

SURAMPALEM ISSUE

INTRODUCTION:

East Godavari district is situated on the North-East of Andhra Pradesh [16°-30° and 18°-20° of the northern latitude and 81°-30° and 82°-36° of the eastern longitude]. It has an area of 10807 sq.km. The district is bounded on the north by Visakhapatnam district and the state of Orissa, on the east by Bay of Bengal on the south and on the west by West Godavari and Khammam districts. It is divided into three natural zones – The Delta, Upland and The Agency Tract.

The main soils in the district are red soils, sandy loams and sandy clay.

In Upland Agency area – There are Red loamy soils.

In Godavari Delta area – There are alluvial soils.

At Tail end region of Godavari – There are Sandy clay soils.

The maximum temperature is 37.8°C [April – June]. The normal rainfall of the district is 1159mm. East Godavari is one of the most populated districts in the state. The noteworthy feature of East Godavari district is the presence of Mangroove forests in Koringa, Bhairavapalem, and Balusuthippa areas near Kakinada. It has a coastal line of 144kms with a natural port at Kakinada. The main rivers of the district are Godavari, Yeleru and Pampa. The valuable forest products are Timber and Bamboos.

As per the 1991 census, the population was 45.42 lakhs. The density of the population was 420/sq.km.

East Godavari district population – 45,41,306 [1991 census]

East Godavari district ST population – 1,43,422 [1981 census]

East Godavari district SC population – 6,51,457 [1981 census]

The total live stock population of the district was 10.46 lakhs accounting for 3.35% of the total livestock population of the state. The total forest area in the East Godavari district is 2,850 sq.km and this works out to 26.4% of the total geographical area of the district. The four types of forests found in the district are:

- A) Southern tropical dry deciduous forests.
- B) Southern tropical moist deciduous forests.

- C) Southern tropical thorn forests.
 D) Moist tropical forests. [Beach forests and Mangroove forests}

The main groups of tribals found in East Godavari district are Koyas, Konda Reddi, Konda kapu, Kammara, Konda Dora, and Valmiki. There are different dialects spoken by these people. Mainly they speak Telugu.

East Godavari district consists of seven mandals –

Rampachodavaram, Maredumalli, Addateegala, Y.Ramavaram, Rajavommangi, Devipatnam and Gangavaram.

The district stands first in the cultivation of Coconut and Bananas. Out of the total production of banana and coconuts in the state, 36% to 57% of the production is from the district. The net area cultivated with crops is about 41% of the total geographical area of the district. Paddy forms 65.5% of the total area with an average yield of 2759kg/hectare. The important minerals found in this area are Bauxite, Clay, Graphite, Tungsten ore, Natural gas and Oil.

Gangavaram Mandal:

Demography of the tribals in Gangavaram mandal:

Gangavaram belongs to East Godavari district, Andhra Pradesh.

AREA:

The area in sq.km = 411.23

Number of villages = 60

Uninhabited = 7

Inhabitated = 53

POPULATION:

Total population = 22,791 [1991 census]

Density of population = 55sq.km

Total SC and ST population = 22,791

SC population = 1463

ST population = 15,011

AGRICULTURE:

Geographical Area = 151574 acres

Forest area = 100814 acres

Percentage in total land = 66.5%

Barren and uncultivable land = 11016 acres

Land put to non-agri-use = 6615 acres

Permanent pastures/grasslands = 7492 acres

Annual rainfall = 1261 mm (normal)

Main Tribal group seen in this mandal:

KONDA DORA

Their population according to 1961 census was 86,911 and it increased to 1,01,556 in 1971 census and 1,39,238 in 1981 census.

Konda Dora's have their own dialect called Kubi. But now very few speak their language. Most of them now speak Telugu. They are basically agriculturists. They resort to 'PODU' cultivation. They also collect and sell minor forest produce.

Livelihood:

The tribals living in the hilly forest areas of the district depend on various forest products. They cultivate their food grains [millets, cereals, vegetables, pulses and other dry crops sometimes rice] along the valley and hill slopes surrounding their villages. They usually follow the shifting method of cultivation called in Konda Telugu as '**PODU**'. Podu is of two types:

- a) 'Kondapodu' – Done on hill slopes.
- b) 'Chelkapodu' – Done in plain jungle clearings and on flat lands.

The tribes present in Gangavaram mandal mainly practice '**Chelkapodu**'.

Traditionally, the tribals prepare a kind of porridge with corn and finger millet. The seeds of corn are pounded and soaked in water over night and is mixed with grains of finger millets. The porridge once prepared will last for two days, which is usually stored in the fruits of "**Lagenaria ciseraria**". This porridge serves as staple food for these people from June onwards till the next crop comes. Other millets like common millet, foxtail millet are consumed after steaming and seasoning or like rice. Generally paddy, tobacco [white barley variety], cotton, tapioca and maize crops are raised in these areas.

Crops cultivated:

On Hills: Sorghum, maize, little millet, finger millet, red gram, Italian millet, paddy, Rosella plant [Gongura], Okra [konda bendi], tomato, bottle gourd, pumpkin, Bobbarlu.

On Plains: Paddy

Vegetables and Fruits: Pumpkin, Ridge gourd, Beans, Coccinia, Chilly, Colocasia, Citrus species, Papaya, Jackfruit, Wild mango, Bullock's heart.

SEED STORAGE:

Seeds are usually stored in the fruits of 'Lagenaria ciseraria' and also in the leafy granary made out of leaves of 'Bauhinia vahlii'.

PROJECT DETAILS OF SURAMPALEM RESERVOIR:**Location and Nature:**

The project envisages construction of a new reservoir across Buradakalva near Surampalem village, about 42km away from Rajahmundry, Gangavaram mandal, East Godavari district. The catchment area at the site is 109 sq.km/42.58 sq.miles and the yield proposed to be utilised is 0.734 TMC to irrigate an ayacut of 4739 Ha Khariff and 1466 Ha Rabbi.

The **Surampalem project** is a **medium Irrigation project** located on a local hill stream "Buradakalva". The government has taken up a project for the construction of Surampalem Reservoir with the aid of **NABARD**, which is a time, bound project [3 years]. The scheme is taken up for the execution with loan assistance of Rs.4437.68 lakhs from NABARD. The project site is situated in Agency tract and is suitable for storage of water where the rainwater can be stored in between two hillocks.

The Salient Features Of the Project Are:1. ***HEAD WORKS:***

- A. Earth dam of length 0.6825km
- B. Spillway regulator of 3 vents of 12m × 6m.

2. CANALS:

- A. Main canal of length 40.30km.
- B. Distributaries and minors.
- C. Field channels.

The total extent of land required is 747.98 acres. Out of this,

Government Poramboke land = 343.77 acres

Patta land = 404.21 acres

The village wise land acquisition details are as follows:

S.No	Village	Total extent required	Government land	Patta land
1	DONALAPALLI	443.97	217.71	226.26
2	KOTHADA	239.52	106.60	132.92
3	SURAMPALEM	64.49	19.46	45.03
	TOTAL IN Acres	747.98	343.77	404.21

There is an enormous irrigation potential in Buradakalva basin located in the agency tracts of East Godavari district. But there is no assured water supply to the upland areas and the agency tract. These areas were also subjected to heavy floods frequently during the monsoon. Hence, this scheme was formulated for optimum utilization of the available water resources for socio-economic upliftment of the people of the area.

The project will provide irrigation facilities to an extent of 15,482 acres in four mandals apart from providing drinking water facilities to 19 villages. The ayacut benefited in the tribal area is 3466.511 acres lying in 9 villages of Gangavaram mandal and 10 villages in drought prone upland mandals of Gokavaram, Korukonda and Rajanagaram, in addition to the provision of drinking water in the enroute tribal habitations.

SITE AREA:

The present site location of Buradakalva project has been selected so as to connect the existing hillock on the right flank, with the high margins of the ground on the left side by the means of an earthen dam. This was found to be favorable because it provides maximum catchment in that vicinity with minimum submersion. This site was also found favorable for locating the spillway regulator at a lesser cost, as good foundations were available there.

Any site on the upstream would not yield the required quantities of water while any site below the present one would increase the submergible area.

Aiming at an overall development of the backward area, this scheme is formulated and has been taken up after getting administrative approval from the government of Andhra Pradesh. After appraisal of the techno - economical features of the scheme, NABARD, agreed to extend financial assistance of Rs.44.38 crores to the project.

PROBLEM:

Implications Of Project To Tribals:

Due to the construction of the reservoir, two tribal villages namely Donelapalli and Kothada will be coming under submersion, affecting 109 houses [62 families residing in 50 houses in Donelapalli village and 166 families residing in 144 thatched houses, 22 tiled houses of Kothada will be affected]. An extent of 45.03 acres of agricultural land belonging to the villagers of Surampalem village will be submerged. Out of the 166 families living in Kothada, 67 families will be affected due to submersion on impounding of water in Feb. 2003 and the remaining 99 families who are residing on the banks of Buradakalva may also be affected, due to the proximity to the level of submergence at FRL level. So these people had to be rehabilitated. It was proposed to rehabilitate the villagers of Donelapalli and Kothada whose houses will be submerged. They will be rehabilitated in S.No.17 of Chinagarlapadu village of Gangavaram mandal. Due to the construction of this dam, that is the Surampalem reservoir, 25% of the beneficiaries would be availed by the tribals. This indirectly refers, that remaining 75% advantage would be to the non-tribals. The tribals would be badly affected due to this project.

The details of the land under acquisition:

Head works and Foreshore Submersion:

Name of the mandal	Name of the village	Extent notified for acquisition [acres]	Total no. Of land losers				Dt.of issue of 4(1) notification
			Tribal		Non tribals		
			No.	Extent [Acres]	No.	Extent [Acres]	
Gangavaram	Surampalem	45.03	14	45.03	-	-	15-11-2000
Gangavaram	Donelapalli	226.26	48	178.67	4	47.59	04-01-2001
Gangavaram	Donelapalli	2.20	-	1.97	-	0.23	31-07-2001
Gangavaram	Kothada	132.92	48	105.48	3	27.44	06-08-2001
	TOTAL	406.41	110	331.15	7	75.26	

Canal Purpose:

Name of the mandal	Name of the village	Extent notified for acquisition [acres]	Total no.of land losers				Dt.of issue of 4(1) notification
			Tribal		Nontribals		
			No.	Extent [Acres]	No.	Extent [Acres]	
Gangavaram	Chinagarlapadu	18.14	5	15.80	2	2.34	03-10-2001
Gangavaram	Surampalem	36.73	37	34.29	2	2.44	03-10-2001
	TOTAL	54.87	42	50.09	4	4.78	

Affected Households and Population:

S.No	Name of settlement	No.of House holds	Population			Population +18
			Male	Female	Total	
1	Donelapalli *	52	93	124	217	4
2	Kothada *@	78	138	149	287	6
	SUBTOTAL [Fully Affected]	130	231	272	503	10
3	Dibbalaveedhi #	22	43	42	85	3

4	Chowdiveedhi #@	51	113	127	240	6
5	Tekulaveedhi #	40	111	93	204	7
6	Surampalem #	15	34	28	62	-
	SUBTOTAL [Partly Affected]	128	301	290	591	16
	GRAND TOTAL	258	532	562	1095	26

NOTE: “*” → fully affected house holds
 “@” → Houses at two places (villages and fields)
 “#” → Partly affected house holds.

Demographic Particulars by Social Status:

S.No	Caste	No.of	Males	Females	Children	Total
	Fully affected Households					
1	SC	10	13	13	13	39
2	ST	104	167	184	249	600
3	BC	12	12	12	13	37
4	OC	4	2	1	0	3
	SUBTOTAL	130	194	210	275	679
	Partly affected households					
5	ST	128	119	128	169	416
	GRAND TOTAL	258	313	338	444	1095

Demographic Particulars by Household Category:

S.No	Caste	No.of HHDS	Male	Female	Children	Total
	Fully affected Households					
1	Large farmers	23	38	35	48	121
2	Medium farmers	25	59	57	95	211
3	Small farmers	19	38	41	53	132
4	Marginal farmers	28	29	36	37	102
5	Agricultural labour	25	17	26	33	76
6	Non-agri-labour	2	3	2	0	5
7	Rural artisan	3	3	2	3	8
8	Service	3	4	7	3	14
9	Business	2	3	4	3	10
	SUB TOTAL	130	194	210	275	679
	Partly affected Households					
1	Large farmers	31	41	44	43	128
2	Medium farmers	37	29	29	42	100
3	Small farmers	40	37	37	56	130
4	Marginal farmers	11	9	8	16	33
5	Agricultural labour	7	2	9	10	21
6	Service	2	1	1	2	4
	SUB TOTAL	128	119	128	169	416
	GRAND TOTAL	258	313	338	444	1095

Types of Affected Houses by Social Status:

Caste	No.of HHDS	Thatched Houses	Kutchra Houses	Semi pucca Houses	Average Rep. Value (Rs)
Fully Affected Households					
SC	10	10	0	0	14800
ST	104	102	2	0	18087
BC	12	12		0	11500
OC	4	4		0	15075
Sub total	130	128		0	17133
Partly affected Households					
ST	128	106	21	1	16566
GRAND TOTAL	258	234	23	1	16852

PROCESS OF STRUGGLE:

The project adopted for the construction of the new reservoir [Surampalem reservoir project] clearly violates the 73rd Constitutional Amendment of Panchayat Raj [Extension to Scheduled Area] Act and various guidelines issued by Govt. of India and A.P [G.O.Ms.No.64, 1990].

Legal Battle:

The entire land required for Surampalem reservoir project including schedule land has been handed over to the Acquisition department. People filed a case against the construction of this project. But they had to withdraw the case due to the threatening of the Govt. officials. The people had to move to another land leaving their native land, which they did not like. Then they came in contact with SAMATA and PRAGATI, NGO'S.

SAMATA'S ENTRY:

Samata is a voluntary non-profit Organisation. The services rendered by this organisation and their contributions in espousing the genuine cause of the tribals are well recognized.

Samata is a voluntary organisation, which supported tribals struggle and represented the cause of the tribals [Proposed acquisition of the land]. They came on record representing the interests of the tribals who are likely to be affected by the action of the government officials in proposing to acquire large extents of land belonging to the tribals of Surampalem, Donelapalli, Kothada, Tekulaveedhi village etc. The aspects regarding the safeguards and the constitutional protection given to the tribals were high lightened by the SAMATA Organisation and made out all the differences with regard to the constitutionality and validity of the proposals initiated by the government to compulsorily take over the lands belonging to tribals in the scheduled area.

People took the help of "Samata" in further proceedings. Samata put forward the case once again on behalf of the tribal people. The tribals along with Samata forwarded the first case on 5-9-2001. Samata represented the interests of the tribals who are likely to be affected by the action of the Govt. officials in proposing to acquire large extents of land belonging to the tribals of Surampalem, Donelapalli, Kothada, Tekulaveedhi, villages etc.

Struggle by people and Samata:

Samata fought on the basis that:

The construction of the reservoir violated the 73rd Amendment and Go.Ms.No.64.

No Gram Sabhas were convened nor clearance from the Tribal Welfare Department was taken, nor proper information was given regarding, the number of villages and families that will be affected, the submersion level etc. Neither has any proper rehabilitation plan has been prepared in consultation with the people being affected.

Go.Ms.No.64, Social welfare (T) Department, dated 18-04-1990:

Go.Ms.No.64 was issued by the Govt., in concern to avoid discontent and unrest in the scheduled areas on account of dispossession and displacement of tribals. The Govt., having taken note of some of the special features of the tribal situation, such as, their association with the territory, their emphasis on community life and co-

operation, self-sufficient and undifferentiated economy and self governance, felt that these aspects have not been taken into consideration at the time of displacement and dispossession of tribals while executing projects and establishing industries etc. Mere payment of compensation for the land acquired in the tribal areas was not enough to avoid social dis-organisation and economic destitution of the affected tribals.

The government issued orders and instructions directing that:

- 1) There should be no displacement of tribals or any disturbance of tribal way of life for the purpose of execution of wild life sanctuaries etc.
- 2) The flora and fauna in the tribal areas, which help the tribal economy, should not be disturbed.
- 3) Clearance of tribal welfare department of the state shall be taken before taking up any schemes in the tribal areas of the state.
- 4) No new irrigation schemes should be taken up, areas where there will be submergence of tribal land. In such cases, construction of major and medium irrigation projects shall be avoided to the extent possible and small check dams, lift-irrigation schemes etc, should be taken up.
- 5) No projects including establishing of industries mining projects, wildlife sanctuaries etc, shall be cleared in the scheduled areas unless detailed comprehensive plan for rehabilitation of the people adversely affected by the projects including those directly displaced is prepared and the concerned authority satisfies the government that there is full administrative preparedness for the execution of the rehabilitation plan.
- 6) The plan for the rehabilitation of the affected families shall be prepared adversely affected and in accordance with the guidelines contained in the annexure to this G.O. It shall be approved by the ITDA concerned and it must be the loss of their economic base but are also rehabilitated completely.
- 7) The plan of rehabilitation shall form part of the project report and the entire costs of the rehabilitation shall be the first charge on the project. If this cannot be done, the amount that is required for meeting the rehabilitation cost may be given by the government either as a grant or as equity depending upon the merits of each case.
- 8) Wherever it is unavoidable to take up scheme involving submergence of tribal lands, rehabilitation shall be taken up on land to land basis and even if the

extent of land lost by a tribal family cannot be entirely made good by alternative land, it must be ensured that some land is provided so that the family is not completely uprooted from its traditional occupation.

- 9) If adequate land cannot be provided, employment should be provided atleast to one member of each family displaced. The list of the displaced tribals and their dependants should be put on rolls of the project if necessary, they should be sent for requisites training. If the displaced tribals cannot be accommodated within the projects, efforts shall be made to find jobs for them in other sister projects as well as in the government.
- 10) Rehabilitation plan shall be executed under the direct supervision of ITDAs concerned. The concerned department shall provide logistic support to the ITDA for implementation of the rehabilitation plan before dispossession and displacement of tribals.
- 11) ----
- 12) ----
- 13) ----
- 14) -----
- 15) ---
- 16) ----

PANCHAYAT RAJ ACT:

The Central government has enacted an act to provide for extension of the provisions of part IX of the constitutional relating to the panchayats to the scheduled areas titled “The provisions of the panchayats [Extension to the scheduled areas] act, 1996”. The said act inter alia provides under sub section (1) of section 4 that “the Gram Sabhas or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the scheduled areas for the development projects and before resettling or rehabilitating the persons affected by such projects in the scheduled areas.”

The instructions inter alia provided that all the requiring bodies initiating any land acquisition proposal for acquiring any land acquisition proposal for acquiring any land in the 5th scheduled area, shall require to enclose with their land acquisition proposal, inter alia, the following:

- 1) Gram Panchayat-wise schedule of land proposed to be acquired (Separate sheet for separate gram panchayat)

- 2) A separate letter of consent from each of the concerned Gram Panchayat, in favour of the proposed acquisition of land, with or without modifications, as the case may be. Such letter of consent shall be specifically enclosed with the land acquisition proposal, before sending it to appropriate authority or Land Acquisition Collector. It is further clarified that such letter of consent may be obtained in the form of a written resolution of the Gram Sabha, containing the full text of the resolution consenting with or without modification and the data on which such Gram Sabha meeting was held shall be dully referred in the consent letter.

The 73rd Amendment Act 1992 came into effect from the 24th April 1993. It resulted in the Panchayat Raj Institutions being conferred constitutional sanction. State Panchayat Raj acts have been constituted which incorporate a three-tier system of Panchayat Raj, consisting of Zilla Panchayats at the District level, Panchayat Samitis at the intermediate level and Gram Panchayats at the village level.

Samata also raised the following issues in the fight for the rights of tribal people of Surampalem area:

- a) The height of the dam was not specified any where, without which the area that's going to be submerged or the number of the villages that are to be rehabilitated, cannot be determined.
- b) The names of the villages and other schematic details were not mentioned in the map supplied by the authorities. This was done deliberately to suppress their proximity to submergence.
- c) The R and R report as prepared by CESS recommended for the rehabilitation of 6 villages.
- d) The report of the CESS was only on interim report and the final draft is being prepared. It recommended for the evacuation of all the 6 villages. But the counter affidavit mentions of only 2 villages.
- e) The FRL – 105.000 as given in the court affidavit was not at all corresponding with that of fore shore submersion plan as given to the CESS by the irrigation and CADD department. It was done purposefully to give a false picture of minimal impact.

- f) In the affidavit as filed by one of the respondent, the number of affected households was only 109. But in CESS report the number was 130 houses.

As far as the resettlement and rehabilitation scheme is concerned, the District Collector gave the details of the submerged villages and assignment of land in the form of charts:

S.No	Mandal	Village	Assignment of land already provided to tribals		Assignment of land being provided to tribal		No.of houses being submerged and families affected	
			No.	Extent [Acres]	No.	Extent [Acres]	Houses	Families
1	Gangavaram	Donelapalli	21	43.37	31	53.37	50	62
2	Gangavaram	Kothada	-	-	51	105.00	166	166
3	Gangavaram	Surampalem	-	-	14	64.44	-	-
4	Gangavaram	Chingaripadu	-	-	-	-	-	-
		TOTAL	21	43.37	96	222.81	216	228

SUBMERGED VILLAGES:

S.No	Mandal	Village	Extent of land proposed for rehabilitation for houses [acres]	Infrastructure to be relocated.
1	Gangavaram	Donelapalli	5.15	Ramalayam, GVVK school, 3 hand pumps, Roads and Electricity.
2	Gangavaram	Kothada	9.50	Ramalayam, Ashram, School, Hand pumps, 5 Teacher Quarters, Roads, and

				Electricity.
		TOTAL	14.65	

The question that falls for consideration is as to what stage is the relief that may be granted at this stage? It is required to notice that, whether intentionally or otherwise, the lands exclusively belonging to the tribals in Agency area are proposed for acquisition for the proposed Surampalem reservoir. Admittedly, the benefit of the project goes both to the Agency area and predominantly to the upland mandals, which are adjoining the agency area. It is all in the name of the sustained development. The tribals have to leave their lands and face forced eviction.

PROCEEDINGS:

Sri.K.S.Murthy, learned counsel for the petitioner [Tribals and Samata], made an attempt to contend that such unilateral development thrust upon Tribals may lead to discontentment among the tribals and ultimately result in their alienation from the main stream of civil society.

Sri.Ramesh Ranganathan, Learned Additional Advocate General appearing on behalf of the respondents [Government Officials – The District Collector, E.G. District, Kakinada, The Revenue Divisional Officer, Rampachodavaram, The Mandal Revenue Officer, Gangavaram mandal, E.G. District, The Superintending Engineer [Irrigation] Dowelaswaram, E.G. District, The State of A.P representative its principle secretary, social welfare department, Hyderabad.] contended that it is the prerogative of the elected Government to follow its own policy. It is not open for this court to judicially review the very policy decision of the government, which is undoubtedly economic in its nature to construct reservoir at Surampalem village.

In the counter affidavit filed by Collector it stated that:

- **Draft notifications** were published in the locality in respect of the lands located in Surampalem and Donelapalli villages on **29-11-2000 and 12-1-2001** respectively. **Draft declarations** were published in the locality on **29-11-2000 and 17-1-2001** respectively.

The draft notifications U/s 4(1) was published in the following manner:

Village	Total Extent	Publication			
		Locality	Paper 1	Paper 2	Gazette
Surampalem	45.03	29.11.2000	01.12.2000 Eenadu	02.12.2000 IndianExpress	15.11.2000
Donelapalli	226.26	DN.12.1.01	04.01.2001 Andhra Bhoomi	04.01.20001 Deccan Chronicle	04.01.2001

The draft declarations U/s 6 of the L.A Act was also published in the following manner:

Village	Total Extent	Publication			
		Locality	Paper 1	Public 2	Gazette
Surampalem	45.03	29.11.2000	05.12.2000 Prajaskathi Telugu	05.12.2000 Prajaskathi English	17.11.2000
Donelapalli	226.26	17.01.2001	04.01.2001 Prajaskathi	04.01.2001 Pledge	04.01.2001

District Collector stated that the Land Acquisition Officer-cum-Revenue Divisional Officer, Rampachodavaram had submitted proposals for acquisition of the lands for construction of Surampalem Reservoir after conducting Gram Sabhas and public meetings. None of the proceedings of the Gram Sabhas that are made available for the perusal of the court would reveal any consultation with the Gram Sabhas as such. There are no letters of consent obtained from any of the Gram Panchayats as such. There are no written resolutions of the Gram Sabhas consenting with or with out modifications for land acquisition proposals. None of them are certified by the Gram Panchayats. They are not in the form of resolutions. Only one Gram Sabha held on 28-04-2000 at Surampalem appears to have been presided over by the person – in – charge of Surampalem Gram Panchayat. Even in that Gram Sabha there is no

evidence that the proposals as such were placed for the consent and approval of the Gram Sabha.

The Land acquisition proposals were not placed before the Mandal Parishad for its consideration.

All these clearly state that the government officials without personal loss violated the provisions of the PR Act and Act 40 of 1996. The instructions issued by the government in GO.Ms.No.64, Social Welfare (T) Department, dated 18-04-1990 was also violated.

The Object Of 5th and 6th Schedules:

The object of 5th and 6th schedules to the Constitution, is not only to prevent acquisition, holding or disposal of the land in scheduled areas by the non-tribals interest but also to ensure that the tribals remain in possession and enjoyment of the lands in scheduled areas for their economic empowerment, social status and dignity of their person.

Samata cleared the points that:

- It is clear from the affirmations made in the counter affidavit and the records made available for the perusal of the court that the respondents have not followed the mandatory prescriptions before initiating proposals for acquisition of the land for construction of the reservoir in the scheduled area.
- It was needless to emphasis that the officers of the government are bound by the instructions issued by the government and particularly such instructions are not routine in their nature. Samata said that they have, in detail, adverted to the instructions of the government, in the matter of acquisition of lands belonging to tribals in the Agency area and the procedure that is required to be followed by the authorities concerned. The authorities have neither followed the executive instructions nor the provisions of the PR Act and Act 40 of 1996.
- The respondents have dealt with sensitive issues in a very casual and mechanical manner. No attempt has been made by the authorities concerned to involve the local tribal population in the proposed scheme. Nobody ever thought of taking the tribals into confidence. All the concerned failed to

appreciate that the very object of establishment of the panchayats in tribal areas backed by the authorities is to instill confidence in the tribesmen that they could run their affairs without being influenced from outsiders.

- Necessary priorities and measures are required to be taken by the state and its instrumentalities in order to protect the interest of the tribals and their development. It is inherent in any plan for the protection and support of tribal minorities that whatever benefits are envisaged for tribesmen must adversely affect the interests of some more advanced sections of the population. In its very nature any policy of tribal rehabilitation arouses the opposition of vested interests.

COURT HEARINGS:

The government and its officials are fully aware of the reasons for the justified sense of grievance felt by the so many tribal populations. The government thought that it is necessary to formulate its policy and enunciate the same by way of consolidated instructions to all the concerned as to the steps required to be taken in order to avoid displacement of tribals due to projects, industries, mines etc.

In normal course, the court would have interfered in the matter and quashed the very proceedings initiated for compulsory acquisition of the lands in the Agency areas on the account of non-compliance of the statutory requirements and executive instructions issued by the government. But the work of the project had already commenced and any interference of this court at this stage may result in the wastage of substantial public finances already spent and invested by the state.

Having regard to the totality of the facts and circumstances of the case, this writ petition is disposed of directing the respondents herein to fore with:

- A) Place the proposals of the land acquisition for the construction of the reservoir in question before each of the Gram Sabhas for its consent.
- B) Place the proposals before the Mandal Parishad as is required under section 242-F of PR ACT.

Section PR Act mandates that the Mandal Parishad shall be consulted before making the acquisition of land in the scheduled areas for development projects and before rehabilitating persons evicted by such projects in the scheduled areas shall be coordinated at the state level.

- C) The scheme of resettlement and rehabilitation of the persons affected shall be coordinated at the state level.
- D) Necessary steps shall be taken to have a rehabilitation cell, which will work under the direct supervision of ITDA. The task of identification of the persons who are to be treated as dispossessed persons shall be entrusted to the cell to be so created. The progress of rehabilitation of dispossessed and displaced families will be monitored by ITDA concerned and the Tribal Welfare Department.
- E) The rehabilitation plan shall be executed under the direct supervision of ITDA concerned. Necessary logistic support to the ITDA for implementation of the rehabilitation plan shall be provided before the actual dispossession and displacement of the tribals.
- F) The rehabilitation measures shall be completed on or before 30th June 2002 as undertaken by the government. No tribals shall be displaced from his house till he is provided with an alternative house till he is provided with an alternative house in the rehabilitation colony.

On Feb 12 2002, the high court of A.P gave its final verdict concerning on the rehabilitation of tribal people impacted by the Surampalem reservoir project. It stated that the procedures adopted for the construction of the dam *clearly violates* the **73rd Constitutional Amendment [Panchayat Raj Act and G.O.Ms.No.64, 1990]**.

The high court directed that “clearance of Tribal Welfare Department of the state shall be taken before taking up any schemes in the tribal areas of the state” and that “No projects including establishing of industries mining projects, wildlife sanctuaries etc, shall be cleared in the scheduled areas unless detailed comprehensive plan for rehabilitation of the people adversely affected by the projects including those directly displaced is prepared and the concerned authority satisfies the government that there is full administrative preparedness for the execution of the rehabilitation plan. The court had ordered that the consent of the tribal gram sabhas in the form of a resolution must be obtained for the reservoir.”

POST HIGH COURT ORDERS:

Inspite of these court orders, the Irrigation department and the District administration have continued with the construction of the dam. Clearance from the tribal welfare department has not been taken. The tribals have not been given relevant project information to the people on the height of the dam, the number of villages and the families that will be affected, the submergence level etc. Neither has any proper rehabilitation plan has been prepared in consultation with the people affected. Instead the authorities are organising the meetings in the name of Gram Sabhas at the mandal head quarters and not in the affected villages. Only the people directly losing the lands are being offered some meager compensation, and others whose livelihoods are affected are being completely ignored. The tribals were being forced to accept the compensation by the Mandal Revenue Officer. Construction work was going on indiscriminately, in Jonnapalli where a canal has been dug all around the village making it an island.

The tribal people of Kothada, Tekulaveedhi, Dibbalaveedhi, Ramannapalem, and Yerrampalem refused their consent to the project. They appealed to the contractors of the reservoir to put pressure on the government for a rehabilitation plan. The tribal women have questioned how on one hand NABARD was encouraging self help groups for them, and on the other hand, financing projects in the absence of a proper rehabilitation plan. They have also made it clear that they were not against development, but they need a clear and proper rehabilitation before the development starts.

The people managed to have a meeting with the Collector and asked him for justice as per the court orders. The Collector tried to assure that he would ensure justice to them and said that they had already started with rehabilitation plans. The same day, the project officer called a few tribals to his office in Rampachodavaram and informed that they would be given a compensation of Rs.25, 000/- per acre. He tried to force them to give their signatures in agreement to this. The people resisted this coercion and said that these important decisions should be taken in the village with the Gram Sabha and not by a few people in the office. Upon hearing this, the project officer threatened that if they did not give their signatures, he would return the grants obtained for compensation back to the court.

The contractor and the Irrigation engineer tried to coax the Ex-sarpanch of Kothada. They tried to coax him to agree to the authorities offer for compensation

and demanded that they should not try to stop the activities. The officials of the ITDA took some photographs and video of the villages – Kothada, Chowdiveedhi and Dibbalaveedhi. They told the people that some villages would be submerged and some would not and this cassette would be useful in showing the government the village situation to ask for compensation. They threatened the people that if any attempts were made to stop the construction, it would be illegal and cases would be booked on them.

The MRO and APO came to the village and took away the villagers they could find to the PO ,ITDA [Rampachodavaram]. The villagers were forced to sign on blank sheets of paper at the Po's office. The people were very angry with this and they immediately went to the project officer and told him that they will rebel if people were forcibly made to give their signatures. They requested him to organize a Gram Sabha if he wanted to discuss any such things.

Angry that the government is ignoring court orders and is not committed to do justice towards the tribals, the people of Kothada, Tekulaveedhi, Dibbalaveedhi, Ramannapalem, and Yerrampalem along with Samata and Pragati organizations organized a big **Maha Sabha on March 18, 2002** at the dam site in Surampalem, to discuss about the project. They invited the Irrigation and Tribal Welfare departments to participate in the meeting. While the Irrigation department was represented by the Project in-charge, a Deputy Executive Engineer, the project officer of ITDA, Rampachodavaram, only sent his Administrative Officer to attend the meeting.

A number of tribal voluntary organizations like Girijana Deepika, Giriputra, Krushi, Girijana Aikya Vedika, Resource for legal action, Smt.Ratnabai, The PCC Vice President and ex-MLA, The local MPTC and MPP members of Rampachodavaram and people from the canal area also participated.

The people affected have collectively resolved to organise an indefinite dharna on the dam site until the Gram Sabhas were convened and a proper rehabilitation program, which provides land in the ayacut area in lieu of land taken for the project, is placed for them.

Within two days of the dharna, authorities have responded. The officials tried to convert this meeting into a Gram Sabha meeting but the people clearly objected to this and said that officials should come to the villages and convene a proper Gram Sabha as per the 73rd amendment of the constitution. The people submitted a memorandum to the officials and demanded:

- Every family should be given 2 acres of land in the ayacut.
- For every acre lost, compensation should be atleast Rs.75000.
- A compensation based on a 10years yield should be given where trees are lost.
- Houses should be built where houses are destroyed.
- Rights to do fishing in the reservoir must be accepted.
- People's permission should be taken through the gram sabhas.

All these demands should be accepted at the dharna itself.

Revenue authorities met the people's representatives and promised to conduct Gram Sabha meetings immediately in the affected villages and inform them all the relevant information. The people called off the strike and told them that they wouldn't hesitate in resuming the dharna if necessary.

Two Gram Sabhas were promised to be conducted – One at Kothada on **25th March** and at Donelapalli on **27th March**.

On 25th March, the Gram Sabha was convened in the presence of the sarpanch, local panchayat members and other government officials like Project Officer, RDO, DM's of Irrigation and housing departments, MRO, and other staff. Five panchayat members conducted the Gram Sabha. The Project Officer, instead of addressing the issues placed by the people, gave a negative and derogatory speech and postponed the meeting to 27th. The MRO told the people that they were allotted an alternate site for housing and asked them to give a unanimous agreement. But the people wanted to visit the site first. The MRO promised to show them the site the next day. People gathered in Garlapadu village and waited for the MRO. But he deliberately did not come to the site as promised. Instead, he went to Kothada village and allotted lands on a lottery basis, and left the village. The people were agitated on this Benami Gram Sabha and demanded the MRO to give them an apology.

The MRO came and tried to create conflicts between the tribals and the non-tribals. But the people passed a resolution that they should get equal compensation for loss of equal property and that the government should not create conflicts between them.

The Revenue department allotted pattas and plot numbers to 103 houses. When the people went to visit their sites, they saw that the housing department had already laid the plots on the northeast side and dug the foundations for each of the house. People argued that the houses should not be constructed on the northeastern side and asked the housing department to change the direction.

The DE housing read out the tenders for taking up the contract for housing. But the people stated that they would build their own houses and mobilize construction material on their own. The DE housing suggested that government would supply all the material and the people could contribute their labour. Then the people went to see a model house constructed in Rampachodavaram.

The land allotted was very uneven. The people requested that the government must get this work done of leveling the land. But there was no response from the officials. The housing department told the people that they would make plans for one house for every two families. The people unanimously rejected the proposal and demanded that they should be allotted one separate house for each family.

The people organized a meeting and resolved to form few committees to do the activities in the future. They planned to form the following committees:

- A committee of villagers should also be there along with the survey team.
- The committee will meet the PO every Monday for reviewing the progress.
- A committee to monitor the housing construction.
- A stone breaking committee.
- Women's committee for monitoring housing.

The committee members met on all Mondays and went to Rampachodavaram to the ITDA and requested the officials to take proper steps. The committee members constantly monitored the construction of the houses. The RWSDE (Rural Water Supply) selected the bore points. The committee surveyed the houses once again and prepared a full list of the houses and submitted it to the MRO. The pattas were issued on the same day. The RWS laid 2 bores and promised them of laying 3 more.

The women went to see the model house, and decided that it was too small. They formed three committees and went to submit their complaints to the ITDA. They told that:

- They wanted to change the model of the Model House.
- They complained that some people from Choda and Takula streets were not allotted pattas, and some people who were already allotted patta, were yet to get the land.
- The women from Yerrampalem were promised a colony, material was also brought there, but later they were informed that the colony would be submerged, under the reservoir and the construction was stopped. But later they were said that there was no such problem. The women needed a written assurance from the government that this was true.

The DE visited the site and promised that the plan would be made according to the people's liking and then it will be submitted to the government.

The committee members went to the ITDA PO's office in Chodavaram and complained to him that even after 10days the government has not taken any action. Then the people organized a meeting and decided to stop the work. They decided to start a dharna.

On the twelfth day of the dharna, the new PO came and spoke with the people.

- The PO went through the model houses and promised them an extra amount of **Rs.3000/-** over the stipulated **Rs.40, 000/-** to help them meet extra costs.
- The PO told them they would receive **Rs.30, 000/-** as compensation for rehabilitation.
- The PO promised them that the land would be surveyed and distributed as per their wish. Surplus land would be given to those who were very poor.
- The people were advised to form a committee.
- The PO asked the MRO to change the direction of the site as per the people's selection.

A committee was formed which consisted of 5 men, 2 women and representatives from Samata and Pragati. An estimate was prepared based on the gravel, sand, cement, and stone available locally and people accepted it. The committee

members submitted to the PO. The PO asked them to build two houses and report the costs.

PROCEEDINGS OF THE WORK:

Construction of the remaining houses is in progress.
Bores are also being laid.

OBSERVATIONS / FEED BACK:

Samata insisted that the land and houses allotted under rehabilitation should give the women right of ownership and therefore that joint pattas should be given.