

REPORT

On the Alleged Harassment of the Tribal People in
West Godavari District
Case No.520/1/2000-2001 (FC) (Law Division) of the
National Human Rights Commission, New Delhi

By
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In case No.520/1/2000-2001 (FC) (Law Division), the National Human Rights Commission, New Delhi took cognizance of a complaint from Sri R Satyanarayana Raju, Secretary, Communist Party of India (Marxist), West Godavari District, Eluru dated 15.10.2000 on the alleged harassment of the tribal people in the West Godavari District of Andhra Pradesh in the context of their agitation against alleged violation of Government circulars and Court orders and their demand for the strict implementation of the LTR Act. The Commission obtained the report of the Chief Secretary, Government of Andhra Pradesh in the first instance and after obtaining the response of the complainant to the report of the Chief Secretary, the Commission directed that I should send my comments in the matter. The Commission forwarded to me copies of the complaint from Sri R Satyanarayana Raju, the reply of the Chief Secretary, Andhra Pradesh and the comments of the complainant on the Chief Secretary's response.

2. In order to be able to furnish the Commission with my considered comments, I have taken the following action:

I had a detailed discussion with Sri C R Biswal, IAS, Secretary, Tribal Welfare and Sri Vinod Agrawal, IAS, Commissioner, Tribal Welfare, Government of Andhra Pradesh on the 21st August 2001 on the on going agitation of the tribal people in the West Godavari agency in connection with the land question and the action taken by the Government of Andhra Pradesh to redress the grievances of the tribal people, These two officers explained in detail to me the action taken by the Government of Andhra Pradesh and the Co/Hector, West Godavari District in terms of the guidelines issued by the Government of Andhra Pradesh based in turn on the guidelines issued by the Honourable High Court of

Andhra Pradesh in W.P.No; 7916 of 1997 (a copy of which has been attached by the complainant Sri R Satyanarayana Raju to his Complaint submitted to the NHRC bearing the title "Guidelines for verification of Title and Possession of Land in West Godavari Agency areas"). These guidelines had been issued to determine title and possession of land held in the agency areas of West Godavari District. In particular, I obtained from Shri. C R Biswal and Shri Vinod Agrawal a copy of the Minutes of a meeting held by them on the 16th and 17th November 2000 at Eluru, the head quarters of West Godavari District with the Collector-, Joint-Collector, the Superintendent of Police and the Project Officer of the Integrated Tribal Development Agency (ITDA). This meeting of the 16th 17th November 2000 was a very significant meeting as it was held to review the progress of work in regard to enjoyment and title verification and give necessary direction on allied issues and expedite matters so that

the work "could be brought to a logical conclusion as per the directions of the Honourable High Court and instructions issued by the Government". This meeting was also significant considering that it was being held almost within a month of the date on which the NHRC was receiving the complaint from Sri R Satyanarayana Raju dated 15.10.2000. Therefore, the Minutes of this meeting is a good reference point for the National Human Rights Commission to evaluate the earnestness and speed with which the State Government machinery has moved in dealing with the tribal land issue in the agency tracts of West Godavari District. I, therefore, enclose a copy of these Minutes dated 16th and 17th November 2000 for the Commission's perusal, as Annex-I to this report.

Having studied these minutes and discussed the viewpoint of the Government with the Secretary and Commissioner, Tribal Welfare on the 21st August 2001 I undertook a tour of the agency tracts: of West Godavari District. on the 25th and 26th August 2001 to study at first-hand the situation obtaining/in the tribal areas and for a face to face discussion with the Collector, Joint Collector and the Superintendent of Police, Eluru, West Godavari District and the Project Officer, Integrated Tribal Development Agency, K R Puram, West Godavari District and other officers stationed in the tribal areas. I also gave advance notice of my visit to the tribal areas to the; complainant Shri R Satyanarayana Raju. I was assisted in my work by Sri Y Chakradhara Rao, IAS, (Retd.), who was formerly Joint Collector, West Godavari District, an officer known for his knowledge, competence and very, high integrity Shri Chakradhara Rao accompanied me to the tribal areas and also participated in the discussions I held with the Collector and other officers.

3. Arriving at Eluru on the morning of the 25th August 2001 I held discussions with the Collector Smt. Poonam Malakondaiah, IAS, the Joint Collector Sri V.N.Vishnu, IAS and the Superintendent of police Sri Kripanandha Tripathi, IPS, from 9.45 am to 11.30 am. The discussions related to the following points in two parts, Part-I being those which had been raised in the complaint made to the NHRC by Sri R Satyanarayana Raju and Part-II being the points on which action was to have been taken by the Administration flowing from the decisions taken in the meeting held by Secretary and Commissioner, Tribal from the decision is taken in the meeting held by the Secretary and Commissioner, Tribal Welfare on 16-17th November, 2000 with the Collector and the Superintendent of Police.

PART – I

(i) that the circular issued by the State Government pursuant to the guidelines issued by the Honourable High Court of Andhra Pradesh in W.P.No. 8009/97 to the effect that the land disputes under the LTR Act in the scheduled areas of West Godavari District should be resolved by an elaborate process laid down therein, which involved officials reading out from the records in their possession the history of the ownership and enjoyment particulars of each survey number in each survey number in each hamlet in the presence of all the people and inviting their response, was implemented in only one village, namely, Reddy Ganapavaram of Buttayagudem mandal and partially in Darbhagudem village of Jeeluguniilli mandal, and in no other village.

(ii) that the police authorities are openly joining, hands with the non-tribals and are booking cases in large numbers and indiscriminately against the tribals and activists

of organizations fighting for the tribal cause. Cases under S 307 IPC have been booked and for each and every civil conflict over land, police are booking. cases under penal laws, showing in each case hundreds of tribals as accused. While only a few names are shown explicitly in the FIR, words like "two fifty others" and "400 others" are added. Police have openly threatened to arrest all able bodied tribals and the S.I of Police Buttayagudem Sri Anjaneya Swamy in particular has been terrorizing the tribal men and women by functioning hand in glove with the non-tribals. As a consequence, tribals with their movements restricted by fear were unable to avail their entitlement in the fair price shops and to buy medicines in the medical shops or visit the Primary Health Centre.

PART - II

(iii) that the enjoyment survey would be completed by the District Revenue Authorities in all the 64 partially tribal villages by 15.12.2000, and all statistical information relating to them would be furnished by the 20th December 2000.

(iv) that wherever non-tribal occupants failed to produce records by 30-11-2000, LTR cases would be filed against them.

(v) through special drive, cases already identified where LTR cases had to be filed such cases being 353 involving Ac 1151.78 in Buttayagudem mandal and 102 cases involving Ac 443.45 in Jeelugumilli mandal, would be filed before the Special Deputy Collector, Tribal Welfare before 30.12.2000. Similarly, appeals would be filed before the Agent to the Government, i.e. the Collector, in 194 cases involving Ac 819.21 in Buttayagudem mandal and in 9 cases involving Ac 75.30 in Jeelugumilli mandal by 30.12.2000

(vi) where the land is agreed to be held without any dispute, pattadar pass books would be issued immediately.

(vii) to dispose of the backlog of cases pending in various courts, which were as many as 1,819 as on 31.10.2000 involving-Ac 12,384.14 but of which 1526 cases involving Ac 10,006.20 were pending before the Special Deputy Collector himself, powers would be conferred on another Special Deputy Collector as well. The Special Deputy Collector would hold Court in the villages and take up the cases village-wise, disposing of bigger weekly targets fixed by the Collector.

(viii) the District Administration would cases involving large extents first, as per compile information about the total Government land in the Agency areas showing lands assignee! to tribals and non- tribals, comprehensively survey the lands in possession of non-tribals, apply the LTR Act as well as Act 9/1977 and resume such lands. Also, the District Administration would survey all available Government land so as to take action for their assignment to the tribals.

(ix) the District Administration will compile and furnish information about the nature of occupation of about 15,000 acres of land locked up in litigation (currently pending cases and identified in the enjoyment survey.)

(x) the Superintendent of Police will compile and furnish information to the

Secretary, Tribal Welfare about the large number of cases booked by the Police since 1995 against the tribals. The Superintendent of Police will review all these cases and take action to see that

- (a) all the minor cases and apparently 'frivolous cases would be dropped.
 - (b) the names of minor children and women will be dropped from the rest of the cases.
 - (c) the names of the apparently innocent tribals will be dropped.
 - (d) in all the cases where the FIR has been registered with names of certain accused with words "and others", the words "and others" will be dropped.
- (xi) LTR cases involving rich and powerful land holders would be finalised on priority and taken to their logical conclusion so that it would have a demonstration effect.
- (xii) A comprehensive plan for the development of tribal lands would be prepared.
- (xiii) Government will be requested to expeditiously decide on the proposal to form a new revenue division at Jangareddygudem and
- (xiv) Measures will be taken to educate both the tribals and non tribals about the legal provisions in respect of land in scheduled areas, so that they are not misled by unscrupulous elements.

In response to the above points raised by me in terms of the action taken so far, Smt.Poonam Malakondaiah, IAS, Collector made the following observations:

- (a) that even genuine patta lands were under attack from the tribals.
- (b) the Honourable High Court had intervened at different times with stays, contempt proceedings and eventually even setting aside the order of the single judge on the basis of which the enjoyment verification on the ground was being carried out.
- (c) vested interests of certain NGOs like Sakti have led to the instigation of tribals to do unlawful things. The NGOs were collecting money from the tribals. Sakti, an NGO, active in the area was getting foreign money from organizations like Oxfam and Action Aid and that this matter was taken up by the District Administration with the Government who had raided the Sakti Office at Rampachodavaram in the neighbouring East Godavari District.
- (d) a separate Revenue Division for the tribal areas needed to be created to attend to the problems of the area and this has been notified by the Government .
- (e) the ITDA was concentrating on the strategies of improving literacy and self help groups in promoting tribal Development.
- (f) that 28 out of the 101 villages in the scheduled areas were Estate villages and the basis of solving land disputes in these villages has to be based on the Fair Adangal prepared in the survey of 1933 and not earlier as demanded by the tribals.

4. Having acquainted myself with the views of the Collector and the Superintendent

of Police, I took up a review with them of the points made in the representation by Sri R Satyanarayana Raju to the Commission and the Minutes of the meeting the Secretary and Commissioner, Tribal Welfare had held in November 2000 with the Collector and the Superintendent of Police., Since information on all the points were not readily available with the Collector, I requested the Collector and the Superintendent of Police to furnish the information by way of an Action Taken Report the next day when I would meet them again on my return from my visit to the tribal areas.

5. The next phase of my work consisted of visits to the tribal areas to talk to the tribals and hear from them first hand their problems and their perception of how those problems were being handled by the authorities. I had decided to visit one tribal village each in the 3 mandals situated in the agency tracts. In selecting these villages I had consulted the complainant and also indicated their names to the Collector in advance. These were Reddy Ganapavaram of Buttayagudem mandal; Madakamvarigudem of Jeelugumilli mandal and Vinjaram of Polavaram mandal.

6. Proceeding straight from the meeting with the Collector, I visited Reddy Ganapavaram and Madakamvarigudem villages; on the afternoon of the, 25th August and Vinjaram on the morning of the 26th August 2001. In all these villages the representatives of the complainant, Sri Easwaraiyah, Secretary, Communist Party of India (Marxist), West Godavari District Committee was present and spoke on behalf of the tribals. At Reddy Ganapavaram and Madakamvarigudem, Sri Madakam Venkateswara Rao, himself a Koya tribal and the local Secretary of the Communist Party of India (Marxist) spoke at length of the problems and grievances of the tribals on behalf of the tribals. The tribal gathering at Reddy Ganarjavaram village numbering around 1000 consisted of tribals from several surrounding villages. In addition to Sri Easwaraiyah and Sri Madakam Venkateswara Rao, Smt. Vetti Pentamma and Smt Kuram Gouramma, two tribal women present in the gathering were also invited by me to speak at the meeting which they did, At the next village, Madakamvarigudem, I invited Smt Poonam Mutyalamma, Sri Maddham Veeraswamy and Sri Vanka Ramakrishna, all tribals to speak at the meeting which they did. At Vinjaram, I invited Smt Valasa Ramulamma, Sri Kotam Gangaraju, Sri Kunchani Suryachandra Rao, Sri Madakam Bodaiah, Sri Hanumantha Reddy (he is a Kondareddi tribal) and Sri Kowas Krishna - to speak at the meeting; which they did. In these three villages, after S/Sri, Easwaraiyah and Madakam Venkateswara Rao and the tribals had spoken, I requested the accompanying Project Officer of the ITDA Dr. Hari Jawahari Lal, the Revenue Divisional Officer (SDM) Sri Sridhar and the concerned Mandal Revenue Officer to, respond to the various points made by the tribals in terms of the action being taken, the action that would be taken in future by them, the approach they would adopt and the time frame within which they would complete action. Whenever the officers spoke vaguely or beside the point, I intervened to spell out the action specifically required and how it should be accomplished. These meetings which were attended by about 1000 tribals in Reddy Ganapavaram, about 200 tribals in Madakamvarigudem and about 100 tribals in Vinjaram had drawn tribals from several neighbouring tribal villages. These meetings were held over a few hours "with; all the tribals participating in it peacefully and contentedly. Towards the very end of our first meeting at Reddy Ganapavaram a torrential down pour rained down on us but by then we had completed the

7. I halted for the night on the 25th August 2001 at Koyyalagudem village in the agency area in order to be able to work late into the night after the field visits and to start the field work again in the morning early the next day and to take counsel with the local officers. After the visits to the two villages of Reddy Ganapavaram and Madakamvarigudem on the 25th August 2001, all the officers and I sat together at Koyyalagudem in the night and reviewed the points raised at these meetings and discussed the kind of follow up required.

I summarize here the grievances of and the points made by the tribals to me in the three public meetings held by me with them on the 25th and 26th August 2001 relating to the Police, the Revenue Department and the ITDA

1. THE POLICE

8. Hundreds of cases have been booked by the Police against tribals, whose only fault was asking for their land rights in their own area where lands belong to them under the presumption of Law enacted by the Government itself. Those arrested were sent as far away as 100 miles to the Rajahmundry Central Jail and kept there for months together. And when they managed to come out at all of the jail, they were promptly re-arrested at the jail gates and put back in jail. Bail is routinely opposed and they are too poor to fight their own cases or offer bail. No legal assistance is forthcoming from the ITDA. The Revenue Department and the non-tribals use the police to the detriment of the tribals. Smt Vetti Pentamma of Kakulavarigudem village of Buttayagudem mandal told me that she was kept in Sub-Jail, Kovvur for 20 days and after 2 months was re-arrested and kept in the Central Jail, Rajahmundry for 4 months. Smt Kuram Gouramma of Reddy Ganapavaram village told me that the Deputy Superintendent of Police Brahma Reddy ate food in her house one afternoon and raided her house at midnight the same night though she was guilty of nothing. The same Deputy Superintendent of Police got Madakam Venkateswarlu so brutally beaten up that for the next one month the tribals lived hiding in mango gardens away from their homes. Poonam Mutyalamma, a tribal woman of Madakamvarigudem represented to me that she was kept in jail for 3 months. Sri Madham Veeraswamy of the same village and Sri Vanka Ramakrishna, both tribals told me that they were arrested at the instance of the non-tribals and kept in jail for 3 months; though they were innocent. Even the Superintendent of the Central Jail, Rajahmundry had protested against this kind of action by the police. When Madam Veeraswamy was released from the Rajahmundry Central Jail the police brought him to Buttayagudem and handed him again over to the Jeelugumilli police. In the case of Vanka Ramakrishna, he and the other young men arrested were kept for 2 days without food before being sent to the Central Jail, Rajahmundry. The intent of the police in arresting and treating cruelly the tribals was to create terror amongst the tribals. Similarly, Kotam Gangaraju, former tribal Vice President of the Vnjaram Panchayat represented to me that he had spent 3 months in jail; Women, in particular, have been brutally treated.

II. THE REVENUE DEPARTMENT

9. (a) the District Administration has shown very little interest in LTR cases unlike in the past. The present Special Deputy Collector for Land Transfer cases has been favoring non-tribals in deciding cases; On behalf of the tribals or the Government, appeals are seldom filed and nor Vacation of stay of cases pending in courts obtained by way of help to the tribals. The Special Deputy Collector does not go to the field to determine the cases, as was done in the "past by his" predecessor. Pattadar's Pass Books are quickly given to the non-tribals while the same enthusiasm was not seen in distribution of Pattadar's Pass Books to the tribal land holders. Often, the Revenue authorities are found in the company of non-tribals creating worry and doubts in the minds of the tribals about their impartiality. By the comprehensive work done in one village Buttayagudem, the Revenue authorities raised tribal hopes only to let them down in the other villages where work was tardy and slow, stated Smt Vetti Pentamma. Even where lands have been restored, possession has not been given. Where possession was shown, title deeds have not been given; Where lands have been restored, no credit has been made available for the tribals to start productive cultivation. The same anomalies occurred in regard to Government lands given on assignment to the tribals. All this was calculated to defeat the Laws that favour the tribals so as to indirectly help the interests of the non-tribals.

(b) the question whether the land rights should be settled in the Estate Villages of the Scheduled areas according to the records created consequent to the 1902 Survey or the 1933 Survey has to be settled. Erstwhile Zamindars were in possession of very large extents of land in the Polavaram mandal, based on old records. The ownership of those lands needs to be verified in the villages of Munugoppula, Pedrala, Kunkala and other villages. Owing to disputes relating to these lands, a tribal woman Smt Karam Parvati was killed in the police firing on the 4th November 1997 at Munugoppula.

(c) one Sunkavilli Seetapati, a non-tribal of Gouripatnam has in his possession 600 acres of land in Madakamvarigudem of Jeelugumilji mandal. He is trying to defeat the law by making it appear benami that this extent is in the hands of a Cooperative Society, land in the name of Rama Corporation. These cases need immediate investigation those lands restored to the tribals.

(d) in the year 1998-99 a Settlement Officer by name Sri Parthasarathi Rao helped a large number of non-tribals to gain lands unlawfully in the Estate Villages of Jeelugumilli mandal. The matter went up to the High Court where a review of his orders were ordered. However, no action has been taken till now. This should be pursued so that tribal interests are safeguarded.

(e) Specifically, there was the case of a Kondareddy tribal Sri Hanumantha Reddy, who has after a long struggle managed to obtain from the Sub-Registrar, Polavaram 35 documents which showed that non-tribals had taken possession of his lands unlawfully. This had been brought to the notice of the present Collector who has promised to review this case as part of her forthrightly review, but action was yet to be taken.

(i) the present Mandal Revenue Officer, Polavaram has been doing very good work and is helpful and sympathetic to the tribals. On the other hand, the present Mandal Revenue Officer, Jeelugumilli is unsympathetic to the needs and grievances of the tribals and is inclined to side with the interests of the non-tribals. Because of the

neglect of their duties by the Revenue Department, the Police are harassing the tribals. However, in Polavaram the police and the Mandal Revenue Officer have acted in a manner that deserves appreciation.

10. No special assistance is forthcoming to the tribals either in-regard to fighting their land cases where the Special Deputy Collector has; given findings adverse to the tribals or legal assistance to fight unjust police arrests and harassment. Credit for raising crops and other loans are conspicuous by their absence. Only recommendations work in the ITDA Office. Hostels for tribal children are in a woeful state and the girls there are at the mercy of the wardens. Lack of roads and drinking water are a serious problem. Buses are not playing as scheduled, rendering the Primary Health Centre out of reach, thus forcing the tribals to use auto-rickshaws and driving them into further expenditure and debt. Tribals are prevented from access to small timber for housing purposes, from the forests. There was wide spread malnutrition the area and cases of paralysis have also been noticed. The ITDA should bestir itself to the needs of the tribals in all these matters relating to Health, Education, Food distribution, Drinking water, Roads, Legal Aid and above all act in a manner that is sympathetic and pro-active to tike tribal cause. Having said all this, the ITDA has done well fay the tribals m the Polavaram area.

11. During my two-day visit to the field the tribals who participated in the meetings in the villages submitted, to me 36 petitions in all seeking redress of grievances relating to land issues such as not giving title or possession even where the tribals won their land rights in the courts, alleged neglect of their development needs by the ITDA and complaints against the local revenue and police officials and the Special Deputy Collector, Tribal Welfare in regard to implementation of LTR cases, A further 14 petitions were received from non-tribals and 2 from the CIP (M). After studying these petitions and representations, I have forwarded them to Shri C R Biswal, IAS Secretary, Tribal Welfare, Government of Andhra Pradesh for taking appropriate action and rendering relief to the needy tribals and; where justified to the non-tribals as well. My letter to the Secretary, Tribal Welfare, Andhra Pradesh is at Annex-II.

12. Returning to Eluru on the afternoon of the 26 August 2001, I held a separate meeting with the Collector and another meeting with the Collector, Joint Collector and the Superintendent of Police, West Godavari District together in the chambers of the Collector.

13. On the basis of the material furnished by the Collector and the Superintendent of Police, West Godavari District the position as discussed by me below emerges in relation to the work relating to (i) the Land Transfer Regulation and land rights, issues and (ii) the cases filed against the tribals agitating for their land rights. I must record here that my analysis of the progress achieved is based on such information as I was able to gather from the District Collector and her establishment after considerable effort on my part. I have attached to my Report - Annex-IV, IV-A and IV-B which show the data relating to land matters. In spite of best efforts including discussions with the Collector, I have not been able to reconcile the figures furnished to me in these, statements at least in regard to a few vital statistics. In fairness to the Collector I should say that she conceded that some the statistics are indeed confusing. The same position applies to the data relating to the cases filed by the police as furnished by the Superintendent of Police and the RDO-cum-SDM, Kovvur. All this highlights the

need for maintenance of proper data and their monitoring and using such data for issuing relevant and appropriate instructions to the filed formations so that the best possible results are achieved. This is an area where considerable improvement is called for in the District. Considering the stated commitment of the Government of Andhra Pradesh to information technology it is somewhat surprising that there should be such gaps in the gathering and presentation of vital data at the District levels

14. However, I have done my best to analyze the data as furnished to me in the different statements and obtained through my own effort and make the following observations and recommendations.

OBSERVATIONS AND RECOMMENDATIONS.

(i) Land Transfer Cases and Land Rights Issues.

There are in all 101 villages in the Agency areas of West Godavari District. They are comprised in 3 mandals namely Buttayagudem, Jeelugumilli and Polavaram. Of these 101 villages, 28 villages are erstwhile Estate Villages and the rest 73 are Government villages. Enjoyment survey and title verification of lands filed by tribals and non-tribals requires to be done in 64 of the 101 villages, since 37 villages are inhabited exclusively by the tribals and all the lands in those 37 villages are held by, the tribals. In these 37 villages tribals have undisputed claim to all the lands. In regarded the balance 64 villages, the Collector has now reported at my meeting with her that enjoyment survey and title verification has been completed in 63 villages, leaving the work: uncompleted in only 1 village. The reason given for non-completion of work in this village is the alleged non-cooperation of the tribals though the position is that the tribals want the 1902 Survey to be the basis for determining title to land while the District Administration has taken the stand that the basis should be the survey: of 1932. This dispute, needs to be solved in a manner that would stand judicial scrutiny

Coming to the actual disposal of cases, as seen from the note furnished to me by the Collector, the position as on 15.8.2001 is that of a total number of 10,292 cases disposed by 15-8-2001 since the start of the implementation of the Land Transfer Laws in 1970, involving an extent of Ac 52003.48, only 2,290 cases were decided in favour of tribals involving Ac 9,390,02. The cases that went in favour of non-tribals were more than double the number; that went in favour of tribals being 4,913, the area covered by these cases being Ac 28,058.92, which is more than 3 times the area that the tribals obtained in the Court of the Special Deputy Collector. The position has not improved for the tribals even in the recent years when the tribal awareness has been on the increase. Since 1st April 1995 till to date the Special Deputy Collector has disposed of 3278 cases. Of these, 582 cases involving an of Ac. 1847.95 were decided in favour of the tribals, while 393 cases involving an extent of Ac. 2305.01 were decided in favour of non-tribals. Thus, the non-tribals benefited more than the tribals. The story does not end there. As many as 2,016 cases have been shown as disposed of under Section 3 A of the Land Transfer Regulation involving Ac 10,336.21. This particular figure was discussed by me extensively with the Joint Collector and the Special Deputy Collector who disposed of these cases. What emerges is that all these 2016 cases involving 10,336,21 Ac have gone in favour of the non-tribals. It was explained that in these cases lands had been in the possession of non-tribals who had mortgaged; them to the Land Mortgage Bank and drawn loans

against such mortgage. Since these lands were in the possession of the non-tribals, cases under the Land Transfer "Regulation were filed against them. However, it is now explained by the present set of officers that these cases were filed against the non-tribals only because they had mortgaged the lands to the land mortgage bank, such mortgage having been interpreted as "transfer" as defined under the Scheduled; Areas Land Transfer Regulation tot 1959. These officers now explain that when Regulation 1 of 1959 was amended by Regulation i of 1970 so as to explain that mortgage to the Land Mortgage Bank did not constitute a transfer, on the basis x>f that fact, all the: 2016 cases were disposed of in one go as not-tenable. Thus the entire extent of 10336.21 Ac went back to the non-tribals. The flaw here, in my opinion, lies in such blanket disposal being given without the Court judicially applying: its mind I to find out whether these non-tribals had come by these 10;336.21 acres of land lawfully in the Scheduled areas in the first instance. Just because the Law was amended to say that mortgage to a Land Mortgage Bank is not a transfer, that does not *ipso facto* mean that these non-tribals had a lawful title to those lands. The effect of such a disposal means that the Special Deputy Collector, instead of applying his own mind to the facts of the case, went by the decision of some Land Mortgage Bank to grant loans accepting their title. When questioned, the Special Deputy Collector produced a copy of the instructions issued by the Joint Collector on the basis of which he said he disposed of these matters. I enclose a copy of these instructions to this report as Annex- III. I do not find any thing in this fax message purportedly issued by the Joint Collector to suggest that the: Special Deputy Collector should dispose of these cases in favour of the non-tribals. In any event; the net result is that: 2010, cases covered by an extent of Ac 10336.21 were disposed of in favour of the non-tribals without a proper application of mind. The Agent to the Government should take action to get all these cases reviewed so that the respective rights of the tribals and non-tribals are properly, judicially adjudicated. The Agent should also verify from her office records whether any instructions had emanated from the Collector's office giving such directions as claimed by the Special Deputy Collector in his discussions with me on 25th August 2001 and take appropriate action, if required.

According to the statement furnished to me the number of cases pending disposal in the Court of the Special Deputy Collector at present is 362 involving an extent of Ac 2232.09. This large pendency is not consistent with the decisions made by the Secretary and the Collector on the 16-17th November 2000 filing a procedure for their expeditious disposal. The Collector should ensure that these case are disposed immediately.

Considering the kind of thing that has happened in cases relating to the lands mortgaged to the Land Mortgage Bank, a very strong case exists for the Agent to Government to take a full review of all the cases disposed of in favour of the non-tribals by going through the case records at her level to clearly determine that there has been no miscarriage of justice in regard to the disposal of cases under the Land Transfer Regulations. This review of the Agent should also be supported by a further scrutiny fey the Secretary and Commissioner, Tribal Welfare, Government of Andhra Pradesh.

The Agent to Government should also ensure on the basis of a week to week effort that in all the cases where they have been decided in favour of the tribals, possession is handed over to them physically by the revenue authorities going to the field and

showing the boundaries to the tribals on the basis of survey stones being planted and also simultaneously handing over pattas, that is, title deeds to the tribals in the full view of the Gram Sabha in each and every village. At the same time, Pattadar's Pass Book should also be handed over to the tribal Pattadars. Wherever non-tribals require to be ejected from the lands in their unlawful possession, such ejection should be done in the full view of the village and lands restored to the tribals both in terms of possession and title on the one hand and the issue of Pattadar's Pass Book on the other. The same principle of handing over possession of land on the basis of the boundaries being shown through planting of stones, handing over title deeds and issue of pattadar's pass books with appropriate entries made in the Pattadar's pass book in the full view of the Gram Sabhas should be followed in regard to Government lands - whether Poromboke or assessed waste - assigned to the tribals. Unless these steps are taken under the personal leadership of the Collector, we are unlikely to see the restoration of confidence among the tribals in the administration. It is well known that the Collector and District Magistrate who is also the Agent to Government in the Scheduled Areas is a very busy officer loaded with several responsibilities. However, we also know that it is precisely because that the Collector and District Magistrate is vested with such large responsibilities and power that he or she commands the pre-eminent position that he or she does in the scheme of things. Therefore, it is incumbent on the Agent to Government to take up this work as her first priority and find the time to discharge these responsibilities. The time for her to start this work is now.

From the latest Action Taken Report furnished to me at my request by the Collector with reference to the Minutes of the meeting held with her and the Superintendent of Police by the Secretary and Commissioner, Tribal Welfare on; the 16th-17th November, 2000, placed as Annex-IV to this Report, it is seen that only 14 appeals have been filed before the Agent during the period October 2000 to August 2001 involving an extent of Ac 48.07, against 258 cases where appeals were actually required to be filed before the Agent involving 1163.38 acres. Obviously, the work done in regard to filing appeals is very little and shows gross negligence in regard to the protection of the interests of the tribals. Serious notice requires to be taken of this negligence. At the same time, it has been mentioned elsewhere in the same Action Taken Report that the Agent to Government (the Collector) has disposed of 172 cases involving an extent of Ac 1038.55 between October 2000 and end of August 2001. Obviously, the disposal by the Agent is mostly of the cases already pending in her Court. It is a good sign that the Collector and Agent has disposed of this many pending cases in her Court. My discussions with the Collector elicited the information that during the period September, 2000 to August, 2001 she disposed of 172 appeals, of which 160 cases involving an extent of Ac 952.24 went in favour of the tribals, while 5 cases were decided in favour of the non-tribals involving Ac:21. 15. She remanded 7 cases involving Ac 65.31. I must record here that this is a good effort. Nevertheless the confusing statistics provided about the appeals filed and disposed of is a matter of concern. Annex-IV (b) of the Collector's Action Taken-Report which gives the disposal of cases shows the utter confusion in regard to figures, with figures pertaining to various time frames all herded together-with no one being able to explain what some of those figures stand for at all. My impression is that no worthwhile Management Information System (MIS) exists in the District in regard to disposal of cases which, to put it mildly, is alarming considering the issues at stake. One glaring result of the absence of information and its monitoring is that only 14

appeals were filed before the Agent herself in a whole year. If an MIS were in place, the Agent would have had occasion to pull up her subordinates for neglect of their duties. Probably such an MIS is not in position in regard to tribal problems because problems concerning them are not a priority to the Government at the present time.

A High Court stay of verification of enjoyment according to the earlier guidelines issued by Government in regard to 1002 cases involving Ac 2499.97 in 26 villages of Jeelugumilli mandal, has since been, vacated. The Secretary, Tribal Welfare has now issued fresh guidelines and this verification therefore needs to be completed rapidly as there is a general sense amongst the Jeelugumilli tribals that work in their area is not getting due attention; from the District Administration. All cases covered by various, stay orders need to be carefully tabulated and followed up so as to get the stays vacated by concerted action with a view to helping the tribal cause.

There is also the issue relating to the failure of certain non-tribals to produce records to prove their title in the on-going exercise of enjoyment verification. As of today, the number of such cases are 1125 involving an extent of Ac 2,817.94. There could be more cases. An immediate finality to this category of cases is called for as there is no justification for furnishing more and more time to the; non-tribals to prove their title. A definite time limit not exceeding 2 weeks needs to be fixed for final disposal of such cases as more than enough time has already been provided to the non-tribals to prove their title. Also, the Agent personally would need to satisfy herself that the scrutiny of such cases is done properly and the resultant cases are expeditiously filed before, and disposed by, the Special Deputy- Collector.

Similarly, in regard to progress in the disposal of cases discussed in the Action Taken. Report, against 674 cases required to be filed involving an area of 2049.23 acres in the Court of the Special Deputy Collector, it has been shown that 461 cases only involving Ac 2328.47 have been filed between October 2000 and 15th August 2001. Thus, 213 cases need to be filed further, Some new cases should have also come up in the meantime. Obviously, the progress of work is very slow. As against a pendency of 2137 cases as of October, 2000 and those 461 cases filed during the last 10 months totaling 2,598 cases 2236 cases have been shown as disposed of. Area covered by disposals is Ac 1 1,362.60. Obviously these are figures pertaining to the last 30 years, as ascertained from the Collector. But they do not reconcile with the figures given elsewhere for the same period. Similarly, the statement showing the pendency of cases in the Court of the Agent shows that whereas the number pending in her court was 164 involving a extent of Ac 1022.35 in September, 2000, the total cases filed up to 25.8.2001 is 178 covering an area of Ac 1070.42. This means, as pointed out earlier, 14 appeals only were field before her in a whole period of 10 months involving' a mere 48 acres. Since cases on a large scale have been decided adversely against the tribals in the lower Court, the little or no action taken to file appeals before the Agent to defend and restore tribal land rights becomes a serious question. The Agent to the Government should therefore, devise a proper Management Information System which would show all this information separately for her Court and for the Court of the Special Deputy Collector and submit the same to the Secretary, Tribal Welfare so that the work being done in the District can be properly evaluated at higher levels also. However, as pointed out by me earlier, to the extent information; has been furnished! it is crystal clear that of the 10292 cases disposed of over several years involving 32003.48 acres, only 2,290 were decided in favour of the tribals

involving Ac 9,390.02; These statistics tell their own sad story of how far the tribal Sand rights have been upheld in this District by successive administrations.

It is seen that the Special Deputy Collector is not disposing of the LTR cases by going to the villages. He is disposing of cases sitting at the Mandal Head Quarters. This is contrary to the decision taken and recorded in the Minutes of the meeting held on the 16th-17th November 2001 in the chambers of the Collector herself. This is a serious violation and non-implementation of a Vital decision taken at the highest level in the Government, The Special Deputy Collector should be made to scrupulously carry out this decision taken at the meeting the Secretary and Commissioner, Tribal Welfare held with the Collector and Joint Collector, West Godavari. District on the 16th- 17th November 2001. He should also be: called upon to account for his non-compliance with the decision made by the Collector and Secretary, Tribal Welfare. If accountability in these matters is not enforced, good governance can not be ensured.

(i) (a) Assignment of Government Lands to Tribals

The land rights of the tribals include their right to assignment of poramboke and Assessed Waste Dry land also. This would call for a correct assessment of the availability of such land including those which are in the wrongful possession of the non-tribals. In arriving at a correct assessment of the availability of such lands, all doubtful cases in non-tribal occupation would have to be investigated. It has been contended in a note furnished to me by the District Administration that assignments made prior to 1959 in favour of non- tribals should be deemed valid "even if changes had not been incorporated in the relevant records due to administrative delays". Such presumptions in favour of non-tribals cannot be accepted. It is the bounden duty of the District Administration to verify suo-motu all such cases and satisfy themselves that there is genuine proof of such assignment, taking every precaution in such a scrutiny against the likelihood of documents being manufactured. The burden of proof is squarely on the non-tribals and the burden of checking fraud is squarely on the District Administration. Every case must be expeditiously disposed of and all resultant lands assigned to the tribals, with possession and title deed both together handed over to the tribals, observing all formalities followed by entries duly made in the Pattadar's Pass Book to be given to the tribal person. This approach should inform all cases including those in the Estate Villages.

It is seen that non-tribals are in occupation of lands assigned to tribals: These lands should be restored to the tribals and the question examined whether such non-tribals cannot prosecuted under any of the relevant laws. Only such an action will act as deterrent against future exploitation of the tribals This principle of restoration and; possible prosecution should also apply to-the patta lands belonging to the tribals in the wrongful occupation of the non-tribals.

According to the information furnished by the Collector an extent of. Ac 13,093 was assigned to the poor tribals in the Agency area between the year 1969 and January 1997. Further, an extent Ac 3663.89 was identified by the survey teams between 1997 and to- date and assigned to the; tribals. Verification by special teams has revealed that Ac 388.48 is in the possession of the non-tribal and that these would be restored to the original tribal beneficiaries. I must again record that the statistics

furnished in regard to assignment of lands to the tribals also suffer from the infirmity of inaccuracy to the extent that the assigned lands under the occupation of tribals is shown in the same note as Ac 15,680,08. Since this is higher than the area of Ac 13,093 shown earlier, it is important for the Agent to ensure that pattas and title deeds are give to the tribals for this larger area and appropriate entries made in the Pattadar's pass book.

As observed elsewhere it is not only important to restore land rights and assign lands and safeguard possession and title but provision of adequate productive credit to the tribals is even more important if the tribals have to benefit from their lands and through such benefit develop the economic strength and will power required to retain possession of their lands. On this front of providing credit to the tribals, my discussions with Project Officer, ITDA do not show that any thing worthwhile has done either through the ITDA or Girijan Cooperative Corporation. We need will to rectify this situation. The note of the Collector shows certain figures of funds required for reclamation of the lands assigned to the tribals. All this would remain merely on paper if immediate action were not taken by the Government at the highest political level.

All the work relating to land enjoyment verification will be nullified if in the ultimate analysis the findings are not accepted by all concerned. This would call for the Revenue authorities working closely with the tribals in regard to land matters instead of doing this work as a burdensome legal formality to be discharged; Peace would return to the agency tracts only if the Administration works closely with the tribals and transparently.

(ii) Police Cases Against the Tribals

During my discussions with the Superintendent of Police, West Godavari District I obtained from him a note on the details of the cases filed against the tribals. That note is enclosed to this Report as Annex-V. The main complaint against the Police from the tribals is that the police book cases against them indiscriminately to strike fear into them and that this could be seen in the police booking cases against whom so ever they care to identify as one main person and then just add dozens of others as the co-accused. This is a time-honoured police practice from the colonial days and this is at the bottom of untold harassment to the victims because the absence of one of the other among these myriad victims leads to adjournment of cases in Courts which is further cause for more harassment of the tribals, with these cases dragging on for years. There is little doubt that this method represents a gross violation of human rights and when we consider that this is inflicted on hapless tribals, the unbearable enormity of this becomes obvious. That this is what is happening Its clear from such figures as the Superintendent of Police has furnished me. There-are cases that have been filed against the tribals that go back to the year 1996 and those filed right up to the year 2001. The note shows that as many as 194 cases are pending in the Court and the number of tribals being prosecuted are a huge 1,662. In addition, the Superintendent of Police's note shows that there are another 375, cases in which "the tribal accused in FIRs are correctly mentioned". I could not elicit, despite my efforts, from the Superintendent of Police what the expression "correctly" means but if we presume the best possible construction that in these cases the "accused" are no more than 1 in each case even that itself takes the cases filed in the 2 mandate of Buttayagudem and

Jeelugumilli to $194+375=569$ involving $1662+375=2037$ tribals. It is, at this stage, necessary for me to bring to the notice of the NHRC that the total population of the tribals living in the 2 tribal mandals of Buttayagudem and Jeelugumilli is only $(27,841+6701)$ 34,542 and in terms of households the number may be about 8000. So, one or another tribal from at least 25% of all the tribal families in the two main tribal mandals of the District are being prosecuted in the courts as criminals. This is not "good governance" by any manner or means about which we ceaselessly hear from the Andhra Pradesh Government circles. If this is the case in the relatively less affected West Godavari District, one shudders to think what the situation is elsewhere in the more seriously affected tribal Districts of the State especially in the Telangana area. The Superintendent of Police's note further states that as per the directions of this Honourable High Court of Andhra Pradesh in W.P.No.14516 of 1977 dated 28.7.1997, he had in his reference CNo.7009/CI/2001 instructed his Sub- Divisional Police Officer to withdraw cases registered in 95 cases. I could not, despite my efforts, elicit from the Superintendent of Police any information whether the Sub-Divisional Police Officer has actually acted on these orders. Clearly, no serious monitoring of action is taking place even in cases where the Honourable High Court has ordered withdrawal of cases.

I have cross checked the facts furnished by the Superintendent of Police with the Revenue Divisional Officer, Kovvur under whose jurisdiction the three tribal mandate of the District fall. As the Commission is aware, there is no separation of the judiciary in the Scheduled Areas and therefore the Revenue Divisional Officer-cum-Sub-Divisional Magistrate, Kovvur has jurisdiction over criminal cases as well in the Scheduled Areas, According to the information furnished by the RDO-cum-SDM, the following position emerges in regard to the prosecution of tribals in his Court:

1	Committed to the District Sessions Court after a prima facie case was established, these cases having been filed against -the tribals U/S 307, 447,- the Indian Arms Act etc, (Indian , Arms Act because the tribals carry bows and arrows)	23 cases involving 487 tribals.
2	Other Calendar Cases pending in the SDM U/S 447, 427, 506(2) etc. (some since 1991)	116 cases involving 1997 tribals.
3	FIRs filed but charge sheets not yet filed (pertaining to the period 1996-2001) U/s 307, 379, § 25 of the Indian Arms Act etc.)	69 cases involving 2,931 tribals

Thus the total number of cases pending against the tribals according to the figures furnished by the Sub-Divisional Magistrate is 208 involving 59415 tribals. Going by these figures, practically every other tribal family in one or another member being prosecuted as a criminal including under such sections as 307 IPC.

The highly conflicting and different figures provided by the Superintendent of Police, West Godavari District and the Sub-Divisional Magistrate, Kovvur in regard to criminal cases and the numbers of tribals involved highlight the need for the Collector and the Superintendent of Police sitting together and painstakingly scrutinizing all the cases and numbers at the own level and initiating action to put an end to the macabre drama of such large numbers of tribals including being made to go up and down the corridors of criminal courts.

The statistics given above speak for themselves. My visit to the tribal areas, the complaints that I have heard first hand from the tribals and the information elicited by me from the Superintendent of Police, West Godavari District and the Sub- Divisional Magistrate, Kovvur prove beyond any doubt that there is gross violation and denial of human rights to the tribals such as freedom of expression and movement and, therefore, their right to livelihood in the tribal areas of West Godavari District. The tragic irony of all this is that all these cases have been filed against the tribals describing them as "land grabbers" while the truth is that under the presumption of Law in existence for upward of a century and re-enacted under the Constitution of India, it is the tribals to whom prima facie the lands in the Scheduled Areas belong and it is the non tribals at least a large number of them who are grabbers of and belonging .to the tribals. In the eyes of the law enforcers, however, these roles have been reversed. The Commission may note that the report submitted to me by the Superintendent of Police, West Godavari District is titled "Compliance Report on Land Grabbing Cases booked against the Tribals in the Agency area of West Godavari District" That, I believe, reflects even if unintentionally a habit of mind of those charged with the enforcement of law and also those responsible for promotion of development at the District level. It seems to be a routine habit that appears unable to distinguish between the rights of those who are legitimately entitled to them and those who deny them those rights. This is not to blame any individual officers. It seems to have become a part of the current system. The Government of Andhra Pradesh at the highest political level should look at these realities and get its administration out of this state of casualness. I am not alone in saying this. The spirit and essence of some of the judgements of the Honourable High Court of Andhra Pradesh delivered in very recent times reflect this sense of casualness. I believe that the NHRC should take note of this situation and call upon the Government of Andhra Pradesh-to account for all these gross violations of human rights and rectify the position in the next five weeks. If they do not do so, the Government should be held responsible to render necessary reparations to the tribals of the area The first step should be to review without delay all cases of prosecution, even if they were justifiable at the heat of the moment of their launching and take steps to maintain only such cases as could justified in moral and judicial terms, Bearing in mind the philosophy of the laws and procedures enacted for the Scheduled Areas that underpin them in the context of the well being and development of the tribals. This is also imperative considering the crying need of the hour for reconciliation between the tribals and such of the one hand and the tribals and the Government of Andhra Pradesh itself on the other. Every single case requires to be justified on the basis of such a scrutiny by a group of senior officers that should include the Secretary and Commissioner of Tribal Welfare, Government of Andhra Pradesh who have a direct responsibility to the well being of the tribals.

CONCLUSION

15. In the foregoing paragraphs I have brought out what the perceptions of the tribals are in regard to their condition in the agency tracts of the District of West Godavari and what my own findings are **I am constrained to record that my findings on the basis of my discussions with the officers at the highest level in the District, my interaction with tribals and my analysis of the all the official facts and figures I have been able to gather together bring me to the conclusion that the perceptions of the tribals in regard to their grievances as placed before me**

and summarized by me in paragraph 8, 9 and 10 of this Report are justified, excepting to the extent of any specific allegations made against individuals which obviously would need investigation.

16. I have, therefore, conveyed to the Collector and District Magistrate and Agent to the Government, West Godavari and to the Superintendent of Police. West Godavari my understanding of the situation on the above lines as also the following observations at the meeting in the Collector's office on the 26th August 2001 and subsequently on telephone on the 3rd and 4th September 2001.

(i) That there was a clear perception amongst the tribals that the District Administration at the highest levels was unsympathetic to the cause of the tribals, through the tribals were sensitive enough to acknowledge the good work done by the present Mandal Revenue Officer of Polavaram, the helpful attitude of the police and the work done by the project officer, ITDA specifically in the polavaram mandal area. That the tribals were ready to acknowledge the services rendered to them in the Polavaram area shows that they are making their own judgment about the Administration and individual officers and their views are not being moulded by outside agencies cases disposed of by the Collector as Agent to the Government have been in favour of the tribals shows that the Collector is fully sensitized to the philosophy of the laws enacted for the defence of tribal rights and the betterment of the tribals lives. Nevertheless, it is incumbent for development administrators to actively promote empathy with the deprived and it was essential, therefore, that the Collector undertake immediately and with out loss of time an extensive visit to agency tracts along with the Superintendent of police so as to hear for herself the grievances of the tribals, particularly of women, and redress them so as restore the confidence and the moral of the tribal population in the District Administration.

The Collector informed me that she proposed to undertake a visit to the tribal areas within the next few days.

(ii) I indicated to the Collector the tribal perception of the present Special Deputy Collector shri Devadas in terms of his perceived lack of objectivity and requested that she consider the kind of the action required in the interest of fair play and speed of disposal of land cases.

(iii) I pointed out to the Collector and the Superintendent of Police the need to rein in police activism in land matters. When the District Revenue Administration at the highest level and under the guidance issued by the Honourable High Court, is itself doing land verification there is no need for the police to act on behalf of the non-tribals and indulge in large scale arrests and harassment of the tribals. **I emphasized the point that when Development Administration is inadequate, the resulting unrest Inevitably leads to a response from the law and order agencies and thereafter the resulting chain reaction blurs the main issue of denial of equity and justice to the marginalized sections of society. Therefore, a heavier responsibility devolves on the Development administrators. The Collector and the ITDA backed by the requisite political will have a crucial role in dealing with this entire questions.**

From the statistical information furnished by the Superintendent of police himself, it is obvious thousands of tribals have been arrested and are being prosecuted

under various sections of the penal laws. **The entire statistical data viewed along with what I had seen and heard from the tribals, including women, first hand during my visit to the tribal area shows prima facie there is violation of the human rights of the tribals of the west Godavari Agency area.**

The Collector and District Magistrate who is the Agent to the Government, should get the Superintendent of police to review all the pending cases against the tribals with a view to dropping them so that an appropriate environment of confidence is restored in the tribal areas of west Godavari District for the Development Administration to function In an atmosphere of normality. Considering that practically every case incorporates section 447 of the IPC the reasonableness of this suggestion in the context of the Government guidelines presently being implemented by the District Administration should be obvious to all. This should be done by the Collector and District Magistrate on her own initiative so that the tribal gain confidence that there are methods other than agitational once to access the rights that are legitimately theirs under the Constitution of India. Absence of peace and development can never co-exist.

(iv) I informed the Collector and the Superintendent of police that during my interaction with the tribals on the 25th and 26th August 2001 I had told them that in view of the position that the District Administration itself is verifying enjoyment and possession on the ground in regard to land rights, there was no need for the tribals to resort to agitational methods. It is up to the District Administration to take advantage of the exhortation I had made to the tribals and implement the land laws rapidly and fairly and without at any time giving the disillusioned tribals further cause to suspect Government's impartiality and thus find a peaceful and long-lasting platform from where to launch development programmes in the agency tracts so that within a short period the dominant sense of tribal alienation and sense of estrangement becomes a thing of the Government and the District Administration to seize the initiative.

(v) The Collector and District Magistrate should request the Superintendent of police to urgently consider the position of Sub-Inspector Anjaneya Swamy, considering the unsavoury anti-tribal reputation he has built for himself in the area.

(vi) The Collector should urgently consider the position of the Mandal Revenue Officer, Jeelugumilli considering the unfavourable image the present Mandal Revenue Officer has entered for himself as one unfairly opposed to tribal interests.

(vii) The Collector should find finality to the question whether the land rights should be settled in the Estates Villages of the Scheduled areas according to the records created consequent to the 1902 survey or the 1933 survey and **whatever her decision explain in patiently to and extensively educate, the tribals as regards the reasons for her decision so that wounds inflicted by lack of information do not continue to fester.** Erstwhile zamindars were in possession of very large extent of land and the ownership of those lands needs to be verified. The compliant that one Sunkavalli Seetapati, a non-tribal of Gouripatnam has in his possession 600 acres of land in Madakamvarigudem of Jeelugumilli mandal and that he is trying to defect the law by making it appear *benami* that this extent

is in the hands of cooperative Society Organized by tribals should be immediately investigated. Another non-tribal person from Vijayawada allegedly holds 200 acres of land in the name of Rama Corporation. This case needs immediate investigation. Also the complaint of the tribals that in the year 1998-99 a Settlement Officer by name Sri Parthasarathi Rao helped a large number of non-tribals to gain lands unlawfully in the Estate villages of Jeelugumilli Mandal, that the matter went up to the High Court where a review of his orders were ordered but that no action has been taken till now should be investigated on priority. This should be pursued so that tribal interests are safeguarded. The Specific case of a Kondareddy tribal Sri Hanumantha Reddy, who has after a long struggle managed to obtain from the Sub-Registrar, Polavaram 35 documents which showed that non-tribals had taken possession of his lands unlawfully needs to be investigated by the Collector who seems to have already promised to review this case as part of her fortnightly review.

17.I have Conveyed the essence of these findings or mine orally to Sri Anil Kumar Kutty, IAS, Secretary (political), who is a key officer in the General Administration Department of the Government of Andhra Pradesh on the 6th September 2001 in the absence of the Chief Secretary who was on tour to Delhi and requested him to convey my findings to the Chief Secretary to the Government of Andhra Pradesh. I have also conveyed orally these conclusions of mine to Sri H J Dora, IPS, Director General of Police, Andhra Pradesh. Shri Dora has assured me of his commitment to protect the rights of the tribals and indicated that he would take up a review of all the cases of prosecutions against the tribals with a view to promoting an atmosphere that is conducive to the peace and development of the Agency tracts. I have every reason to expect that this would be done. I am of the view that given at the state level appropriate political will and direction and the right priorities in governance, the problem of the tribal areas in West Godavari district would certainly be amenable to an early solution such priority seems to be lacking at the present time.

18.Before I conclude my Report I would like to place on record my deep appreciation of the genuine commitment that has been consistently displayed by Shri C R Biswal, IAS, Secretary, Tribal Welfare, Government of Andhra Pradesh in regard to the need for finding equitable solutions to the problems of the tribals in the west Godavari Agency. I find this commitment and concern for the tribals and the marginalized coming across naturally and transparently from him during the discussions I have had with him. A concrete proof of this is witnessed by the focused decisions that Shri C R Biswal and his able Commissioner of Tribal Welfare Shri Vinod Agrawal, IAS, had produced at the meeting that they held on the 16th,17th November 2000 with the Collector and Superintendent of police, West Godavari District at Eluru. Their labour and that of the NHRC will have been fully rewarded if the decisions incorporated in the Minutes of the meeting held on the 16th-17th November 2000 and the recommendations made in this Report are implemented at the District level by the Development and police Administration of West Godavari District.

19. I Place on record my warm gratitude for the ready, willing and whole-hearted assistance provided to me by the Collector and District Magistrate, West Godavari Smt Poonam Malakondaiah IAS and her officers and the arrangements she made

for my stay in the tribal area all of which helped me complete my network smoothly. I also thank Shri AVS Reddy, IAS, Principal Secretary, Revenue and Shri Anil Kumar Kutty IAS Secretary(Political), Government of Andhra Pradesh for issuing necessary instruction to the District Administration to render me the required assistance which enabled the smooth completion of my work in the field.

Finally I enclose to this Report at Annex-VI copies of the informal notes taken by me during my visit to the Agency area running into 10 pages on the basis of which, among other material gathered by me, this Report has been compiled.

Hyderabad
9th September 2001

Encl

Annex I to VI as described in the body of the Report.