

PROBLEMS RELATED TO TRIBAL PEOPLE IN ANDHRA PRADESH

A Report to the Scheduled Areas and the Scheduled Tribes Commission

INTRODUCTION

Samata is a voluntary organization working for tribal rights in Andhra Pradesh. Samata is an advocacy and lobby group for tribal peoples' concerns on violation of their rights; vis-à-vis lands, forests and other natural resources, violation of their human rights and dignity, problems of development negligence and lapses in government functioning, exploitation by non tribals, money-lenders, traders, and by public and private industries. Samata also works towards strengthening tribal communities, in their assertion for Self Rule and governance, and protecting their cultures and customary rights.

The Scheduled Areas and Scheduled Tribes Commission, a Constitutional body to look into the tribal people's problems has come at a very crucial juncture, when the rights and resources of the tribal people of the country are under serious threat and at a time when the constitutional safeguards are being violated or attempted to be diluted. As an organization advocating the rights of the tribal people, Samata felt an urgent need to take advantage of this opportunity of placing before the Commission some of the critical concerns with regard to the tribal people in Andhra Pradesh.

With this objective, Samata undertook a consultative process with various tribal groups and NGOs working with the tribal people to represent their issues to the Commission and to facilitate a collective submission to the National Commission. As part of this process, district level consultations were organized at ITDA headquarters in nine districts which culminated into a State level Workshop with the participation of all the groups* from these districts.

Samata is highly obliged to the spontaneous response from the Commission. We were privileged to have Dr. Bhupinder Singh, IAS, (Retd.), member of the Commission, participating in the Workshop and paying serious attention to all the issues represented at the Workshop. We have been extremely fortunate to have the valuable participation of reputed, retired officers like Shri.S.R.Sankaran, IAS (Retd), Shri.B.N.Yugandhar, IAS (Retd), Shri.R.K.Rao, IAS (Retd), Shri.Mohan Rao and also officers in service working for the tribal people's concerns, like Shri.T.Vijay Kumar, IAS, Shri. Prem Chandra Reddy, IAS (Director for Tribal Welfare), Shri. G. Venu Gopal Sharma, IAS; Dr.V.N.V.K.Sastry, and other officials from the Tribal Welfare Department.

The ensuing pages attempt to highlight some of the Critical Issues that came at the end of the Two-Day Workshop and also in the nine district level workshops.

* We are extremely grateful to all the participants of the ten consultations/workshops for sharing their experiences and providing valuable inputs to the process.

I. LAND RIGHTS AND LAND ALIENATION:

1. Scheduled Areas:

- 1.1 Chenchus are recognized by Government of India as a Primitive Tribal Group (PTG). Their habitat is administratively dispersed in six districts and only a part of it enjoys the scheduled area status. The Chenchu area with its ITDA in Srisailam should be declared a Scheduled area. This status should also be extended to the area inhabited by the Yanadi Tribe in Nellore district.
- 1.2 The Tribals do not have access to land records, not even the Record of Rights. This lends them to a higher probability of getting exploited, by the non-tribals and in some cases by the local officials. Wherever lands are given yet the pattas are not given, or pattas handed over yet the land is not shown, the process needs to be completed within the next six months.
- 1.3 There is a discrepancy in demarcation of Scheduled Areas. In some places it is village-wise and in some places it is an area declared as the Scheduled Area. There should be a clear village-wise demarcation of the Scheduled Area to avoid ambiguities and exploitation of tribal lands. The Srikakulam district best illustrates the problems of such ambiguities.
- 1.4 There are many tribal villages with more than 50% and even 100% tribal population and contiguous to the existing scheduled areas, which are not declared as scheduled areas. These villages should be included in the list. In districts like Srikakulam where there is a predominant tribal population in 1250 villages, only 108 villages are included in the Scheduled Area. The same is true for West Godavari district in the K.R.Puram ITDA area. Some of the tribal villages surrounding the Scheduled Areas are administratively called the Sub-Plan Areas, where land alienation is high and has numerous pending cases. Land restoration and issuing title deeds to tribals as per LTR Act should be implemented immediately in all these areas. This issue has to be immediately addressed, since only land situated in those villages that fall within the Scheduled Areas enjoy the protection under the Land Transfer Regulation Act 1/70 in Andhra Pradesh. Until the Scheduled Area is extended, an order should be issued by the Governor banning transfer of all tribal lands to non-tribals.
- 1.5 When taluks were divided into mandals in A.P in 1986, some of the scheduled villages got included in the plain area mandals. Land alienation is very serious problem in these areas and the administration is not implementing the LTR Act here, as these areas are a fraction of the total area of mandals. The mandals and Scheduled Areas should be co-terminus.
- 1.6 The Agency Revenue Divisional Officers serve as judicial magistrates and conduct agency courts in the Scheduled Areas. They are not knowledgeable of judicial matters and LTR, as they are posted from the Revenue Department. Because of their inexperience, numerous land alienation cases are pending in such courts. Some such SDCs are given charge of more than one district, or have to deal with both plain areas and scheduled areas, causing all sorts of logistical and experiential problems. They should be given training to their LTR and judicial roles effectively.

- 1.7 The revenue authorities (SDCs) are not restoring lands back to tribals even after High Court orders. The implementation of the LTR Act seems to be restricted to small non-tribal land holdings, while the big landlords with huge tracts of tribal land remain unaffected.
- 1.8 Tribal villages in contiguous villages/mandals are dispersed into separate districts. The groups felt strongly that there should be separate tribal districts with one SDC each, and that officers with strong commitment towards tribal people should be posted so that they would be more accessible and sincere to them.
- 1.9 At the local level some of the land disputes could be solved and tribals' rights could be settled by the SDC taking the assistance of the traditional leadership in the villages who have knowledge of the actual ownership of the lands and who have customary modes of dispute resolution. Oral testimonies could be accepted for settlement of rights where written revenue records are not available or are distorted by mischief. Such a provision exists in the Agency Rules of 1870. This system could be adopted both for settlement of rights on revenue and forestlands.
- 1.10 The need to recognize traditional legal systems to deal with civil cases and related matters was also raised and discussed in the workshop. It was felt that such a move would strengthen the legal framework in Scheduled Areas and would be harmonious with the spirit of PESA. Philippines is one example of a country that has fruitfully recognized its traditional dispute settlement systems.
- 1.11 Some lands in the Scheduled Areas are under the Endowments department; a good example would be the Devasthanam lands in Bhadrachalam (Khammam Dt.). These lands are being taken over by non-tribals; while the tribals have no access to their ancestral lands. In fact, The Endowments department has plans to auction such lands to private bidders. These developments are in contravention of the Fifth Schedule and the LTR Act and therefore such moves should be withdrawn forthwith.
- 1.12 Non-tribals are using Court stay orders, and even acknowledgements from the High Court to halt the restoration of lands in LTR cases. Steps need to be taken to ensure that stay orders do not stall the restoration process. One possibility would be to enshrine the LTR Act under the IX Schedule of the Constitution.
- 1.13 Non-tribals are taking possession of lands in Scheduled Areas by marrying tribal women. Most often, the tribal women, who are legal owners of lands and yields, become concubines and are denied all enjoyment over such rights by the non-tribal men. The groups felt that the children of a non-tribal father should not be given tribal status as most of the tribal groups in the country follow a patriarchal system of identity and ownership over property. It was felt that this system should be followed in the tribal area as well in order to prevent land alienation. Section 3(1) of LTR Act should be accordingly amended prohibiting transfer of land to children of tribal women married to non-tribal men.
- 1.14 The groups also strongly felt the need for a Special Commission to be appointed to review and enforce implementation of LTR Act in the state.
- 1.15 Land alienation within tribes is a serious problem in some areas. For example, the recognition of the Lambadas as a Scheduled Tribe in 1977 in Andhra Pradesh, who do

not have this status in other states, has led to large-scale migration of this tribe into A.P. The Sugali population was 1,32,464 in 1971; by 1981 the Sugali and Lambada populations together became 11,58,342 – a 774% increase. By 1991, they were 16,41,897 in population. They have largely spread in the districts of Adilabad, Khammam, Warangal, Mahaboobnagar, Kurnool, Nalgonda and Prakasam, while scattered in other districts to a lesser extent. They have taken over the lands of the local tribes like the Gonds, Chenchus, Koyas, Kolams, etc. The Chenchus have been worst affected by this migration. This conflict is serious where lesser assertive tribes, like the Chenchus, have lost lands to the Lambadas. From all the above-mentioned districts, there was a strong feeling that such land alienation should be arrested. It was collectively felt that a special protection should be provided for the local tribes by a process of categorization of tribes both for the purpose of preventing land alienation from lesser-developed tribes, and for a more equal distribution of reservations and other constitutional provisions. The Commission has to look into this matter very seriously.

1.16 The Rajasthan Tenancy Act, 1955, Section 42 (bb) can be used as a reference for adopting similar safeguards on this issue. Section 3 (1) of LTR Act needs to be amended, to place a restriction on transfer of immovable property by one member of Scheduled Tribe to another, except with the consent of District Collector/Agent to Government. (As suggested by Dr. P.V Ramesh IAS, in his paper "Land Reforms and Land Transfer of Scheduled Areas of Andhra Pradesh: Adequacy and Effectiveness").

2. **Industries and Privatization in the Scheduled Areas:** There is a clear shift in the policies affecting tribal people and resources in the tribal areas today, eroding the constitutional safeguards and the very spirit of the constitution as laid down in the Fifth Schedule. Private and public sector industries have been given lands in the Scheduled Areas in contravention of the LTR Act and the Fifth Schedule of the Constitution. Some such private industries are, the Badrachalam Paper Board Limited (BPL) located in Palavanacha, Khammam district; AP Rayons, Kamalapur, Warangal Dt.; Orient Cements, Devapur, Adilabad Dt.; and NavBharat Ferroalloys, Palavanacha, Khammam Dt. Some of the public sector industries are Singareni Collieries, in four districts of the Scheduled Area; Sponge Iron India Ltd, Palavanacha, Khammam Dt.; Manuguru Heavy Water Plant, Manuguru, Khammam Dt. and Andhra Steels in Palavanacha. In Andhra Pradesh, some of the critical problems in this context are:

2.1 Transferring lands in scheduled area to a private company is a transgression of the LTR Act; this argument was upheld in favour of the tribals in the Samatha Judgement of 1997. Yet, the state government is pursuing a policy of inviting private bidders and investors into the tribal areas in the name of economic development, both in the form of fresh leases and through disinvestments of the public sector companies.

2.2 An important issue that needs to be given cognizance is the fact that private industries in the scheduled areas have not brought any economic development to the local tribal communities, either in the form of employment or other opportunities for livelihood. On the contrary they have been exposed to further vulnerability in the hands of the outsiders by losing their lands, livelihoods and cultures. They are being economically and culturally displaced.

2.3 Even now this threat to privatize scheduled area lands continues in a serious manner. At present, the Sponge Iron India Limited (SIIL) has been thrown open for disinvestment

and a case is pending in the High Court of A.P, filed by Samata and a local tribal group. The Commission should forcefully look into this serious issue because we find that the state itself is violating the Constitution and trying to find back-door means of transgressing the Fifth Schedule and the LTR Act.

- 2.4 In the case of BPL, Bhadrachalam, there are only 24 tribals employed in the company. All the tribals who lost their lands directly and indirectly (to the company, the non-tribal settlers and migrant workers) over the years, the loss to agricultural activities, the loss of forests due to heavy deforestation by the company and the settlers, has not been accounted for. Moreover, the losses to the state government due to default by the company against payment of royalties has also gone unquestioned. The situation is similar with other companies in the scheduled areas of the state.
- 2.5 This has also resulted in attempts at diluting the Samata Judgment and the Fifth Schedule. Even after the Samata Judgement, the Orient Cements Ltd. in Adilabad district was given an extension initially. In September 2000, there were attempts to give mining leases to a Dubai based company in Sapparla and Jerrella of Chintapalli Mandal in Visakhapatnam district and only after public protests from tribal groups, was the proposal withdrawn[†].
- 2.6 The Tribes Advisory Council (TAC) meeting was convened within short intervals in the same year to pressurize them into granting permission to allow private mining in the scheduled areas of the state in the name of economic development[‡].
- 2.7 The threat to open up bauxite mines in Anantagiri and Chintapalli areas of Visakhapatnam is persistent. The hamlet which fought against Calcite Mining in Nimmalapadu village of Anantagiri Mandal in Visakhapatnam district and won the Samatha Judgement, faces constant threat from the state, the non-tribals and benami tribals, who are trying to misinterpret the Samatha Judgement definition of a tribal society.
- 2.8 There is pressure from private industries to set up power projects, especially mini-hydel projects in the Scheduled Areas by harnessing the hill-streams. The state government is considering these proposals and one such project which was in the pipeline was the Jolaput Mini-Power project proposed in Peddabayalu Mandal of Visakhapatnam district. By sanctioning such projects the government is allowing for intrusion of private industries which can easily alienate tribal lands once provided an entry point. Such projects can be easily given to the local tribal communities themselves which can manage these projects with basic skills and training imparted to them. One such project successfully implemented by Samata and a few other NGOs is in Putsil village of Koraput district in Orissa. Such programmes provide the required development amenities to the tribal villages as there is no electricity in most of the villages, and can also make the tribals self sufficient while allowing them to retain control over their lands and resources.
- 2.9 Tourism as an industry has led to a degradation of the tribal people, economically and culturally. This is particularly a serious problem where sacred places of worship have

[†] See Appendix 1.

[‡] See Appendix 2.

been taken over by the government and converted into either tourist places or religious places of tourism. Some of the important sites are Srisailam (Chenchu area), Bhadrachalam (Khammam district) and the more recent Borra Caves and Matsyagundam (Visakhapatnam district). They have been either taken over by the Tourism Department or the Endowments Board. In Borra, Araku and Matsyagundam, they have been further subcontracted by the tourism department to private contractors or companies where tribals, including the priests, who were owners of the lands and religious places, are now converted to casual labour. The revenue and incomes from these commercial activities are not shared with the local communities or used for local development activities in the areas.

- 2.10 The state government needs to be more proactive in protecting the LTR Act and the rights of the tribal people, rather than trying to violate the laws of the Constitution to serve non-tribal and industry interest groups

II. FORESTS AND FORESTRY

1. The tribal people are facing serious problems with regard to utilisation and rights over forest resources. Due to the increasing pressure on forests by various interest groups, there is a corresponding pressure on the tribals to reduce their dependency on forests. This is creating serious situations of conflict, as tribal life is symbiotic with land and forests and their livelihood and culture are based on their relationship with the natural wealth around them.
2. The tribals are being harassed for using forestlands and being evicted in many places. Such reports have come from places like Khammam, Visakhapatnam, Vizianagaram, Adilabad, Srisailam and other places. In Khammam in one particular village, the forest and police departments allegedly branded the tribals on their shoulders as an indication that they were destroying the forests.
3. There are ambiguities in forest-revenue land demarcation. In some places like Nellore district, a lot of land on Velugonda hills is indicated as 'poramboku' in revenue records and as RF as per the forest department. These lands do not have any forest growth. The FD is taking up palm oil plantation in these RF lands (which is not a forest species). However, landless tribals are booked in criminal cases or prohibited from using these lands for agricultural cultivation. These lands should be given to tribals with pattas for cultivation.
4. In some areas like in Visakhapatnam district, the lack of clear forest boundaries is making tribals vulnerable to the exploitation of both the forest and revenue departments. A joint survey and demarcation of boundaries by both departments should be immediately taken up to arrest these conflicts. Such Joint surveys need to involve the villagers at various levels.
5. The Forest-Revenue Boundary dispute is a perpetual problem in Adilabad and Warangal districts, leading to booking of cases by the Forest department and tension in these tribal villages.
6. In Visakhapatnam Agency and Nallamala areas, there is the unique problem of Enclosure Villages. There were many tribal villages that were not enumerated in the forest surveys. Due to such sheer negligence, the villages were not given revenue status and to this day, they do not have pattas for their lands. They face constant harassment from local forest officials, as

they do not possess land records. Recognizing these enclosure villages and issuing pattas to tribals should immediately resolve this problem.

7. In Buttapur (Adilabad district) and in Nellore Dt. (Yanadis), the tribals were given lands decades ago under the social forestry scheme and are cultivating there. But due to lack of pattas, they are being harassed by the police and forest departments and also do not have access to bank loans as they cannot prove their ownership. These tribals have to be given pattas as promised.
8. Attacks on tribals, their properties and livestock by wildlife are not compensated by the Forest Department. Several cases are pending where tribals have been either killed or disabled and yet have not received any monetary compensation as due to them under the Wildlife Act.
9. The tribals should not be prohibited from entering the forests to collect NTFP for their domestic requirements, like firewood, medicinal herbs, food, or agricultural and housing material.
10. The tribals should not be defined as 'encroachers', as is being projected by the forest department and also as indicated in the Circular of IG Forests, MoEF dated 3rd May 2002. In districts like Visakhapatnam, East Godavari and Vizianagaram, where there is high prevalence of podu cultivation, the tribals are facing threats of eviction from the forest department.
11. There was a notification issued by the government of A.P in 1987 ordering that pre-1980 settlements will not be evicted until further orders. This should be implemented.
12. The JFM programme now renamed as the Community Forest Management programme of the A.P Forest Department has caused grievous violations with regard to tribal rights. One major violation is the displacement of tribals from their podu lands by reclaiming them back into the forests through the JFM programme. The official reports of the forest department and the World Bank (which has funded the project) reveal that 37,000 hectares of forestland has been reclaimed back from the people[§]. The APFD further states its intention of displacing tribals in G.O.13 where it calls for voluntary surrender of lands by involving NGOs to motivate people under the CFM programme.
13. The APFD has come up with a proposal for rehabilitation of tribals displaced from their podu lands through a monetary and schematic approach. This should be condemned as it bypasses the issue of eviction and rights of people over their podu lands. Their act of reclaiming lands under JFM programme and the APFD's forestry project under World Bank assistance has to be scrutinized closely by the Commission.
14. Samata and a few other NGOs raised this issue by writing to the World Bank on its violations of its own Operational Directives 4.2 and 4.3 in its financial support to the APFD. This has led to the Bank's insistence on an R&R policy to be proposed and implemented by the APFD in its CFM programme
15. In Srisailam area, the Rajiv Gandhi Tiger Sanctuary has led to eviction of tribals from their original homes. They have not been properly settled so far. The concept of EDC (Eco Development Committees) that was introduced is working to the detriment of the tribals, as

[§] See Appendix 3.

the objective of this programme was to reduce the forest dependency of the tribals. The tribals are given income-generating programmes and alternate sources of firewood by the forest department. This is an artificial mechanism that is not sustainable in the long term.

16. In the Srisailem Tiger Sanctuary area, the Chenchus, who are traditional hunter-gatherers, go into the forest everyday for all their needs. They are being harassed by the forest department for trespassing into the sanctuary. The groups who came from the chenchu area felt that the Chenchus should atleast be given identity cards to prevent harassment from forest department and the police department who mistake them for naxalites.
17. Another serious problem with regard to Sanctuaries is the settlement of people's rights. The Settlement Officer is the Conservator of Forests whereas the forest department is one of the interested parties in the land acquisition for the sanctuary and hence it is not appropriate to make the forest officer the settlement officer^{**}. It should be the revenue department (District Collector) who should be authorised to settle the people's rights.
18. G.O.No.112 which calls for involvement of private industries like ITC, Reliance and others for taking up commercial plantations through the VSS should be withdrawn immediately, as this is a backdoor method of allowing private industries to enter forest and tribal lands. Such tripartite agreements between the government, the industries and the tribals can never provide a level playing ground for the tribal people and make them more vulnerable to the exploitation of private industries^{††}.
19. The historical injustices to the tribal people in this region and that of the tribals in southern Orissa due to construction of several 'development' projects and industries like Nalco, HAL, Sileru, Machkund and others which have displaced tribals in large numbers without any rehabilitation, and has forced them to migrate in search of livelihood. They are now being treated as encroachers and criminals in forestlands. This definition should be condemned and Commission should recommend proper mechanisms for resolution of conflicts. The Commission should strongly recommend the orders passed by the Ministry of Environment and Forests in 1990, on the recommendations of the Commissioner of Scheduled Castes and Scheduled Tribes, to ensure that such conflicts are resolved. Infact, the first two orders alone show a way forward to settle disputes concerning forestlands.
20. All the groups consulted strongly felt that the pressure on forests and the destruction of forests is taking place more due to increase in industries and private commercial activities like Mining, paper-mills, timber smuggling and the growing non-tribal population settling down in Agency areas, than due to the podu cultivation practiced by tribals.
21. Eco-Tourism is also causing destruction of forests. For example, the A.P Tourism Department built huge infrastructure close to Farhanbad, near Mannanur (Srisailem) for Tourism purposes in the middle of the protected area and in Araku, Borra and Anantagiri (Visakhapatnam). While tribals are prohibited from entering these forests for their survival needs, it is totally unjust to allow tourism, which is causing a lot of degradation. Hence, the constitutional provisions of the Fifth Schedule, the Samatha Judgement and the PESA Act should be strictly implemented following the right spirit with regard to industries and non-tribal settlers, which includes the Tourism Department.

^{**} See Appendix 4

^{††} See Appendix 5.

22. The Tourism Department also conducts tours through tribal villages, especially in Chenchu settlements, and exhibits them like museum pieces. The groups felt that this degrading exercise further underscored the lack of empathy among the various government departments towards the tribals.
23. Because of a shift in the policy of the government, profits to G.C.C. are more important than benefits to tribals. Although there are 32 items in the procurement list of GCC Ltd, it procures a limited number of commodities and at very low prices compared to the market rates. The tribals face several constraints in collection of NTFP and marketing these items because of the monopoly rights enjoyed by GCC Ltd. They do not have the right to sell their produce to private traders even when their rates are higher. Hence, a long-standing demand has been for removal of the monopoly restriction of GCC Ltd and instead a minimum support price should be provided by GCC to protect the tribals from exploitation of traders.
24. The monopoly of forest department over Beedi leaf collection and sale should be removed. The tribals or VSS should be given 100% rights over income from beedi leaf and also the right of sale, with the forest department providing the support price.

(We request the Commission to give special attention to the issues and recommendations of Shri.R.K.Rao, IFS (Retd) who has put forth very valuable technical inputs to the subject of forestry giving suggestions for policy and forestry practices that should be adopted. His document is enclosed with this report)^{##}.

III. PESA AND SELF RULE

1. The A.P. Government is implementing programmes and schemes without the consultation of the Gram Sabhas, thereby completely ignoring the PESA Act. In fact, the A.P state PESA Act is a dilution of the Central Act, mainly with regard to the definition of the Gram Sabha. The state Act should be amended in lines with the spirit of the Central PESA Act.
2. The rules for the A.P PESA Act 7/98 have not yet been framed. The rules should be framed immediately to give more clarity to the Act. Moreover, they should be framed in a manner which strongly support the interests of the tribal people at the village level, so that more powers are given to the Gram Sabhas than to the Gram panchayats, the MPPs and ZPPs with regard to utilisation of resources (land, forest, water and other natural resources) and the right to decision-making on programmes and funds from the government.
3. An important issue that needs to be settled with regard to PESA is the right of the Gram Sabha over minerals and lease of their lands to private mining companies without the consent or prior information to the Gram Sabha. In Andhra Pradesh mining leases were issued without the consent of the Gram Sabha (for example, the Orient Cements in Adilabad district) and proposals were made in Chintapalli for bauxite mining. The A.P draft rules prepared by the Tribal Welfare Department also empowers the MPP (Mandal Praja Parishad) for decisions regarding minor minerals. In reality, the MPP is vulnerable to political or economic pressures and most often, as seen in many places, does not take the interest of the community with regard to mining leases. It is the Gram Sabha which will be directly affected

^{##} See Appendix 6.

and has the interest of the community, and which should be empowered to take decisions on mining leases.

4. An example of how PESA was used as a strong tool to assert Tribal Self Rule and the spirit of the 73rd Amendment Act was experienced in a reservoir project called the Surampalem Reservoir Project in Yeleswaram Mandal, East Godavari district, by two NGOs - Samata and Pragati, along with the local tribal people^{§§}. In many places mining and quarrying leases are being issued without the consultation of the Gram Sabha
5. There is no awareness among tribal people about the existence of PESA which is a revolutionary constitutional provision supporting the tribal peoples' rights. The Tribal Welfare Department or the ITDAs are not taking any responsibility to provide this awareness among the tribals.
6. Tribals are facing criminal cases and there are many tribals facing trial for having consumed traditional liquor. Although the PESA clearly specifies the right of the tribals to brew and consume their traditional varieties of liquor, this is completely ignored and the police and excise officials are harassing the tribals with criminal cases. Liquor shops should not be given licenses to operate in the Scheduled Areas and only traditional brews should be permitted according to customary practices.

IV. GOVERNANCE, ADMINISTRATION AND RESERVATIONS

1. Electoral Issues:

- 1.1 The non-tribals are unduly taking advantage of the PESA Act for electoral seats. The PESA Act mentions that at least 50% of seats should be reserved for tribals, which is being misinterpreted, as non-tribals have the other 50% choice of participation.
- 1.2 The tribal groups felt that many non-tribals are contesting and also being elected as MPTCs and ZPTCs because of their dominant and aggressive behaviour. They felt that the non-tribals should be prohibited from contesting and voting in the Scheduled Areas. They should vote in their place of origin, because they invariably elect non-tribals, or tribals who are stooges of non-tribals and are willing to work for non-tribal interests. It was suggested that the Election Commission should take the pre-1970 Census as the cut off date for participation in elections for non-tribals. All settlers after that date should be disallowed to either contest or vote.
- 1.3 Especially in places like Badrachalam there is a very high non-tribal population wielding all the political powers, have occupied tribal lands and have many non-tribals contesting for elections. Scheduled Areas, which have less than 80% tribal population, are being declared as general constituencies. This should not be allowed.

2. Administration:

- 2.1 Development facilities are lacking in interior areas. There is very poor housing, electricity, drinking water, and other basic infrastructure facilities. The allocations for these should be increased, to provide a minimum level of amenities necessary to ensure dignity of life.

^{§§} See Appendix 7 & 8.

- 2.2 All revenue from natural resources in Agency areas should be ploughed back to the development activities of the STs as royalty for utilization of these resources.
- 2.3 There was serious concern shown with regard to proposals for privatization of GCC Ltd. and its services of PDS. The D R Depots should not be handed over to private bodies or contractors or even to community institutions like women's thrift societies as they cannot deal with the larger corrupt bodies in the PDS.
- 2.4 The ITDAs are supplying hybrid varieties and genetically modified varieties of seeds to tribal farmers as part of their agriculture and horticulture extension activities without being sensitive to the value of the traditional crops. This is leading to extinction of these valuable species where there is no provision for preservation or regeneration of geneplasm of the traditional cereals, millets and other seeds. The tribal welfare department should be very cautious of tampering with the biodiversity and knowledge systems of tribals.
- 2.5 The health department should be brought under the single-line administration under the ITDAs for smoother administration.
- 2.6 A Women's Cell should be set up at ITDA level to address the atrocities and other issues faced by tribal women.

3. Reservations and Tribal Identity:

- 3.1 There should be special programmes and schemes formulated only for the Primitive Tribal Groups (PTGs) to encourage their participation in education, employment and other fields.
- 3.2 To protect the interests of lesser dominant tribal groups from the more dominant ones and to prevent alienation of lands within tribes, there should be a provision or guidelines for non-transfer of lands by way of sale, lease, mortgage or any other form. Such a clause exists in the state of Rajasthan.
- 3.3 One possible solution could be the restriction of the three 'new' tribes included in the ST list to 2% reservation, while the rest of the tribes should avail of the remaining 4% reservations in order to prevent monopolization of reservation opportunities by some tribes only.
- 3.4 Tourism is resulting in a serious threat to tribal culture and identity as is it leading to non-tribals settling down in the scheduled areas for petty trades, contracts, establishing entertainment and hotel industries thereby displacing the local tribal communities from their lands and resources, forcing tribal women into prostitution and other forms of physical, sexual and emotional abuse.
- 3.5 It has led to tribal women being deserted, abandoned by the non-tribal men and on the other side, facing ostracization from their communities. Hence, the government should not encourage the tourism industry in the scheduled areas, as tribals are not in a position to protect themselves, their cultures or their natural resources.

V. EDUCATION

1. The government is trying to reduce its responsibility towards primary education in the name of community involvement by making communities either pay partially for primary education or by hiring tribal youth as 'Vidya Volunteers' and paying them very low honorarium as a temporary arrangement. The Vidya Volunteers are expected to provide the same quality of services as the GVVK teachers who are permanent employees and have very good salaries. This way, the state government is trying to look at subsidized ways without increasing financial allocations for primary education.
2. The Ashram Schools are overcrowded and are not adequate in number compared to the applications for admissions. Hence tribal children are being denied admissions into schools and colleges. The number of schools has to be increased. Infrastructure facilities are very poor for classroom, living and toilet needs of the students. There has to be a higher allocation for improvement of infrastructure, for setting up more ashram schools and for posting teaching staff to make a qualitative improvement in the student-teacher ratio.
3. Atrocities on girl students are high in the Ashram schools although they are hastily dismissed. Infrastructure has to be improved so that the girls do not have to go out into the fields and to the streams for their toilet and bathing needs. They should have better dormitories for living. More female teaching and hostel staff should be posted instead of male teachers. Where cases of atrocities have been reported, the local ITDA administration should take these issues seriously and follow-up with stringent judicial action. So far no teacher has been convicted in such cases, although hundreds of atrocities were reported. The Girls' Ashram schools should be linked to the proposed Women's Cells^{***} at the ITDAs.
4. There are many villages that are not covered even by primary schools, even in places with more than 20 children in the school going age. All tribal villages and hamlets should be covered by elementary schools upto the 2nd class within a radius of 1 km.
5. The Dropout rate is very high among tribals, especially among girls and among PTGs. For this, quality and easily accessible opportunities for primary, middle and high schools are compulsory.
6. The school curriculum does not have any provision for teaching tribal culture, history or knowledge and this has to be consciously incorporated.
7. There should be reservations for tribals in private schools where the tribal welfare department pays for the cost of education on the basis of merit.
8. There are no adequate and qualitative vocational education colleges for the tribal youth, which is relevant to their natural resources, livelihoods and occupations. There are no professional vocational courses that enhance their skills in economic activities through value addition in agriculture, NTFP and other resources.
9. The stipend given to tribal students for higher education in intermediate, graduate, post-graduate and vocational courses is very low and the disbursement is fraught with delays. The stipend should be increased.

^{***} See page 10, Administration.

10. Financial and institutional facilities should be provided for meritorious tribal students to compete for professional courses in medicine, engineering, civil services, or any other courses of higher education or professions. The present facilities for coaching are highly inadequate and hence the tribal students are unable to aspire above the Class IV level of employment.
11. Colleges located in the Scheduled areas are open for all students and only the 6% reservation is applicable. Tribal students are unable to compete with non-tribal students and hence, do not get admissions into colleges located in the scheduled areas. This problem is serious in places like Badrachalam, Paderu and Rampachodavaram, where the non-tribal population is high.
12. They are forced to study in the towns where the stipend is insufficient and tribal students are forced to drop out. Hence, it was suggested that the Degree and Professional in Scheduled Areas should have majority/exclusive for tribal students.
13. The employment situation reflects the imbalances in participation between tribal groups and the problem of tribals being unable to access higher employment opportunities. For example, out of 74 medical posts, the lesser dominant tribes took only 2 posts, while the economically forward groups took the rest. Tribals are unable to reach the Class I & II employment levels as the quality of education at the school level is poor.
14. There should be separate colleges for PTGs.
15. Many tribal student groups felt the need for a National Law School that teaches and elaborates on the various tribal laws pertaining to Scheduled Areas.
16. There has been a strong demand for setting up an Adivasi University.

VI. HEALTH

1. Every year there are epidemics in the Scheduled Areas and loss of life occurs in large numbers. However, they are dealt with only as an emergency situation but not addressed in a more holistic manner. There are endemic diseases that are not being adequately addressed like malaria and T.B.
2. Drinking water, which is a significant cause for most of the health problems of the tribals, is not a primary focus of the ITDAs. Potable drinking water should be a priority for all ITDAs so as to tackle gastro-enteritis and other preventable illnesses.
3. There is no proper link between the district public hospitals, the PHCs and the field level medical staff to follow-up on cases.
4. The PHCs in Scheduled Areas are too distant, are inadequately staffed and have few medical supplies. They have very few tribal staff; most staff are non-resident and are irregular in their work and are not sympathetic to tribal people. The PHCs and sub-centres should be increased and quality of services should be improved.
5. At present the training given to CHWs is poor, the medical equipment and the medicines given are inadequate and so is the stipend, which is meagre and irregular. There should be a strong thrust to improving the para-medical teams in the tribal areas. However, it should also be understood that they cannot totally be a replacement or a solution to the professional and

qualified medical doctors and hence there is a need to appoint more number of qualified doctors at the PHCs.

6. The budget allocations to health sector are poor and priorities are misplaced. While there is emphasis on funds allocation to higher education in medicine, there is barely any provision for community level health practitioners especially in the tribal areas which are considered a punishment posting. For example, there is a sever criticism on RMPs as quacks and a demand to ban their practice. However, they are the only source of health services to most of the tribal areas. Instead of terminating their services, the quality of medical knowledge and practice should be improved for RMPs and the Community Health Workers, so that primary health can be addressed properly.
7. The immunization programme undertaken in the agency areas is highly flawed. The ANMs who have to administer vaccinations within a few hours do not have adequate transport facilities, have to walk long distances to their villages of work. So they either throw away the medicines or do not administer when the vaccine is potent. Vaccinations programme has to be better planned.
8. The only tangible responsibility given to the health department working in the scheduled agency areas is Family Planning, where they are given specific numerical targets. This drive should be stopped, as tribals are vulnerable to disease and death and should not be a priority for Family Planning programmes.
9. There is no emphasis given to the indigenous health practices, or to the Indian forms of medicine like Ayurveda. There are very few Ayurveda hospitals in the Agency areas. This is a cause for concern. Ayurveda medical course for scheduled areas should be introduced.
10. There have been moves towards privatizing the health sector which is most recently visible in the G.O 90^{†††}. The PHCs, or any part of the health services in the Scheduled areas should not be privatised as it is the fundamental duty of the government towards the tribal population in providing free public health and education services.
11. Some tribals have complained against the culturally humiliating practice of identifying certain illnesses, even officially, with some tribes. For example, Yaws, which is locally termed as "Koya-rogam".

^{†††} See Appendix 9.