 and lamented that present constitutional governments were pursuing the same policies. Counsel for the petitioner, Ramalingeswara Rao, brought to the notice of the court that the Government wanted to create rights under Telugu Girijana Magani Samaradhana. He said that in 1987, directions were issued not to evict the tribals from the possession of forest lands occupied prior to October, 1980.

The Central Government asked the State Government to submit proposals for regularisation of encroachment prior to 1980 and the State Government had not yet submitted such proposals.

Mr.Ramalingeswara Rao said that there were 77661 acres of land under cultivation in reserved forests prior to 1980 and they were eligible for regularisation as per the scheme formulated by the Central Government. It was averred that the tribals could not be evicted from the forests in a brutal manner.

COMMUNITY BASED CONSERVATION OF FORESTS

“NGO-supported community based conservation: NGOs are supporting community struggle for conservation of their resources in two ways: one is to fight the attempts of entrenched classes to do any more damage and the second is to devise positive solutions for conservation. For example, SAKTI is a federation of 23 **community groups who have been protecting their forests for more than 10 years, much before the advent of JFM, and, because of their strength, are in a position to consolidate their conservation efforts by utilizing JFM provisions.”**

-Aravind Khare Community based conservation in India-1998..

Sakti was a member of expert committee to define forests

1. Sri Pratap Bahdur, IFS, (Retd.) Forest Officer,
2. M.D., APSRAC,
3. Director, NRSA, (National Remote Sensing Agency)
4. Secretary to CLR(Commissioner Land Revenue)
5. Commissioner, Tribal Welfare,
6. Sivaramakrishnan, SAKTI,
7. K.Subba Rao, IFS, Chief Conservator of Forests,
Member Convenor.

REVERSING THE WRONGS

NON-TRIBALS CONTINUING IN THE LAND WITH TRIBAL CERTIFICATES, CORNERING THE RESERVATIONS FOR GOVERNMENT JOBS AND GETTING ELECTED FOR THE POLITICAL POSITIONS RESERVED FOR TRIBALS

A twist to the entire situation was caused by the strategy adopted by non-tribals in East Godavari: they obtained false certificates testifying that they were tribals. On this basis, they acquired and continued to hold land. During 1987 through 1990, the District Collector discovered this fraud and cancelled hundreds of such false certificates. However, the holders of these false certificates approached courts and stayed this action. In some cases, the orders were also reversed. SAKTI discovered this situation in 1993 and started filing cases seeking judicial review of all these cases. SAKTI was successful in pursuing the cases of 20 powerful families where 15,000 acres of land was locked up. *These cases have been finally remanded to the District Collector for final disposal, where they are still pending.*

ANDHRA OFFICIAL HAD SCHOOL REGISTER CHANGED TO SEEK TRIBAL STATUS **FORMER DGP** **FAKED ST CERTIFICATE**

Hyderabad: The former director-general of police of Andhra Pradesh, Mr. R.K.Ragala, is facing charges for using a false Scheduled Tribe certificate to enter the all India services.

In a recent judgement, the Supreme Court directed the state government not to give any reservation benefit to the retired official's family members. The court directed the Dt.Collector E.G. to go ahead with his enquiry in pursuant of show cause notice issued to Mr.Ragala. The court came down heavily on an earlier judgement of the Andhra Pradesh High Court which directed the state government not to harass the official who had gone through several inquiries at the fag end of his tenure. The apex court termed the action of high court as nipping the issue in the bud stage.

The government had filed a writ petition in the High Court in 1989 alleging that Ragalas were originally Telaga-Kapus. An enquiry by the tribal welfare director revealed that in 1952, Mr. Ragala got a relative of his to change his caste from Telaga to Konda-kapu on the secondary school leaving certificate register. The relative was a government official.

There were 26 students in the same school but none of them claimed tribal status. None of the other relatives of her official have taken advantage of being tribals, the report added.

- The Telegraph - Saturday, 2 December 1995

From G.S.Radhakrishna

SAKTI - SAKTI - SAKTI - SAKTI - SAKTI - SAKTI

Ensuring Minimum Wages

Woeful tale of tribal exploitation

Govt. robs tribals of their due wages

What does one do when Government departments exploit tribals and pay them less than their due?

The forest department, the Integrated Tribal Development Agency (ITDA), the roads and buildings department, forest contractors and even naxalites are involved in the murky goings on that rob the tribals in East Godavari district of their due wages.

For almost a decade now some 50,000 tribals working in the forest areas of the district are being paid much less than the minimum wage stipulated by the Andhra Pradesh Government.

Be it cutting wood, laying roads or working on minor irrigation projects in the agency areas, the tribals are underpaid and in most cases, the rates are fixed in consultation with Naxalite groups.

Take, for example, beedi leaf collection, in the Telangana region of the State, the forest department deals directly with the leaf-pickers. This work is entrusted to contractors in the coastal districts. The rate fixed by the State government is 75 paise per bundle of 1000 leaves.

In the Telangana district, the Naxalites have ensured in some cases that the tribals get a higher rate than that fixed by the Government. In the agency areas of East Godavari, the prevailing rate is only 60 paise per bundle.

Agreement with Naxals: Last year, the contractors paid the tribals 50 paise per bundle when the forest department rate was 55 paise. This year, the contractors have come to an agreement with Naxal groups and have fixed the rate at 60 paise.

As far as construction work and road laying are concerned, the minimum wage stipulated is Rs. 19.25 for a day's work. The contractors under the roads and buildings department or minor irrigation have been paying only Rs.15 to the tribals. These rates too are fixed in "agreements" with radical groups.

While such is the situation in respect of contractors, the forest department fixes rates much lesser than that fixed by the Government itself. The state Government from time to time revises the minimum wages payable to different categories of workers.

The last time that the Government fixed minimum wage for forestry and timbering operations was in August 1990. Prior to this, the forest department and the contractors were going by the wages fixed in 1984.

- 21 -

Bamboo extraction is a major form of employment in the thick forests of East Godavari district and the forest department has fixed the rates of extraction for various sizes of bamboo. For the larger variety of bamboo (20-25 cm thick) the department is paying about Rs 250 to 300 more than the minimum wage fixed for this category by the Government.

Woefully low: For other sizes of bamboo extracted, the Forest Schedule of Rates (FSR) is woefully low. For instance, if the rate for extraction is Rs 810 per 1000 bamboos, the department pays Rs 600 in some cases and Rs 480 in others. As against a minimum wage of Rs 795, the department is paying Rs 480 to 330 in some categories.

The Rytu Coolie Sangham (RCS), a Naxalite organisation, on August 20 last year came to an agreement with forest officials and under this settlement the department has been paying Rs 550 (minimum fixed by the government Rs 810), Rs 450 (minimum wage Rs 795) and Rs 350 (minimum wage Rs 760) for bamboo sizes 15-18 cm, 12-15 cm and 6-8 cm respectively.

For stacking, the minimum wage notified in the state government's gazette is Rs 250, the FSR has put it as Rs 160, while the RCS agreement has fixed it at Rs 150 per tonne.

These rates are only for the Arundinacia variety of bamboo. For the strictus variety other rates have been specified but here too, the actual amount paid is much lesser than the notified ones.

Kept secret: While the minimum wages to be paid are specified in the state government gazette, the forest department brings out an annual for works and strangely marks it "confidential". The rates are to be notified publicly but the department keeps its official rates (FSR) secret and notifies only the rates fixed in agreements with Naxal groups. In many cases, the amount agreed upon is lesser than the FSR.

The Naxalites maintain that but for their intervention, the forest department and contractors would have paid much lesser. They contend that when contractors were paying a daily wage of Rs 12, they got enhanced to Rs 15 and even Rs 18.

Mr. P. Sivaramakrishna, director of Sakti, an organisation working for the welfare of tribals in East Godavari maintains that the Naxalites should ensure that minimum wages are paid. There is no point in getting the tribals Rs 15 as wages when the Government has fixed the rate at Rs 19.25 he contends.

Even since 1987, Sakti had been fighting for implementation of minimum wages in the tribal areas. Neither the labour department nor the district

administration has enforced the Minimum Wages Act in the forest areas, where some 50,000 tribals are stated to be working. The exploitation continues.

- **News & Analysis** *Srikant Vittal*
Indian Express Tuesday April 28 1992

ITDA Officials asked To pay wages

Horticultural officer of ITDA has been directed to pay the wages to his employees for having failed to discharge legitimate obligation under Minimum Wages Act.

The Act was intended to prevent sweating of labour through the payment of unduly low wages. As many as 36 unskilled workers filed a petition against the officer of horticultural farm before enforcing authority claiming the wages as per the order. **The matter was finally disposed off recently directing the officer to pay Rs. 1,25,775 on which half of the amount as compensation for the delayed payments. They were being paid Rs. 19 instead of Rs. 26 by the time of filing petition in 1992.**

Jayamma, president of workers told ENS she did three years legal battle to get the fair wages. Similarly on the petition filed by workmen of Horticultural farm at Vetamamidi in Addateegala mandal the enforcing officer ordered horticultural farm to pay differential wages and compensation of Rs. 95,046.

The successors said that they would move petitions again for the differential wages as per the revised minimum wages. While the wage board ordered to pay Rs. 39 the horticultural officers of different farms in the agency area of East Godavari district were paying of Rs. 26 only.

-Indian Express - November 24, 1995

- On 9.4.1990 High Court directed the Commissioner of Labour to revise the minimum wages in forest and timber operation works
- Conservator of Forests Rajahmundry informed the court that the Forest Schedule Rates were revised following the minimum wage notification. W.P.No. 14398/91 High Court of A.P. Order Dated: 13-03-2002
- On 25-04-2003 High Court directed the Forest Department to follow the minimum wages.
- Minimum wages should be revised for every five years. But the government did not revise minimum wages in forest and timber operations between 1990 and 2001.
- The Joint Forest Management Groups and their networks are not bothered to know the FSR rates and the minimum wages and the implementation.

- 23 -

Untapped Water Leaves Girijan Farmers 'Dry'

'Pamuleru and Seetampalli hill streams flow through the agency areas. D.K. Panwar was the district Collector in 1983 and an indepth study of the proposals for the construction of dams on the Seethapalli Vagu at Bhupathipalem upstream, Rampachodavaram and another down stream at Musurumilli village, was done.

After a comparative study of the two proposals, the district administration then preferred the Bhupathipalem dam project as it was cheaper than the Musurumilli project and all the beneficiaries were Girijana farmers.

- *The Hindu, March 26, 2000.*

But the tribals of the villages threatened with displacement are opposing the project, suggesting, as alternative the renovation of chain tanks fed by Rampa water falls for irrigating the command areas. SAKTI continuing this renovation work since 1993.

Jal – Jangal – Jameen - ? ? ?

Waters of tribal areas - benefitting non-tribal areas

Grama Sabha accepts the proposals of Rehabilitation

Surampalem works at brisk pace

Nabard-aided project to water 6,265 hectare in Agency mandals

From Our Bureau:

Rampachodavaram, Nov.8: Construction works of a medium irrigation project taken up with Rs.44.38 crore assistance from Nabard across Burada canal in Surampalem village in the Gangavaram mandal in the division are progressing at a brisk pace. The project is considered a boon to the farmers of upland areas of Gokavaram, Korukonda and Rajanagaram mandals in the agency were provide irrigation to 6,265 hectare in the region. The Irrigation Department has proposed works relating to earthen dam formation and head sluice construction at the project site at an estimated cost of Rs.6.8 crore in February 2001. The department had incurred an expenditure of Rs.1.33 crore till now on the works.

An amount of Rs.15.42 crore has been set aside to undertake spillway construction works. The project would displace 223 tribal families from their houses and lands at Donelapalli, Kottada, Dibbalaveedhi and Tekulaveedhi villages in Gangavaram mandal. The NGOs Samatha and Pragati launched protest programmes tconstruction of the project till adequate compensation is paid to the affected farmers. Some tribals approached the High Court on the matter. In its judgement, the court directed the irrigation authorities to settle the claims of the displaced families for altrntive houses and lands first before proceeding with the construction works of the project. So, it was curtains down, albeit temporarily, on the head works from September 8 to 2001. The then East Godavari collectorl, in a counter petition filed in the HC stated that Burada Canal basin had adequate water resources. The canal, when in floods, submerge 1,600 hectar of lands in the Agency. The court, after hearing the plea of tribals and the government version, ruled the project may be revived after paying adequate compensation to the affected families in a specified time period. Surampalem project rehabilitation officer M Sridhar Stated the Irrigation Deptntment had deposited Rs.83.94 lakh to the account of ITDA, Rampachodavaram to undertake rehabilitation of the displaced tribal families so as not to harm their natural lifestyles. He said ITDA project officer Mukesh kumar Meena had chalked out a rehabilitaion package after consulting the affected tribals t gram sabhas convened by him.

Housing Department deputy executive engineer Ravishankar said the project oustees would be rehabilitated in model housing colonies, which house temple, school building and a community hall. The colony would be equipped with electrical facilities and well laid-out roads Fifty-seven displaced families from Donelapalli would be shifted to a model colony to be built at Kottada panchayat limits. The other 166 families belongin to Kottada, Dibbalaveedhi and Tekulaveedhi would be housed at Chinagarlapadu villages.

-Deccan Chronicle, November 9, 2002.

Unfortunately the government ITDA and non-governmental organisations did not propose for alternatives to irrigate tribal area. Can the 'consent of few displaced (two members from Kottada village 37 members from Surampalem village 39 from Donelapalli village) enough to deprive the user rights of tribals in the catchment area. Moreove the displaced tribals are also being settled in the catchment area.

- 24 -

Fight for land records with right to participate in adjudication in West Godavari & Khammam

TRIBAL UNREST IN W GODAVARI

FACT, FICTION AND FIRST INFORMATION REPORTS

The non-tribal farmers' association has been emboldened to complain that if the police had been stern from the beginning, things would not have come to such a pass. *Let us remind ourselves that the tribal unrest of West Godavari is being led, not by the Naxalites or any violent group but by an entirely law abiding voluntary organisation 'Sakti'*. Can one hope that sense will prevail somewhere in the official hierarchy concerned with the welfare of tribals and the tribal unrest will be met with justice and not further threats of 'stern' action and police cases?

K Balagopal

(The author is general secretary of Andhra Pradesh Civil Liberties Committee)

- DECCAN CHRONICLE MONDAY MAY 5 1997

Tribals' fight for their land

By R.J.Rajendra Prasad

TRIBALS holding a police party hostage for a day to prevent the arrest of their chieftain and others - injuring five persons with bows and arrows during a clash - may sound like a tale from the pre independence days. But this is what happened recently in the villages of Polavaram. Jeelugumilli and Buttayagudem mandals of West Godavari in Andhra Pradesh. The Koya tribesmen are resisting the harvesting of their crops by non-tribals, demanding that the Land Transfer Regulation 1 of 1970 (which prohibits the transfer of ownership of land in the Agency areas except to a tribal) be enforced to letter and in spirit.

The situation in West Godavari district has become tense because of the intervention by a non-government organisation (NGO) called SAKTI, which has been active in the area for the past three years. The 10 social activists working for SAKTI are Koya tribesmen themselves, and they have succeeded in making the tribal families aware of the regulations in force in their favour. The Director, Dr.P.Sivaramakrishna, who took his doctorate degree on the theme of tribal folk songs, got the land record of 1932, when the last survey and settlement was done, pertaining to the Scheduled Areas of the district. His team goes to the villages reading the names of the owners of the land under survey numbers that can be identified today, and the tribals have become aware that their grandfathers owned the land after all and that now they have the right of ownership.

The Koya tribals have become bold after three years of a sustained struggle, having realised that the law is in their favour. But the absence of any NGO working in their areas perhaps explains why the Scheduled Areas of Adilabad, Karimnagar, Warangal, Khammam and Visakhapatnam are quiet today.”

- The Hindu May 3, 1997

- 26 -

“the administration is not finding it easy to meet the challenging situation in the area and unless what is in existence presently between the tribals and non-tribals in the area is tackled with care and perceived as a socio-economic problem, there is a risk of collapse of the administrative machinery in the area...”
(Judgement in WP No.14516 of 1997).

-Chief Justice P.S.Misra,, High Court of A.P.

Readers will remember the cases of MROs and Sub-Inspectors being kidnapped by tribals, crops harvested by them, police shooting at tribals. Bows, arrows and spears - reminiscent of the great Rampa revolt, were again freely used. **But this time, the might of the State represented by its gun-trotting police, their dreaded lock-ups, the rigmarole of court proceedings and the doubletalking politicians could not cow the tribals down.** The help given by SAKTI in reading the records, analysing the documents, legal help to get bail and fight court cases, was enough to tip the balance.

- Geetha Ramaswamy : Deccan Chronical July 23, 2000

THE INDIFFERENCE OF NATIONAL HUMAN RIGHTS COMMISSION

“It is unfortunate that this matter has been dealt with as an issue concerning police alone. **The very fact that there have been such a large number of 118 cases booked, all apparently against 2175 tribals shows that there is something wrong about the approach of the Government and its agencies”.**

“It is noted that the representation to NHRC from SAKTI is dated June 1997 and the report of the SP is of June 1998. The criminal cases pertain to 1996 and 1997. The present letter has been addressed to us in July 2001. As we are now in August 2001, i.e., more than four years since the original complaint was made, the ground level situation must be different now for better or worse. The only advice that can be offered therefore, apart from the above comments, is that the Commission may without any loss of further time”:

- { request a special officer of the Commission to visit the area and make a detailed inquiry summoning the District Collector and the SP and examining all records.
- { resolve the land problems according to the Regulation and the judgment of the Andhra Pradesh High Court.
- { direct action against officials and others who have been found on inquiry to have harassed tribals for agitating for their legal rights.

*Sri S.R.Sankaran, responding to the reference of
NHRC - Date: 09-08-2001*

TRIBALS TRAINED IN LAND SURVEY

“The teams (of tribal youth) have detected several “errors” in the official records given to them under the direction of the High Court. As per the records, Tellam Ademma, a tribal is the owner and cultivator of the land measuring 6.37 acres in Survey No. 32. The actual position is that Ademma’s family had cultivated only 1.37 acres while the remaining 5 acres was under the enjoyment of one Mr. M. Venkat Reddy and his brothers.”

“Out of 26 people trained (by SAKTI) from a dozen villages, 15 learned skills to read village land maps, adangal, field measurement book, and Resurvey Register and can locate the targeted plot in the field. The next step they plan is to decipher title deeds.”

-The Hindu, Tuesday, April 6, 1999

LAND SURVEY PUT OFF AS CPI (M) SEEKS TIME

By Our Staff Reporter

ELURU, Sept.23 The verification of land ownership in the agency villages did not make much headway on the first day on Wednesday at Doramamidi in

Buttayagudem mandal with the CPI (M) leaders seeking more time for perusal of land records.

- 28 -

The CPI(M) was found seriously handicapped by not having the support of technical people who could help them in probing the Land Transfer Regulation violations and irregularities in issuing of settlement pattas.

Instead, the leaders sought physical verification of the entire land which would yield nothing to the tribals except small variations in measurement and benami holdings.

The leaders had failed to question the process of settlement and bring to light the violations with proof.

- *The Hindu*, September 24, 1998

TRIBAL AND LAND ALIENATION

The state responds to the problems only in ad hoc way. Whenever there is an uprising, either free laws are passed or now committee are formed to deal with the issue. Thus, when the situation became tense in 1997 in this area, a meeting was convened involving officials of the revenue, social welfare and tribal departments. **This meeting is significant since a member of organisation called Sakthi which has been involved in struggles of tribals, was also invited.** The meeting resulted in a fresh batch of guidelines to resolve the land issue between the tribals and non-tribals.

-*Vasudha N., Advocate based at Hyderabad, Indian Express, May 27 1999.*

MINUTES OF THE MEETING ON CONDUCT OF SURVEY

A meeting to discuss the modalities of the verification process to be carried out in the agency area of West Godavari district was convened on **22nd October, 1997 at 4.00 p.m in the chambers of the Principal Secretary (SW), Government of A.P., Hyderabad.**

The following members attended the meeting:

- ◆ Sri S.Ray, I.A.S., Principal Secretary to Government, Social Welfare Department.
- ◆ Sri J.Rambabu, IAS Principal Secretary to Government, Revenue Department.
- ◆ Sri G.Sudhir, IAS, Secretary to Government, Revenue Department.
- ◆ Sri T.S.Appa Rao, IAS, Commissioner of Tribal Welfare.
- ◆ Sri Anil Kumar Singhal, Project Officer, ITDA, K.R.Puram, W.G.Dist.
- ◆ Dr. Sivaramakrishna from SAKTI.

The Principal Secretary (SW) invited Mr. Sivaramakrishna to express his opinion on the conduct of verification work. Sri. Sivarama krishna opined that his organisation had partial information which could be supplementary to the official records and **the main responsibility of providing information had to be shouldered by the Government.** He agreed, in general, with the paper presented by the Project Officer, I.T.D.A.

The members deliberated at length as to how to handle a situation where no land might actually come to tribals in a particular village. The Principal Secretary, Revenue desired that it should not become a mere justification exercise for the possession of land by non-tribals.

It was decided that SAKTI shall immediately start preparing the tribals for the verification process.

Finally it was decided that Project Officer shall write, along with Sivaramakrishna, a note incorporating all the issues discussed in the meeting, specifying the role of all officials / non-officials for perusal of the Principal Secretary, Social Welfare.

The Principal Secretary, Social Welfare thanked everybody for attending the meeting.

The guidelines evolved this meeting are placed before the single judge of High Court. The court directed the government to treat the guidelines as court orders. (CCNo. 1381/97 In W.P.8009/97) But the division bench forced the government to keep the guidelines suspended. The government reviewed the situation and issued guidelines again on 13-08-2001 for implementation.

Objectives of Guide lines:

- Enlisting the cooperation of political parties and others in setting the problems amicably;
- By educating through appropriate information the agitating tribals about the scope of their legal rights;
- By a comprehensive analysis of the existing judicial adjudications; and
- The ascertainment through inquiry and study of title deeds and documents of the respective rights of tribals and non-tribals.

- Secretary Tribal Welfare Dptt. Govt. of A.P., 13-08-2001.

COPS HOUND GUTSY TRIBAL WOMAN

West Godavari woman in trouble for seeking village records

From GITA RAMASWAMY

Eluru Nov.15: Three months ago, Tellam Krishnaveni, a Koya woman from Darbhagudem in Jeelugumilli mandal in West Godavari district, came to Hyderabad. Four years of unceasing struggle to retrieve the hereditary lands of her forefathers from plains settlers had brought her to the High Court. All she asked for was access to the revenue records of her village - the records that indicate whose land is being cultivated by whom and why, whether lands have been transferred and how, etc.

On August 23, 2000, Justice B Sudarshan Reddy granted her access to the records, and directed the District Collector and her subordinate officials to supply her the documents within two weeks.

All Krishnaveni has received is a photostat of the unauthenticated, scribbled, indecipherable notes of a village patwari. Collector Poonam Malakondiah has refused to give any interview to any adivasi representative.

Krishnaveni is on the run from village to village - evading the dragnet of the police. Police have filed seven cases against her, including for murder. Along with 20 other Koya women and 530 men, all except one, Koyas, she is charged with murdering a plains landlord far away from her village. Three of the cases are filed from distant villages, the usual ploy being to file a complaint against a few accused and a few hundred 'others'. All inconvenient people like Krishnaveni come under this comfortable category of 'others'.

On October 2, Krishnaveni's home was raided by 200 policemen led by the DSP himself. They smashed her TV set, poured kerosene into the rice and sugar rations, burnt the family's clothes, tore up the schoolbooks of her children and her Dwera records (Krishnaveni is the leader of the local Dwera group), asking for the *munda* who had the guts to approach higher authorities. No one else's house was touched.

What has this petite 35 year old woman done to have had her photographs blown up and pasted at all police stations and in town centres? She is happily married with two school-going children. As a rare Koya woman

- 31 -

having studied up to 5th standard, she was selected Dwera group leader in 1994. Since then there has been no looking back. When the adivasi unrest over the occupation of their lands by plains settler-landlords picked up momentum in 1995-96, her village Darbhagudem with 3.358.49 acre of land under non-tribals occupation was one of the first to engage with the issue.

Krishnaveni is full of hope. “The courts have ruled in our favour. The law is on our side. Our names are in the records. We have the courage to fight to the end. We will definitely and certainly win.” Such an expression of hope from the representative of a people who have been sidelined by all State institutions despite a plethora of protective legislations, by all political parties and by virtually all civil society organisations, is significant.

- Deccan Chronicle, Dt.16-11-2000

TRIBAL LAND IN TURMOIL

Payam Gangamma of Busarajupalli village of Buttayagudem mandal was one of the 114 tribals arrested in August last when a violent confrontation took place between tribals and non-tribals near her village. “We will go to jail again and again. We are not afraid any more”, she told Sunday Spotlight which toured the troubled mandals recently, after incarceration in Rajahmundry jail the neighboring East Godavari District.

Women who have been in forefront of the struggle have been particularly targeted by the police to demoralise them. They have beaten up, threatened with rape, abused in vile language, dragged out of their huts to be bundled into waiting police vans and dumped in the jail. Tellam Krishnaveni of Patachimalavarigudem was jailed for 22 days for standing up to the police. Police raided her house, took away Rs. 4015/- she had collected as leader of the self-help group of women sponsored by the central government, and beat her up black and blue. Mudiya Bangamma of Tatiakulagudem was wearing her sari after a bath when police barged in, dragged her half-dressed and dumped in a police van. In the melee, she cried out for a sari and a girl hearing her screams brought her a sari which she remained for a month in jail. A series of police

raids on tribals last month saw several villages empty as the tribals stated in fields and forests to escape the police wrath. Section 144 has been in force in the area for the past 15 months in view of the volatile situations.

- *Deccan Herald - Sunday Spotlight - May, 18th 1997 R.Akhileswari, Hyderabad.*

- 32 -

Latest Reports

A 'movement' for peace in agency

By Our Staff Reporter

ELURU, SEPT.29. In a bid to buy peace with adivasis, non-tribals have launched a 'bhoodan movement' in the agency villages of West Godavari district under the aegis of the police.

The movement seems to have all the trappings of the one promoted by Vinobha Bhave with an objective to bringing about 'parivartan' (change) among landlords. Even as the police claim that the movement was evoking good response from both tribals and non-tribals, the revenue authorities are questioning such gesture without going into the legal status of the lands being relinquished by non-tribals.

Meanwhile, the SP undertook a counseling by appealing to both adivasis and non-tribals to wean themselves away from internecine fights for land. In this connection, he offered to lift 66 cases involving nearly 300 people, mostly from the tribals. The nature of cases included attempt to murder, abduction of public servants etc.

Dharbhagudem seemed to have been chosen for counseling by the police for the reason that it was once an epicentre for a bloody land struggle, spearheaded by 'Shakti', a non-governmental organisation.

-The Hindu, September 30, 2002

- 33 -

METHODS

To deliver entitlement or right to land to the landless... the activist should be educated and motivated to obtain the following information from the field:

- { Those in possession of land without pattas
 - they should be given pattas.
- { Those who have pattas but are not in possession of land
 - they should be put in possession of land.
- { Land disputes before various Courts
 - these should be settled quickly.
- { Those who are enjoying land with benami titles
 - they should be evicted and landless poor should be put in possession with pattas.

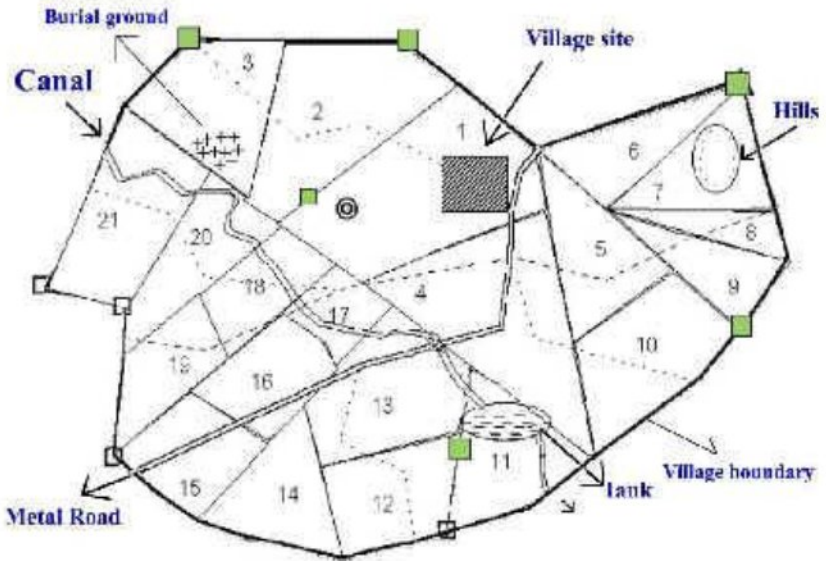
TOOLS FOR LAND SURVEY TRAINING

Revenue Village Map, Field Measurement Book, Resettlement Register, Adangal. Copying these records is a right of the people. Please do obtain copies.

- { **Recognise landmarks by Survey Numbers on the Village Map.**
- { **Compare this information against the official records.**
- { **Bring the differences, if any, to the notice of officials.**
- { **Pressure officials to clarify your doubts and to take appropriate action.**
- { **Identify the land which should be available for the poor.**

**TILL THE POOR GET THE LAND AND TITLES DUE TO THEM,
DON'T REST, AND DON'T ALLOW OFFICIALS TO REST!**

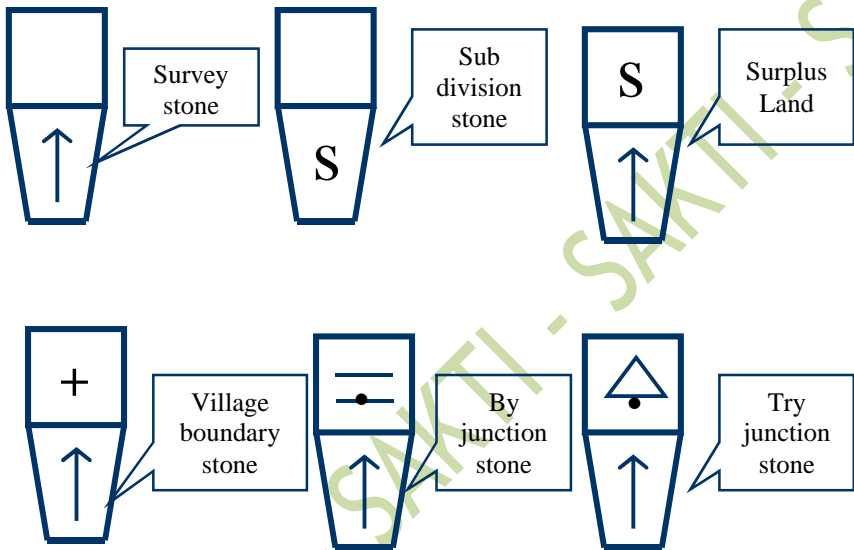
Tools – Village Map



A village map includes hamlet village also

Village maps are available with Assistant Director, Survey & Land Records in the District head quarters / Office of Deputy Director, Survey & land records, Hyderabad.

Tools : Survey Stones, vital landmarks



All State governments computerized the land records. But people are allowed only to obtain details of their own lands and access to total records of a village to is denied to identify and check the irregularities. All the land based development programmes i.e. watershed etc. are based on such mismanaged records. Government is denying compensation for those in possession of lands in the submergence area since their possession is not recorded. How does computerization help those poor fellows?!. How can e governance help the pattadar without possession if efforts are not made to put them in possession after evicting the encroachers !!.

The transfer of land i.e. registration is computerized. The consultancy firms Mckinsey & others advising the state governments to stand as guarantee for such transfers. Such guarantees in the absence of fool proof land records validated by informed and skilled public checking them periodically are vulnerable to litigation. The protracted litigation force the parties to seek the help of the 'powerful' to resolve the disputes. The parties are insecure surviving

- 36 -

High court allowed the proactive role of Sakti in pursuing the cases of land rights:

**Order in Writ Petition No: 22366 of 1996, 02-09-1996
SAKTI Vs. Settlement Officer,
Kovvur, West Godavari**

“In the view of the matter, I hold that the petitioner-organisation is entitled to represent the cause of the tribals wherever and whenever it is necessary for safeguarding the interests of the tribals. Accordingly, the respondent is directed to permit the petitioner-organisation to represent the cause of the tribals either individually or collectively. When the petitioner-organisation makes any submission or representation, the respondent shall take note of the name and decide the issue of granting of patta according to law keeping in view the representation of the petitioner. The respondent **shall also provide the necessary information to the petitioner-organisation relating to granting of pattas so as to protect the interests of the tribals.**”

“It is found that land issue is one of the “major areas where poor required lot of support and knowledge base. The whole approach is to build the capacities of poor to secure their rights and entitlements.”

- **Letter of CEO SERP engaging SAKTI to train barefoot land problem surveyors. Dt. 15-02-2002**

- ◆ The government is not changing the laws. It is allowing manipulation of (records) natural resources and depriving the poor
- ◆ So follow the rules to win the game.
- ◆ Understanding Land records, Forest working plans - wages notifications should become part of our school curriculum.

SUCCESS STORY OF TRIBAL LAND OCCUPANTS

By D.Chandra Bhaskar Rao

DAMMAPET(Khammam), Nov.2. The scenario is unusual of Telangana villages. The land lies verdant under the winter sun. The horticulture gardens and plantations stretch lushly on either side of the dusty roads. Dotted with tiny brick structures a majority of them being farm houses and pump houses, the area represents a model of success achieved by farmers.

The prosperity of the peasant community in Dammamet and Aswaraopet owed to a decade of peace and unfaltering progress. But most of the successful farmers happened to be non-tribals who have come from neighbouring districts. They migrated, as an official aptly puts it, almost lock, stock and barrel. They have hardly anything left in their ancestral places to look back to their roots.

Having started from the scratch, they involved deeply in the development of lands that were neglected by the tribals. Some obtained the lands on lease while others preferred on outright purchase. But it was all in violation of the scheduled area regulation. The lands were so cheap that the tribals sold them for a song. There were instances wherein the lands were traded off for milch-animals.

The cultivators of the lands included farmers from far-flung areas too. They improved the irrigation facilities. They changed the cropping pattern. But they failed to change the status of the land. The efforts made by them to legalise the land purchase cost them more than the value of the land. Many of them have obtained documents through questionable means. The moment validity of the documents is disproved, they would be subjected to eviction from the farms which they have nurtured so well and so long.

The tribals have been protesting against the occupation of their land by the non-tribes for quite some time. But it took years for them to come out with a serious demand for distribution of the occupied lands. They lacked the political support. "No political party, for that matter even the two communist parties that had been crying hoarse for land, had ever engaged an effective lawyer to plead for the tribes in the cases", pointed out a revenue official. The Government had done this.

He said all such parties had no right to interfere in the land issue. So far as the Congress-I is concerned, the leaders are divided on the issue of scheduled area lands. The local M.P. Mr. Nadendla Bhaskar Rao, supports the demand for an amendment to the scheduled area regulation 1/70. Such an amendment would help regularise the land deals effected in violation of the regulation.

But a former Minister Mr. Jalagam Prasada Rao, opposes such an amendment for his own reasons. He wants an amicable solution to the problem without displacing either the tribes or the non-tribes. But today neither the tribes or the non-tribes. But today neither the tribes nor the non-tribes could draw the support of Congress-I leaders as no leader was available locally. The CPI(M) which had for few years been trying to consolidate its position in the area could make little headway in the direction.

Failing to get local cadres for the special assignment of land agitation, the party had drafted cadres from Bhadrachalam and Khammam areas. Despite years of work, they still remained outsiders for the tribes of the Dammamet and Aswaraopet area. Their presence was hardly felt in the villages of tribal non-tribal conflict. **The SAKTI organisation enjoys a distinct advantage over other organisations in the area. It had only a few volunteers working on the land issue in the two mandals.**

But they all happened to be from among the tribes and continued to live with them. They could mobilise more support from the local people. Despite a split in the cadres of the organisation, the volunteers had all been working with one objective. The administration is happy with the fact that the volunteers of SAKTI are preoccupied with the survey of land and verification of documents' progress in the two mandals. Otherwhile, their disruptive potential could stall the process.

The administration is equally thankful to the local leadership of the ruling Telugu Desam Party, particularly the Minister for Major irrigation. Mr. Tummala Nageswara Rao, for giving a free hand to both revenue machinery and the law enforcing agencies in dealing with the land related cases. The Minister had so far been playing it safe by staying away from the cases wherein land alienation is warranted.

The stage has been set for the takeover of Government land from two important leaders who had been closely identified with the ruling party in the division. Both cases are likely to yield about 45 acres of land in Ranguvarigudem and Malkaram villages. The alienation is going to be effected with the tacit approval of those in power. About 250 to 300 acres would be made available for distribution in Dammamet mandal for distribution in the next round. The Minister was expected to distribute pattas for the land on November 4.

The administration had its own strategy for dealing with the land transfer regulation (LTR) cases. A total of 2274 cases, involving 9,197 acres of land, are pending in the district. Nearly, 160 of them are in the Agent's (district collector) court. In Dammamet and Aswaraopet mandals alone as much as 1083 acre of land is involved in the LTR cases.

- *The Hindu* 03-11-1998

- 40 -

Police release tribal leader

Tribals stage rasta roko in Achyutapuram in Khammam District.

By Our Staff Reporter:

Khammam, June 18. In a swift operation, police forces which reached the Achyutapuram village from all divisions of Khammam district early on Thursday, quelled the tribal protesters and secured the release of the Palvancha Revenue Divisional Officer, Ms.Suryakumari, and the Sub Divisional Police Officer of Sathupally, Mr.N.Venkateswara Rao who were held hostage in the protest camp throughout the night.

They also set free the tribal leader, Mr.S.Chandrasekhar who had for the last one week been in police custody. He was handed over to the protesters in the presence of the Superintendent of Police, Mr.P.S.R.Anjaneyulu. And other officials present on the spot around 5 a.m. They cleared the road traffic which was blocked for over 20 hours in the Rajahmundry-Aswraopet-Hyderabad highway.

The tribals, who were in a defiant mood, refused to give up the protest without a positive assurance from the district administration on their demand for distribution of Government land identified in the occupation of non-tribals. But the Superintendent of Police disallowed discussion on any issue other than the release of Mr.Chandrasekhar.

He assured the tribals to arrange a meeting with the officials concerned for a detailed discussion on the land related problems at Kodipandaladibba village on June 22. After repeated warnings, the police forces swung into action and made the tribals to leave the road point. Leaders of SAKTI, Mr.S.Venkateswalu, Mr.P.Ramesh, Mr.T.Jagadeeswar Rao, condemned the police action.

Describing it as an attempt to undermine the tribal rights which were sought to be safeguarded under Regulation 1/70, they questioned the need for meting out such rough treatment to the tribal leader. Mr.Chandrasekhar. The police have kept tab on the SAKTI activists in the area for the past three months. They arranged meetings between the tribal leaders and the district Minister in a bid to resolve the land issue.

Mr.Chandrasekhar, who was involved in mobilising the tribals on the land issue kept on avoiding the police. Annoyed by his disregard to their summons, the local police picked him up from his village and detained him at the district headquarters for questioning. As the police did not give them any information on his whereabouts, the tribals took recourse to agitation.

- 42 -

**District Administration allowed tribals to copy land records
and proposed village committees to participate in the
verification**

**MINUTES OF THE ALL POLITICAL PARTIES MEETING
HELD ON 12-2-99 KHAMMAM**

Present : Sri Mohd. Ali Rafatn, I.A.S.,
Joint Collector, Khammam.

A meeting with the above representatives of all Political Parties was convened on 12-2-1999. At the out-set, the Joint Collector emphasised the representatives of all Political parties about the Plan of Action going to be adopted, keeping in view the past experience, and also keeping in view the recent developments that have taken place in the Tribal and Non-tribal agitation in Dammapeta and Aswaraopeta Mandals. The representatives of Political parties were supplied the proposed Plan of Action to sort out the land disputes in Dammapeta and Aswaraopeta Mandals and requested to give suggestions for necessary modifications in the proposed action plan.

The Joint Collector also informed about the formation of District Level Committee, Mandal Level Committee and Village Level Committees, that are going to be formed and functions and powers of such committees. All the representatives were requested to furnish the names of the persons to be in Dist. Level Committee, Mandal Level Committee and Village Level Committees consist of only local level members for mandal and village Level committees respectfully.

It was also informed that Asst. Director, Survey and Land Records, Khammam was preparing the maps of Government lands along with details of encroachers. The details of encroachments on Govt. lands can also be verified from Mandal Revenue Officer's Office and these records will be kept in the minds of public or others.

The next District Level Review meeting is fixed tentatively on 25-2-98 and exact meeting date will be communicated shortly.

- 43 -

Commissioner Tribal Welfare instructed District Collector, Khammam to take over the FDC cashew plantations citing the judgement of High Court delivered in SAKTI case quashing mining leases

**GOVERNMENT OF ANDHRA PRADESH
TRIBAL WELFARE DEPARTMENT**

From Smt.M.Chayaratan, I.A.S.,
Commissioner of Tribal Welfare,
HYDERABAD 28.

To
The Disdtrict Collector,
Khammam.

Roc.No.1186/94/TRI/Rly.dt.19.5.1994.

The A.P.Forest Development Corporation Limited which is an undertaking of Government of Andhra Pradesh also consitutes a 'person' Since the A.P.Forest Developmetn Corporation Limited, is not expressly exempted from the operation of A.P.Scheduled Areas Land Transfer Regulation 1959. The provisions of Regulation 1 of 1959 will also apply to the operations of A.P. Forest Development Corporation Limited, in Scheduled Areas. In view of the definition of the immovable property under the said Regulation which includes standing crops the open auctions, of A.P. Forest Development Corporation Limited in which the right to collect and remove cashew usufruct from cashew plantations situated in Naramvarigudem village of Aswaraopet Mandal Situated in Scheduled area are null and void under Sectio 3(i) (a) of A.P. Scheduled Areas Land Transfer Regulation, 1959.

Commissioner of Tribal Welfare

“In scheduled area, Government can transfer land for public purpose.
Samatha vs. State of Andhra Pradesh, AIR 1997 SC 3297.”

- *Andhra Pradesh Forest Laws, Page No.387, 2nd Edition 2000-2001, Asia Law House – By A.Kishan.*

CM orders distribution of land of Sattupalli to tribals

By our Staff Reporter

The Chief Minister, Mr. N.Chandrababu Naidu, has ordered distribution of 1,600 acres of land at Sattupalli in Khammam district owned by the A.P.Forest Development Corporation to tribals immediately after acquiring it from a private party which is enjoying it on the strength of a lease deed.

Mr. Naidu was speaking to the Project Directors and Joint Collectors at a teleconference here on Friday. The Sattupalli land figured when the Project Director of Palwancha in Khammam district complained that the land was occupied by tribals in the area. The Chief Minister who appeared irked at the attitude of the officials, asked him to distribute the land to the girijans by cancelling the lease. He could launch legal proceedings if the situation so warranted, Mr. Naidu said, insisting on distribution through Vana Samarakshna Samitis.

- The Hindu, Saturday, June 12, 1999

CASHEWNUT PICKING

Contractors pip PWG, CPI in Chintalapudi

- Indian Express, April 14, 1993

Express News Service -

CHINTALAPUDI – With ban forcing the People's War Group Naxalites out of the scene and surprisingly the CPI disappearing, it was a contractors day. Both PWG and CPI have agitated for over six years for the poorman's right over collecting cashewnuts in the agency area.

The Forest Department reared these cashew groves with World Bank aid. As the cashew groves started giving yields, the contractors came forward and put highest bids for collecting them.

Meanwhile, the CPI also started participating in the agitation. Following a suggestion by the Forest Department it formed poormen's societies. They also collected some share capital from them. However, soon differences cropped up between the PWG and the CPI.

As the agitation has weakened, contractors once again entered the scene and bid for cashewnuts. Keeping in view the past experience, they sought police protection. In a nutshell, it was a victory for the district police force.

Government proposed to lease out the cashew plantations of FDC to weaker sections:

Government of Andhra Pradesh Energy, Forests, Environment, Science & Technology Department.

Memo.No.11997/For.III/92-1 dated: 29.5.1992

Sub:- Minutes of Inter Department Standing Official Committee Meeting held on 11.5.1992 – Communicated

The Managing Director, Scheduled Castes Corporation is requested to report on the discussions, he had with the Managing Director, Forest Development Corporation regarding the leasing of Cashew Gardens to the Scheduled Castes Members. (Action: Social Welfare Dept: M.D., S.C.Corpn.)

FUNDS TO BE POOLED FOR FOREST SCHEME : CM

From Our Staff Reporter

The Hindu - Feb 5 - 1997

Hyderabad - Funds from various schemes will be 'pooled' for implementation of State's ambitious Joint Forest Management (JFM) programme covering 35 lakh hectares of degraded forest land.

Addressing a press conference, the Chief Minister, Mr. N. Chandrababu Naidu, said on Sunday that the programme would be launched by him at Chintalapudi in West Godavari district on February 11.

The CPI leaders accompanied the Chief Minister and participated in the function held in Chintalapudi. But they did not draw the attention of the Chief Minister the struggle of the poor for the cashew gardens. Till date the auction of Cashew gardens to contractors is going on.

SUSTAINING AGRICULTURAL BIO-DIVERSITY OF VISAKHA TRIBES

BIODIVERSITY IN TREES & CROPS IN TRIBAL AREAS OF NORTH-EASTERN A.P.

BACKGROUND:

- Eastern ghats which are scattered hills are the habitat of 60 tribal communities, interspersed with distinct micro climatic and cultural niches.
- In the North East, the forests on the junction of Vishaka, East Godavari and Khammam districts still have a good cover and receive annual rainfall of 1600 mm and above.
- These forests are a major source of water, irrigating the east coast.
- The tribals of these uplands are predominantly shifting and terraced cultivators and hunters - gatherers.
- The tribals view the uplands of Visakha as six agro-climatic zones
 - a. Chaligudam (cold) or Puligudam (tigers)
 - b. Pasibayalu (yellow meadows)
 - c. Dorasi (food basket)
 - d. Arulla (two paddy crops)
 - e. Kotla (land of stones and primitive tribes)
 - f. Bayalu (open tracts descending towards lowlands)

TRADITIONAL SYSTEMS:

- Gingers, pineapples and beans are grown in all the zones. Mali tribe cultivates vegetables also.
- Panicum/Jowar/Bajra/Rice and Ragi gruel are staple foods.

- Shifting cultivation fields carry a variety of crops - panicum maize, korra, cowpea, wild chillies, jowar, red gram, pumpkins, gourds, water melon, white tubers etc.

- 46 -

- August onwards one crop each is harvested every month. The day of the harvest is celebrated as a festival.
- Collection of edible roots from forests is a regular activity for women. Beetroots, beans and tobacco for self consumption are grown in the homesteads.
- Villages are enveloped with trees like jack fruit, mango, tamarind etc.
- The months of May and June are named after mango.
- Thus, the traditional system not only makes tribal self sufficient, they are able to produce for the market also.
- The area is famous for PIPPALMODI, used by Pharmaceutical industry, Guttulaputta is a weekly market for these species. The turmeric is used in cosmetics and as such gets more price.

EROSION OF BIODIVERSITY:

- ◆ External pressure has resulted in the decimation of jack fruit trees which are in demand for their yellow colour wood preferred for interior decoration.
- ◆ Mango trees felled to supply raw material to plywood industry - few remaining trees felled to provide timber for housing colonies.
- ◆ *Caryota urens* - a fibrous tree providing sap for four months has become vulnerable to forest fires.
- ◆ Market for barks, gums and herbs is resulting in further destruction of forests.
- ◆ Government promoting species like cashew, cocoa, rubber, coffee, silver oak and pine in place of natural forest.
- ◆ Ryotwari settlement in 1970's has intensified felling of trees in private lands to bring it under cultivation.
- ◆ Rice consumption promoted by employers engaging tribals as labourers.
- ◆ Rice preferred by wage labourers because of less time required for cooking.
- ◆ Eating rice has gradually become a status symbol in tribal society.
- ◆ Paddy is being grown in stream beds. The trees on the stream banks are felled in the process leading to drying up the streams.
- ◆ Dryland paddy has replaced multiple dryland crops.

Nagarjuna Sagar - Srisaïlam Tiger Reserve

**Chenchu tribe living in and around the sanctuary
enrolled as voters**

CHENCHUS ENROLLED AS VOTERS FOR FIRST TIME

By D.Sreenivasulu.

KURNOOL, NOV. 17. Chenchus, the vanishing tribe of the Nallamala forest spread over five districts, have at last been enrolled as voters for the panchayat elections. They will exercise their franchise for the first time since Independence in the coming panchayat elections

The names of Chenchus living in 75 habitations of five districts do exist on the elections. But the names have mysteriously disappeared in the rolls of panchayat elections. Chenchus have been fighting for the basic voting right for the last fifty years.

In the absence of proper lobbying or failure to take the matter to courts, the issue has persisted. The general argument of revenue officials has been that the Chenchugudems, some of them are very small with a few dozen families, were not covered by any panchayat. Only a member of a panchayat could become a voter. On this ground, Chenchus had been deprived of their voting right till now.

The tribal interest groups moved the court and got an order in favour of Chenchus, in which the court directed the State Election Commission in April last to enrol Chenchus as voters in all villages. Even then, the revenue authorities did not take it up as a special drive but treated them as "inclusions" and asked the tribals to present their representations personally in Mandal Revenue Offices. Also, a condition was placed that the representations should not exceed five or six a day. These restrictions are applied in normal circumstances to avoid enrolment of bogus voters.

- 48 -

The groups supporting the Chenchus had tough time convincing the officials that this was a special drive and they should do it by deputing enumerators to Chenchu colonies. Finally, it was heeded to. **The revenue team that went to Nekkanti, Ponnalabayalu, Alatom, Guttalachenu and Nara Tadika in the deep forest had to spend five days there to finish the job.**

The exercise has been completed with an estimated 5,000 Chenchus being enrolled as voters. The integrated Tribal Development Agency at Srisailem and voluntary organisations have helped the revenue authorities in completing the job.

- *The Hindu, Saturday, November 18, 2000*

Forest Deptt. allowed commercial fishing in the Nagarjuna Sagar - Srisailem Tiger Reserve wild life Sanctuary

Vinod K. Agrawal, IAS.

*Office of the Commissioner
of Tribal Welfare*

D.O.Lr.No.TRI/LTR/1450/01, Dt: 5-1-02.

It has been represented to me that the chenchu tribals have been prevented from dropping fish seed in Rasul Cheruvu situated in the scheduled area of your district by one Fisherman Cooperative Society of Kondanagula.

I wish to draw your attention towards the provisions of A.P.S.A.L.T.R. which specifically prohibit any transfer of interest on any immovable property or its usufructs to the non tribals in the scheduled areas. This provision also applies to the government land and tanks in the scheduled areas and as such giving any right to any Fishermen Cooperative Society, not fully consisting of tribals, will be violative of the LTR.

I request you to please get the matter looked into immediately and **restore the right to the tribal over the said Rasul Cheruvu.**

Yours sincerely,
(VINOD AGRAWAL)

- 49 -

To

Sri K. Madhusudhana Rao, I.A.S., District Collector, MAHABOONAGAR.

Copy to Dr. P.Sivarama Krishna, SAKTI,

High Court restrained 'others' from entering the Rasul tank (Cheruvu)

**GOVERNMENT OF ANDHRA PRADESH
TRIBAL WELFARE DEPARTMENT**

From:

Sri P.Lakshmi Narayana, M.A., M.Phil.,

Director of Tribal Cultural Research

& Training Institute, Hyderabad.

Rc.No.3868/2000/TRI-CI, Dtd: 29-1-2002

Sir,

Sub: Certain Villages in the Scheduled areas of Mahabubnagar district –
notifying certain Tribal Villages / Hamlets as Separate revenue Villages
– Regarding.

Ref: Your letter dated:17-01-2002.

With reference to your letter cited, I am to inform that the issue of certain hamlets/villages of Lingala Mandal of Mahabubnagar district declaring them as revenue villages has been referred to the Commissioner of Land Revenue now., C.C.L.A. vide this Office D.O.Letter No.3868/91/C2, dated:8-7-1998. The report from C.C.L.A. is still awaited. However C.C.L.A. is being regularly reminded to expedite the issue.

Yours faithfully,

(Sd/-) P.LAKSHMINARAYANA, DIRECTOR, T.R.I.

“High Court directed to pass appropriate orders preferably within a period of three months.”

Check the Globalisation of natural resources by

- I. (a) Training people in understanding land survey & records.
(b) Identifying the illegal occupations
(c) Supporting them to grab illegal encroachments.
- II. (a) Training the poor in forest management principles to check the violations
(b) Supporting them to plant usufruct yielding trees in the 'forest' areas.
- III. Insist minimum wages:
- IV. Train the women to argue their cases in the local courts.
- V. Help the traditional agricultural bio-diversity practices to provide sufficient income to the poor to meet the growing demands.
- VI. Management of sanctuaries with traditional knowledge systems.

**Empower the poor to check the lapses then and there
-This is the grassroot level advocacy pursued by SAKTI**

“Mahbub and Gulhati’s hope that farmers would use the knowledge contained in their book to check whether the government managers provide sufficient water to their outlets therefore must remain an idle hope”. *Page No. 306*

“Mahbub, S.I. and N.D.Gulhati. 1951. *Irrigation outlets*. (Revised and enlarged by N.D.Gulhati. Atma Rau & Son, Delhi”. Page No. 425.

– *On the Waterfront, Peter P.Mollinga, Orient Longman 2003.*

“Policy prescriptions in the field of irrigation management usually put their trust in formal organisational structures formal forums of accounting or formal financial structures”.

– *Water, Works and Wages, Joost Oorthuizen, Orient Longman, 2003, Page No. 15.*

Hello !

BIO-DIVERSITY – FOOD SECURITY GROUPS !!

How you can ensure?

- ➔ Food security – with out equity on natural resources.
- ➔ Without implementation of land reforms
- ➔ Without protecting the rights of poor in forests
- ➔ Without popularising traditional knowledge as management tool in the wild life sanctuaries and national parks.

Hello !

JFM & EDC Partners!!

Where are you?

- ☞ **JFM without minimum wages**
- ☞ **JFM did not check Forest Department policies facilitating smuggling**
- ☞ **JFM did not insist institutionalisation of MoEF guidelines – and proper functioning state wild life advisory boards.**

Hello!

GREAT ADVOCACY GROUPS!!

- ☞ Work more with people in the field
- ☞ Break the monopoly of state controlling the information systems of NRM
- ☞ Train the poor in handling the information on natural resources of the state to their advantage

“The British were willing to accept the complaints against the subordinate officials but not against the rules themselves..... (– Standen, Confidential No.60). [B.P.Standen, Chief Sec. To CC CP 1910].

They wanted one person in every household to read and write so that they could explain rules to the rest.” – Debrett, Confidential no.4417. (Officer of Special Duty, Bastar state 1910)

- Page No. 148 & 149; Subalterns and Sovereigns .
An anthropological History of Bastar, 1854 – 1996 Nandini Sundar, Oxford
University Press 1997

The government is not changing the laws or rules. It is allowing manipulation of records to deprive the poor. So we have to follow the rules to win the game. Understanding land records, Forest working plans – wages notifications, identification of families below poverty line, the functions, schemes at mandal / Taluk and district level should become part of our school curriculum. Government is spending money in capacity building of the poor. A new generation would have emerged had the understanding of these delivery system been included in the school curriculum.

“SAKTI’s strength has been a through understanding of administrative and legal procedures, which it has used to ensure that tribals derive due and effectual benefits from the law.”

-Oxfam ‘Cyclones in A.P.’ April 2000.

- ◆ In 1987 officials allowed SAKTI to copy the land records.
- ◆ In 1997 officials agreed to distribute the land records to tribals.
- ◆ In 1997 High Court allowed locusstandi of SAKTI in court adjudicating land rights.
- ◆ In 2001 SERP (Society for Elimination of Rural Poverty) engaged SAKTI to train the poor in understanding the land records and identify their problems.

Organising the tribal producers in the market palces:

“Dhramkatha as a symbol of Justice:

The tribals sell minor forest products found in hills at weekly open market organised mostly in downhill at plains. They buy items like, matchboxes, salt, soap and cloths. Unfortunately, they arc being cheated while weighing their products. SAKTI invested in buying a Dharamkatha. a big weighing balance and installed in the prime centres where the weekly markets was organised. The tribals can make use of the facility and weigh their produce free of cost. A staff member of SAKTI would be there through out the day to facilitate the weighing process. They noted down the exact weight on a white paper slip and gave it to the person so that the person can properly valuate the produce. The traders did not mind the installation of Dharmakatha at the beginning. When the tribals started selling only when they get their produce weighed at the Darmakatha, the resistance between non-tribals and SAKTI began to some extent.

The presence of SAKTI staff made a difference in procuring the minimum guaranteed price. The traders started showing their tactics. They get united and reduced buying price. SAKTI intervened and fight for the fair prices together with tribals. The traders bribed the police and Weights and Measures Officers and complained against SAKTI. They questioned the role of SAKTI in installing the balance. They threatened the staff. SAKTI approached higher officials and clarified their role as a catalyst involved in the issue of justice. The higher officials extended their support immediately. Even then, the friction continued in many other forms. The outcome of the whole friction is that the tribals became aware about their innocence and the way they were being cheated when they lack information about weight of their product. Their belief and strength to fight for injustice have increased. Even today the tribals use “Checkingkata” if they want to sell their produce. If not available they think twice to sell. Thus the organisation entered into the game of conflict by introducing Dharmakatha, a symbol of justice to alert the innocence.

- A process documentation study on land rights struggles of SAKTI, N.Balaraju, April 2003,

Annexures:

S. RAY, I.A.S,
PRINCIPAL SECRETARY
TO GOVERNMENT

SOCIAL WELFARE DEPARTMENT
SECRETARIAT BUILDING
HYDERABAD – 500 022
PHONES – 234919(OFFICE)

DATED 05-12-1997

Please find copy of the minutes of the meeting held in my chambers on 22-10-1997 at 4.00 P.M.regarding modalities of the verification process to be carried out in the agency area of West Godavari District. Also, the guidelines for verification of title and possession of land in West Godavari Agency areas is also enclosed herewith Action may please be taken as per the minutes and guidelines mentioned above.

Yours sincerely,

Sd/-

To

Smt.Vasudha Mishra, I.A.S.,
Collector and Dist.Magistrate,
West Godavari Dist, Eluru.

Copy to

Principal Secretary to Government, Revenue Department,
Commissioner of Tribal Welfare, A.P.Hyderabad,
Project Officer, ITDA, K.R.Puram.

MINUTES OF THE MEETING ON CONDUCT OF SURVEY

A meeting to discuss the modalities of the verification process to be carried out in the agency area of West Godavari District was convened on 22nd October, 1997 at 4.00 PM in the chambers of the Principal Secretary (SW), Government of A.P., Hyderabad.

The following members attended the meeting:

- I. Sri S.Ray, IAS, Principal Secretary to Government, Social Welfare Department
- II. Sri J.Rambabu, IAS Principal Secretary to Government, Revenue Department
- III. Sri G.Sudhir, IAS, Secretary to Government, Revenue
- IV. Sri T.S.Apparao, IAS, Commissioner of Tribal Welfare
- V. Sri Anil Kumar Singhal, Project Officer, ITDA, K.R.Puram, W.G.Dist.
- VI. Dr.Sivaramakrishna from SAKTI.

The Principal Secretary (SW) opened the discussions by describing the purpose of the meeting. He invited Mr.Sivaramakrishna to express his opinion on the conduct of verification work. Sivaramakrishna opined that his organisation had partial information which could be supplementary to the official record and the main responsibility of providing information had to be shouldered by the Government. He agreed, in general, with the paper presented by the Project Officer, ITDA.

Then Project Officer, ITDA described the salient features of the paper submitted by him. The Commissioner of Tribal Welfare desired to know the reasons for not carrying out this process earlier. The Project Officer explained that it was staired in some villages but as soon as tribals realise that not much land is going to come into their hands, they stop the survey saying their representatives were not present. He pointed out that SAKTI, because of its legal and other internal problems, could not really concentrate on the survey work.

The members deliberated at length as to how to handle a situation where no land might actually come to tribals in a particular village. The Principal Secretary, Revenue desired that it should not become a mere justification exercise for the possession of land by non-tribals.

It was decided that SAKTI shall immediately start preparing the tribals for the verification process and mentally tune them to the possibilities of no land actually coming to the tribals.

On the opinion expressed by the Principal Secretary, Revenue, it was also decided that if adequate extent of land was not available to satisfy the tribals, the Project Officer, with cooperation from SAKTI, shall prepare an alternative plan of support including formation of V.S.S. and economic support schemes. It was also decided to use the option of land purchase only as a last resort. On a suggestion by the Commissioner of Tribal Welfare, that sufficient funds might not be available for more than 20-25 villages to cater to needs of all tribals, both the Principal Secretaries expressed confidence that the Government can be convinced to consider release of funds as a special case, if required. Any way, since land disputes are in about 35 villages, the existing funds may itself suffice.

Finally it was decided that Project Officer shall write, along with Sivaramakrishna, a note incorporating all the issues discussed in the meeting, specifying the role of all officials/non-officials for perusal of the Principal Secretary, Social Welfare

The Principal Secretary, Social Welfare thanked every body for attending the meeting.

Sd/- S.Ray

PRINCIPAL SECRETARY TO GOVERNMENT

GUIDELIENS FOR VERIFICATION OF TITLE AND POSSESSION OF LAND IN WEST GODAVARI AREA

The Collector shall conduct a district level meeting with all the parties and organisations and explain to them the modalities of the verification work and take their written consent for total cooperation and willingness to abide by the outcome of the verification work.

Following are the guidelines to be followed by the officials, non-officials and non-governmental organisations working in the agency area for the conduct of the verification of titles and possession of lands in the agency area:

1. The organisation concerned shall hold intensive discussions with the tribals and explain to them the kind of verification work that shall be carried out and its strategy and the possibility of the lands coming into their possession and the time frame within which these lands can come into their possession. They shall take specific care to ensure that the tribals are mentally prepared to accept the fact that no or very little lands might actually come from non-tribals into their possession in certain villages.
2. Meanwhile, representatives of the organisation, representatives of the tribals, 2 or 3 Deputy Tahsildars from among the Survey Staff, sufficient number of Surveyors and, if required, Sub Collector himself shall either in the MRO's office or in the Project Officer's office shall obtain all possible information and prepare the following lists relating to verification work.
 - (I) They shall obtain a map of the village and shade in different colours the lands belonging to tribals and non-tribals as per 1933 RSR and keep blank the lands which are assessed waste or Poramboke.
 - (II) The Project Officer, ITDA has already computerised the list of all the beneficiaries who have been assigned Government lands since 1933. This can also be shaded in a third colour.
 - (III) The list of 1473 judgements pronounced till today by the Special Deputy Collector (Tribal Welfare) in favour of Government of tribals is already computerised. In some cases, filed verification has been completed by the Mandal Revenue Officer. The NGOs concerned also have specific information relating to the present stage of cases. All these information

can be compiled and a list of the stage of the cases based on office record should be prepared.

- (IV) Information relating to land ceiling cases should be obtained from Mandal Revenue Officer's office and in some cases from the ARDO (LR), Eluru.
- (V) The list of post – 1970 registrations is already obtained from the sub Registrar's Office.
- (VI) The list of occupants of poramboke land should be prepared as per the possession recorded in adangal.

1. After informing both the tribals and non-tribals by a beat of tom-tom in the village, the survey team along with representatives of NGOs or the political party concerned shall go to the village along with these lists and the 1933 RSR and the latest adangal. They shall hand over the copies of adangal and 1933 RSR and other lists to the villagers. They shall also question each non-tribal who has come into possession of the lands after 1933 as to his claim over the land. The tribals shall be asked if they have any objections regarding the claim of the non-tribals. Some of the non-tribals may require some time to furnish the documents. Similarly, the tribals may also require time to study the records and to list out their objections. Thus, after the first meeting, a week's time may be given for both the parties and a second meeting can be held. Similarly, the information as to the latest stage of the LTR cases can be obtained from the non-tribals by asking them to produce proof of any stay order or other judgements that they have in their possession. The list of all tribals who have been assigned Government lands can be read out to ascertain whether they are in possession of the lands or not. The Sub Collector, the Mandal Revenue Officer, the Survey DTs, the Special Deputy Collector (Tribal Welfare), and the representatives of the concerned organisations should participate in this meeting.
2. In the second meeting, all the objections raised by the tribals should be taken into consideration as also the proof of titles produced by the non-tribals and the following lists can be prepared:
 - (I) The list of irregular assignments, which should be cancelled and fresh assignments made by the Sub Collector within 3 weeks.

- (II) The list of Government lands, which are either in possession of non-tribals or unassigned, to be assigned to the tribals within one week.
- (III) The list of LTR cases to be filed before the Special Deputy Collector to be disposed off by him preferably within 3 months.
- (IV) The list of cases which are pending before the Government or High Court which shall be pursued by the Project Officer, ITDA by appointing advocates at Hyderabad.
- (V) The list of land ceiling and benami cases regarding which the tribals shall furnish specific information and which shall be filed before the concerned authorities within a period of 2 weeks.
- (VI) The list of clear patta lands of both tribals and non-tribals which shall be respected by everybody.

1. Wherever it is found that sufficient land does not exist to satisfy the tribals, the organisation concerned and the Project Officer, ITDA shall identify suitable schemes like formation of Vna Samrakshna Samithis and Economic Support Schemes to provide relief to the landless.
2. The District Collector shall provide sufficient number of competent Deputy Tahsildars and Surveyors and other staff as required to facilitate smooth conduct of the verification and survey work.
3. In villages where the tribals have occupied lands belonging to Scheduled castes which are without pattas, the Collector shall make arrangements to rehabilitate them by providing lands under SC land Purchase Scheme and houses under IAY, outside the agency area.
4. To create confidence amongst the tribals and a cordial atmosphere for survey and as already discussed in the Cabinet Sub Committee meeting, petty cases against the tribals shall be listed and action taken to withdraw those cases.
5. After completion of a village, a joint press statement shall be issued by the Sub Collector and the concerned organisation as to the outcome of the survey. A copy of the final lists prepared shall be furnished to the Project Officer for computerisation and reporting to the Commissioner of Tribal Welfare.
6. In order to avoid any complications, the villages shall be selected alphabetically in the mandal (or as suggested by the NGO/political parties).

7. A copy of the adangal and 1933 RSR/fair adangal shall be furnished to all villages sufficiently in advance.

Sd/- S.Ray

PRINCIPAL SECRETARY TO
GOVERNMENT

**GUIDELINES FOR VERIFICATION OF TITLE AND POSSESSION OF
LAND IN WEST GODAVARI AGENCY AREA
(vide D.O.Lr.No.9514/LTR.1/99, dated 13-8-2001**

><<<

Part of West Godavari District is an agency area notified under the Constitution. Administration in that area is regulated Regulation 1959. In recent times a large number of disputes have arisen between tribals and non-tribals leading to a very disturbing law and order situation. The matter engaged the attention of the High Court in W.P.No.7916/97 in which harassment of tribals was alleged. A learned single Judge of the High Court initially granted some interim orders. During the pendency of the writ petition the problem was examined. Government felt that the problem, which has several facets, requires a multi-pronged approach. The following objectives were sought to be achieved through issuance of appropriate instructions to the concerned authorities.

- A). Enlisting the cooperation of political parties and others in setting the problems amicably;
- B) By educating through appropriate information the agitating tribals about the scope of their legal rights;
- C) By a comprehensive analysis of the existing judicial adjudications; and
- D) The ascertainment through inquiry and study of title deeds and documents of the respective rights of tribals and non-tribals.

Since the ordinary machinery of judicial adjudication was also not able to cope with the problem, Government after consideration of various matters as mentioned above, issued certain guidelines to the Collector to facilitate the amicable resolution of these disputes with the assistance and aid of local leaders etc. The Writ Petition was finally disposed of by the learned single judge with certain elaborate directions. A writ was filed by interested parties in W.A.No.244/2000 against the order. The single judge's judgement was initially stayed. The work in accordance with the guidelines proceeded for some months. Later the survey and title verification work was stopped due to withdrawal of clarification issued by the Government in this case in response to contempt notice to the Secretary (TW) to Government and

Collector West Godavari. The writ appeal was finally allowed on 27-04-2001. The judgement of the single judge was completely set aside.

After examination of the entire judicial proceedings Government has been advised that by reason of the appellate judgement the directions of the single Judge ceased to exist and there is no impediment to the State Government proceeding to amicably resolve the disputes between the tribals and non-tribals in accordance with the guidelines formulated by it. Accordingly these orders are being issued for the aforesaid purpose. The proceedings undertaken pursuant to the guidelines earlier formulated will continue and be completed. Where legal procedures have to be initiated under the relevant laws on the basis of the enquiries made and information gathered already those proceedings may be instituted.

The Collector shall conduct a district level meeting with all the parties and organisations and explain to them the modalities of the verification work and take their written consent for total cooperation and willingness to abide by the outcome of the verification work.

Following are the guidelines to be followed by the officials, non-officials and non-governmental organisations working in the agency area for the conduct of the verification of titles and possession of lands in the agency area:

3. The organisation concerned shall hold intensive discussions with the tribals and explain to them the kind of verification work that shall be carried out and its strategy and the possibility of the lands coming into their possession and the time frame within which these lands can come into their possession. They shall take specific care to ensure that the tribals are mentally prepared to accept the fact that no or very little lands might actually come from non-tribals into their possession in certain villages.
4. Meanwhile, representatives of the organisation, representatives of the tribals, 2 or 3 Deputy Tahsildars from among the Survey Staff, sufficient number of Surveyors and, if required, Sub Collector himself shall either in the MRO's office or in the Project Officer's office shall obtain all possible information and prepare the following lists relating to verification work.

- (VII) They shall obtain a map of the village and shade in different colours the lands belonging to tribals and non-tribals as per 1933 RSR and keep blank the lands which are assessed waste or Poramboke.
- (VIII) The Project Officer, ITDA has already computerised the list of all the beneficiaries who have been assigned Government lands since 1933. This can also be shaded in a third colour.
- (IX) The list of 1473 judgements pronounced till today by the Special Deputy Collector (Tribal Welfare) in favour of Government of tribals is already computerised. In some cases, filed verification has been completed by the Mandal Revenue Officer. The NGOs concerned also have specific information relating to the present stage of cases. All these information can be compiled and a list of the stage of the cases based on office record should be prepared.
- (X) Information relating to land ceiling cases should be obtained from Mandal Revenue Officer's office and in some cases from the ARDO (LR), Eluru.
- (XI) The list of post – 1970 registrations is already obtained from the sub Registrar's Office.
- (XII) The list of occupants of poramboke land should be prepared as per the possession recorded in adangal.

3. After informing both the tribals and non-tribals by a beat of tom-tom in the village, the survey team along with representatives of NGOs or the political party concerned shall go to the village along with these lists and the 1933 RSR and the latest adangal. They shall hand over the copies of adangal and 1933 RSR and other lists to the villagers. They shall also question each non-tribal who has come into possession of the lands after 1933 as to his claim over the land. The tribals shall be asked if they have any objections regarding the claim of the non-tribals. Some of the non-tribals may require some time to furnish the documents. Similarly, the tribals may also require time to study the records and to list out their objections. Thus, after the first meeting, a week's time may be given for both the parties and a second meeting can be held. Similarly, the information as to the latest stage of the LTR cases can be obtained from the non-tribals by asking them to produce proof of any stay order or other judgements that they have in their possession. The list of all tribals who have been assigned Government

lands can be read out to ascertain whether they are in possession of the lands or not. The Sub Collector, the Mandal Revenue Officer, the Survey DTs, the Special Deputy Collector (Tribal Welfare), and the representatives of the concerned organisations should participate in this meeting.

4. In the second meeting, all the objections raised by the tribals should be taken into consideration as also the proof of titles produced by the non-tribals and the following lists can be prepared:
 - (VII) The list of irregular assignments, which should be cancelled and fresh assignments made by the Sub Collector within 3 weeks.
 - (VIII) The list of Government lands, which are either in possession of non-tribals or unassigned, to be assigned to the tribals within one week.
 - (IX) The list of LTR cases to be filed before the Special Deputy Collector to be disposed off by him preferably within 3 months.
 - (X) The list of cases which are pending before the Government or High Court which shall be pursued by the Project Officer, ITDA by appointing advocates at Hyderabad.
 - (XI) The list of land ceiling and benami cases regarding which the tribals shall furnish specific information and which shall be filed before the concerned authorities within a period of 2 weeks.
 - (XII) The list of clear patta lands of both tribals and non-tribals which shall be respected by everybody.
8. Wherever it is found that sufficient land does not exist to satisfy the tribals, the organisation concerned and the Project Officer, ITDA shall identify suitable schemes like formation of Vna Samrakshna Samithis and Economic Support Schemes to provide relief to the landless.
9. The District Collector shall provide sufficient number of competent Deputy Tahsildars and Surveyors and other staff as required to facilitate smooth conduct of the verification and survey work.
10. In villages where the tribals have occupied lands belonging to Scheduled castes which are without pattas, the Collector shall make arrangements to rehabilitate them by providing lands under SC land Purchase Scheme and houses under IAY, outside the agency area.

11. To create confidence amongst the tribals and a cordial atmosphere for survey and as already discussed in the Cabinet Sub Committee meeting, petty cases against the tribals shall be listed and action taken to withdraw those cases.
12. After completion of a village, a joint press statement shall be issued by the Sub Collector and the concerned organisation as to the outcome of the survey. A copy of the final lists prepared shall be furnished to the Project Officer for computerisation and reporting to the Commissioner of Tribal Welfare.
13. In order to avoid any complications, the villages shall be selected alphabetically in the mandal (or as suggested by the NGO/political parties).
14. A copy of the adangal and 1933 RSR/fair adangal shall be furnished to all villages sufficiently in advance.

Sd/- C.R.BISWAL

PRINCIPAL SECRETARY TO
GOVERNMENT