

FAC DRAFT
(Draft of Report submitted by Ms. Usha Ramanathan's)

DONGRIA KOND

The visit included a meeting with a gathering of men and women at a point near Ijirupa village. They were members of the Dongria Kond tribal communities who had reached there from a number of villages including Palveli, Gortha, Pakeri, Sargipayo, Dhongamati, Dengoni, Tahali, Kambesi (a village on the Rayagada side of the mountain) and Lakhpadar. Many of these are Dongria Kond villages. After hearing the views, anxieties and anger of the Dongria Konds gathered there, we walked to Lakhpadar village, stopping along the way at Paalberi village and Tadipula village.

The Dongria Konds are a primitive tribal group (PTG). At an estimated number of 7952 in the 2001 census – 3458 males and 4529 females -- they are an endangered tribe. Their lives are intimately connected with the mountains, forest and forest produce. They live by gathering roots, fruits and other NTFP and practice some agriculture. A “Vaidya Sangh” based in Bubhaneshwar identified 112 medicinal plants in Niyamagiri, valuable in the treatment of cancer, diabetes, leprosy, malaria, paralysis, hypertension among others. Cerebral malaria is endemic in this area, and it is widely acknowledged that the medicine administered by the Dongria Konds which they extract from the plants on the hill is more effective and reliable. (During our visit, at least three non-tribals, including the Collector, Kalahandi admitted to taking the tribal medicines as a more certain means of protection from cerebral malaria than any other.)

The Forest Rights Act (FRA) in the Dongria Kond area

The FRA is still in the process of being understood by forest dwellers, as also by the administration, in the areas that we investigated. The FRA expects that recognition and settlement of rights will precede any involuntary change in the conditions of the tribals and forest dwellers. A recent case in the Andhra Pradesh High Court demonstrates the lapses that may occur during the implementation of the FRA, especially in relation to community and traditional rights. (**Annexure**)

The FRA and the Rules recognise PTG as a people requiring particular protection. This is in keeping with the Constitution which recognises the right of protection and preservation of their way of life of Scheduled Tribes in a Fifth Schedule area. In Lakhpadar, we were informed that the Dongria Khond Development Agency (DKDA) has taken forms in connection with the FRA in October 2009, but the tribals were unaware of what that implied. They have not heard from the DKDA since, and are unclear what the settlement would mean to them.

The process of determination and settlement of individual, community and traditional rights has not been completed yet. It is also evident that the Dongria Konds have only a

sketchy notion of the rights to which they may lay claim under the FRA. In none of the villages that we visited was there understanding about how to delineate, and claim, community and traditional rights. However, the Dongria Konds evinced a strong sense of habitat, and of the mountain which is their abode, the source of their sustenance and their sacred space. The top of the mountain belongs to Niyamaraja, which is where they congregate to worship – thirteen times each twelve months, they said.

Until these, and allied rights are recognised and recorded under the FRA, their habitat cannot be disturbed.

'Displacement' of Dongria Konds

The company and the Orissa Mining Corporation (OMC) informed us that there would be no displacement involved in the mining project since no one lives on that stretch of the mountains.

This statement rests on the definition of 'displaced families' and 'families affected but not displaced'.

Para 1.2 of the Rehabilitation and Resettlement Policy for the Displaced and other Project Affected Families for Establishment of Alumina Refinery by M/s Sterilite Industries (India) Ltd. near Lanjigarh, Kalahandi, Orissa that pertains to the VAL, provides the definition that has been used to identify displaced family in relation to the Alumina Project:

"1.2 A family/person shall be termed as 'displaced' and hence eligible for rehabilitation benefits if such family/persons has been a permanent resident of Orissa and ordinarily residing in the project area for at least 3 (three) years prior to the date of publication of the notification u/s 4(1) of Land Acquisition Act 1894 and

- (a) on account of acquisition of his/her homestead land is displaced from such area or
- (b) he/she is a homesteadless or landless family/persons who has been/is required to be displaced.

Note: (i) The 'project area' means the land which is acquired for establishment of industrial projects.

(ii) The persons/family who does not ordinarily reside in the homestead land acquired for this project cannot be termed 'displaced'.

Para 12: Definition of other project affected persons/families (PAPs): A person/family will be termed as 'project affected person/family' if his/her land (not homestead land) is acquired for establishment of the industrial project. These persons are therefore affected by the establishment of the project by way of acquisition of their private land but are not required to be displaced as their homestead land is not acquired.

It is by extending this definition to the mining project area that it is claimed that there are no displaced or project affected persons or families.

Dongria Konds however perceive it differently. There are no villages in the mining area, they said. But there are over 200 villages on the sides of the mountain. They will all get affected by the road, the vehicles, the mining and the drying up of the streams. Mining will bring many people into our area who know nothing about us or how we live. The wildlife is already affected by the activity, and the roads. Our lives are closely linked to the wildlife here, and as that disappears, our lives will get destroyed. Our medicinal plants and fruits and roots will get affected by all the comings and goings on the mountains and the conveyor belt that will pass through our territory. The 'dongar' where we worship our Niyamaraja will be dug up and blasted.

These are aspects that are integral to the lives of the Dongria Konds, and do not appear to have been considered while deciding to open up the mountain top for mining. While some of their concerns may be met by the assessment made by expert bodies such as the CMPDI which has made a projection of the effect of mining on water, there are no studies and no assessments about the other threats that they see themselves as facing. *This acquires importance in the context that disruption of the habitat and the way of life of this PTG cannot be remediated nor compensated, and may lead to the destruction of the Dongria Konds as a PTG. This is too serious a consequence to ignore.*

There is unrest palpable among the Dongria Konds. Uncertainty and anger, that the entry of the company could mean an end to their lives as they know it, and so to their very survival, was in evidence. These concerns need to be addressed.

The team is concerned that no experts have been brought in to assess the implications of the project for the Dongria Konds.

The team's observations during the visit are that--

- *the Dongria Konds are not ready for an ecological shift.*
- they have not been consulted about the project, because they have not been counted among the project affected
- their 'poverty' is relative, and their subsistence in their natural state is not threatened by the kind of poverty that we saw in the plains
- they want development, especially schools but from the government which, they say, has shown no interest in them till now, and, now, only to have them make way for the company.

Specifically, our attention was drawn to Section 3 which requires the right over habitat and habitation of PTGs:

Section 3(1)(e): "[r]ights including community tenures, habitat and habitation for PTGs and pre-agricultural communities."

Section 3(1)(i): “[r]ight to protect, regenerate or conserve or manage any community forest resource that they have been traditionally protecting and conserving for sustainable use.”

Section 3(1)(k): “[r]ight of access to biodiversity, and community right to intellectual property related to biodiversity and cultural diversity.”

Section 5 of the FRA, *inter alia*, empowers the holders of any forest right ...

“(c) to ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage.”

The absence of SIIL

During our visit to Lanjigarh and the site, the team met, and held discussions with, officials of VAL. Two power point presentations, about the aluminium refinery project and the proposed mining project, were made by the Chief Operations Officer of VAL and his associates. We were not informed of the presence in our midst of any representative of SIIL, nor were we met by anyone who was introduced as an official of SIIL at any time during the visit.

This acquires significance in the context of the Supreme Court order dated 23/11/2007 in the matter of *TN Godhavarman Tirumulkpad*. The court quoted an extract from an economic daily which, *inter alia*, read: “Vedanta Resources is accused of having caused environmental damage and contributed to human and labour rights violations’, the ethics council said.” “We do not wish to express any opinion on the correctness of the said Report”, the Supreme Court said. “However, we cannot take the risk of handing over an important asset into the hands of the company unless we are satisfied about its credibility.”

Setting out a series of facts and circumstances in relation to M/s VAL, the Court concluded:

“ ... keeping in mind the totality of the above factors, we are not inclined to clear the project.”

“Liberty is, however, given to M/s SIIL to move this court if they agree to comply with the following modalities as suggested by this Court. *It is made clear that such an application will not be entertained if made by M/s VAL or by Vedanta Resources.*”

The modalities included the setting up of a SPV for Scheduled Area Development of Lanjigarh Project.

The order of the Supreme Court dated 8/8/2008 by which the forest diversion proposal for diversion of 660.749 h.a. was granted was “in matter of M/s Sterilite Industries (India) Ltd.”

Against this backdrop, that Dr. Mukesh Kumar, Chief Operations Officer, Vedanta Alumina Ltd. (VAL), was our interface with the company interested in the mining lease could acquire significance. The powerpoint presentations on 22/1/2010, 28/1/2010 and 31/1/2010 on the aluminium refinery and on mining plans was presented at the Vedanta Guest House by Vedanta personnel. It may bear emphasis that no official of SIIL was introduced in the proceedings, nor do we have reason to believe that any was present.

In the “Minutes of Meeting of First Board Meeting of LPAD Foundation held at the office of Revenue Divisional Commissioner Office, Brahmapur, Orissa at 12 noon on 14 October 2009,” Dr. Mukesh Kumar is represented as a core functionary.

These circumstances suggest that there is a violation of the Supreme Court’s orders.

Given the seriousness with which the Supreme Court considered the disinvestment by, and observations of, the Norwegian Fund, the FAC may have their attention directed to a recent decision taken by the Church of England to dispose of its investment in Vedanta Resources on grounds that “we are not satisfied that Vedanta has shown, or is likely in future to show, the level of respect for human rights of local communities that we expect” and that maintaining investments in Vedanta “would be inconsistent with the Church investing bodies’ joint ethical investment policy” as its reasons. Martin Currie Investments sold their GBP 2.3 million stake last year. BP’s pension fund reduced its holding in Vedanta citing “concerns about the way the company operates.” In October 2009, UK government ruled that Vedanta “did not respect the rights of the Dongria Kond.” On 19th February, 2010, it has been reported that United Kingdom-based Joseph Rowntree Charitable Trust was selling a £2.2 million stake (along with other investors who follow its ethical policy) in Vedanta. “We have heard first-hand about Vedanta’s environmental and human rights abuses in Orissa and believe that Vedanta is pushing industrialisation to the detriment of the lives and lands of the local people. This behaviour may be legal, but is morally indefensible,” Susan Seymour, chair of the investment committee at the Joseph Rowntree Charitable Trust is reported as having said.

It appears, from correspondence that was made available to us, that the district administration, too, has not paid heed to the Supreme Court’s orders. A letter/fax. no. 658/Res dated 16/11/2009, from the “Collector Kalahandi-cum-Director, LPADF, Lanjigarh” to the “Director, National Rural Health Mission, Orissa, Bhuwaneshwar”, read:

LANJIGARH PROJECT AREA DEVELOPMENT FOUNDATION,
LANJIGARH
No. 658/Res
Dated the 16th November, 2008

This is in continuation of my letter No. 657/Res dated 15.11.2009 about the Lanjigarh Area Hospital. As mentioned, there is local opposition to the proposal of handing over the Lanjigarh Area Hospital to M/S Vedanta Alumina Ltd., Lanjigarh and withdrawing the Government staff. However, it is imperative for the welfare of the people of that area that the Hospital should be provided adequate infrastructure and personnel. The Lanjigarh Project Area Development Foundation (LPADF), a Special Purpose Vehicle formed by the order of Hon'ble Supreme Court has already allotted Rs. 3.00 Crore for the Hospital. M/S VAL has already identified an NGO for day-to-day running of the Hospital. At this juncture handing over the Hospital to M/S VAL may not be desirable in view of the public sentiments.

I had a discussion with Dr. Mukesh Kumar, Chief Operating Officer of M/S VAL in the matter. He suggested that instead of the present Bilateral Agreement between M/S VAL and the CDMO, Kalahandi about the Hospital, a Tripartite Agreement be signed among M/S VAL, LPADF and the CDMO, Kalahandi. The Hospital may be handed over to the LPADF for infrastructure development and M/S VAL would provide personnel for day-to-day running of the Hospital. The Agreement may also provide for further contribution from M/S VAL towards infrastructure or from LPADF for day-to-day running. The Collector, Kalahandi in his capacity as the Director of the LPADF may take over the Hospital and start the development works.

The FAC may need to consider the consequences of this continuance of VAL in the mining project and in the SPV created pursuant to the Supreme Court's order *which expressly excluded Vedanta Resources and VAL, while permitting SIIL to be a party to the project and to the SPV.*

The impact that VAL has had on the population in the vicinity of their plant and on the surrounding area was considered during the team's visit. This acquired relevance for a variety of reasons:

- the work on the conveyor belt and on the road linked to the mining area with the premises of the VAL.
- the acquisition included land required for the VAL project and for the Mines Access Road, as is clear from a "Memorandum of Settlement between the M/S VAL and the villagers of Rengopalli ..." [see **Annexure**]
- although SIIL was directed by the Supreme Court to be the contracting and performing party, it is VAL and its officers who are the functionaries on site, including in relation to the SPV that has been set up by order of the Supreme Court.
- the capacity to anticipate, and pre-empt, problems that the people living in the vicinity may face could be assessed.
- VAL's proposal to expand its plant capacity six-fold will have a direct impact on the mining activity, and its fall-out, if any.

The team visited two villages which are situated close to the plant and which have approached the SHRC complaining of increased morbidity and mortality, loss of cattle, irritation in the eyes and noise population.

Rengopalli village is situated close to the Red Mud Pond. At the early stages of the alumina refinery project, VAL sought to have the land in the village acquired to build its Red Mud Pond, boundary wall for its alumina refinery and to construct the Mines Access Road. This village is mainly populated by the Kutia adivasis. During our visit, they told us that 13 people had died of TB in the preceding two years. 200-250 cattle and goats had perished. They complained that the dust from the factory and the toxicity in the air near the Red Mud Pond was causing them inconvenience, ill health and irritation in the eyes. When the Collector, Kalahandi, visited the village on the direction of the SHRC, he too reported that the red mud pond was indeed causing irritation in the eyes. [Annexure of SHRC proceedings]

The villages of Rengopalli had been unwilling to be displaced when land was being acquired for VAL. Their agricultural land had been acquired for the project, while they had stayed on in their homesteads. They had used the compensation amount to buy land at Muniguda: a distance from their homestead that prevents them from undertaking cultivation, so they have given it for share cropping. The expansion of the Red Mud Pond is taking away the road that the children use to reach their school, and that was also causing them concern.

Despite the villagers having written to the SHRC, and the Collector being brought into the matter, it is striking that *there is no mechanism that has been set in place to monitor the health and mortality of the persons living in the vicinity of the pond and the factory. There has been no effort to stem the immiseration that is visible in these villages.*

The condition of the villagers in Bandhaguda village, which borders the plant, is not very different. We were told that they too had resisted acquisition and eviction, had lost their agricultural land to acquisition, and were now on homesteads with no means of making a living.

In both villages, the inability to find employment, and the effects of the pollution, is driving them to demand that they now be displaced and rehabilitated. The demand flows out of an expectation that they too may get rehabilitation sites and structures and a job for one member of their families. Of the 120 families who were treated as 'displaced' by the project, and who have been housed in the rehabilitation colony, 68 have been given employment, and that is the cause for the optimism. It was clear that this was choice born out of hopelessness. They complained that the company was now refusing to acquire the land and treat them as displaced people.

It is these two villages that have taken their case to the SHRC; but there are other villages where the fall-out of the setting up of the plant is being experienced. In Chatrapur village, again situated along the boundary of the plant, 40 families belonging to the Scheduled

Castes and Scheduled Tribes complained of dust pollution. A railway siding being constructed to carry coal to the plant was resulting in their land getting waterlogged, and they complained that it was they who had to bear the consequences. They too demanded to be displaced, and rehabilitated, with jobs in the company. In Basantgun village, along the plant's perimeter, they complained that they had to suffer the pollution, but they were not getting the jobs.

Kotdwar is a village with a Scheduled Caste population. They are project affected in that their land has gone to the company. This cluster of 20 houses is up against the boundary wall of the factory and resembles an industrial slum. They said they had an agreement with the Collector that they would get jobs for the land they had to give up; but nothing has happened. The water is contaminated in our hand pumps, they said, and people fall ill. Goats and cattle have died eating the grass but the administration says that they must have died of old age.

They showed us an "Identity Card" that had been issued to them by VAL and the Collector. It had a column indicating the "[n]ame of the member of the family nominated for employment/training/self-employment" and carried a note "[t]his card is issued as per the provision of the approved Resettlement and Rehabilitation Policy of the Government of Orissa for the establishment of Alumina Refinery Project at Lanjigarh and the contents are subject to change whenever necessary." On the strength of this joint assurance from the company and the Collector, they were expecting to be employed by the company. The company told us that there are an estimated 1822 PAFs, in three phases. 110 had applied for training and had been sent to be trained. There are contractors to whom many of the tasks had been outsourced, and, according to the company, the PAFs were unwilling to work with the contractors and were insisting that they be absorbed by the company, which was impractical.

The loss of land, the proximity to pollutants, and the inability to access jobs despite what they understood to be a promise that a job would be provided to the designated person has left these villagers in an unenviable situation.

Especially given that the logic of industrialising the region was based on improving the conditions of the people; that land loss linked with unemployment is a prescription for immiseration; that these are villages peopled by Scheduled Castes and Scheduled Tribes and that it is in a Fifth Schedule area; the poverty, joblessness and pollution and its effects cannot be treated lightly.

No mechanism has been set in place to monitor matters of

- health
- employment
- immiseration
- effects of the developments in and around the plant, including matters such as water logging, the loss of an easementary way (to the school from Rengopalli) and connected matters.

Forest Rights Act (FRA)

The settlement of rights under the FRA is incomplete even beyond the Dongria Kond villages. There was a lack of awareness especially about community rights, including rights to grazing land, land for *haat* and for places of worship. In Panimunda village on the Rayagada side of the mountain, for instance, where we met members of the Kondo Tribe and others belonging to a Scheduled Caste (Dumbo caste), they said they had applied for ‘*dangar*’ land, but did not otherwise understand the notion of community land that is in the law.

A number of those we met complained that they had taken their families to file their claims under the FRA, but they had been turned away because they had not appended a photograph of the rights seekers. We were given an extract from the register containing the Minutes of Sub-Divisional Committee, Kalahandi, of proceedings dated 6/6/2009 of the SDLC concerning implementation of the FRA. The information to be gathered about the applicant was set out, and read.

- “1. Each call record produced by FRCs must have joint enquiry report signed by the representative of Forest, Revenue and SSD Department.
2. Joint photograph of couple.
3. Voter ID Cards of head of family/applicant.
4. Original sketch map of the land occupied alongwith _____ (illegible).”

The Minutes record that cases “are pending due to want of joint photographs of the couple which will be collected very shortly.” This additional requirement is not provided for in the Rules, and has acted as a barrier to applying under the FRA. This is one instance of what is slowing down the process of recognition and settlement of rights. The Minutes also reflect the lack of attention to community rights.

These are serious imperfections in the FRA process. A review of the implementation of the FRA clearly is needed. This is a Fifth Schedule area, dominated by tribal communities and by members of Scheduled Castes. The FRA was enacted to recognise and settle individual, community and traditional rights of tribals and other forest dwellers. *Before any further change to the status of this population is proceeded with, the FRA must be implemented, in letter and spirit, if injustice to these communities is to be averted.*

Curbs on questioning the project and its effects

Displacement, loss of livelihood, pollution, non-payment of compensation for land and objections to the project and its effects are some of the causes for discontent and protest. The reaction to the protest has been in the form of

- an agreement which abjures the villagers from opposing the activities of the company
- arrest and detention by the police and being let off on bail with an undertaking taken from the villagers saying: "I will not protest again."

The "Memorandum of Settlement between M/S Vedanta Alumina Ltd, Lanjigarh and the Villagers of Rengopalli, Lanjigarh Block of District Kalahandi, Orissa this 28th day of June 2006" is an instance of the curbs that are being introduced by "agreement." [see Annexure].

"The residents of Village Rengopalli had raised certain issues pertaining to their land acquisition and compensation and development of their village. Vedanta wants to build its Red Mud Pond and boundary wall for its Alumina refinery and also to construct the Mines Access Road which will pass through the village of Rengopalli. The villagers of Rengopalli were not accepting the land payment and opposing the construction of the red mud pond and Mines Access Road."

By settlement, therefore, it was recorded that

"1. The people of Rengopalli will unconditionally accept the land payment and will not directly or indirectly oppose the construction of Red Mud Pond boundary wall and the access road and whole heartedly cooperate, participate in construction in a peaceful manner.

They will continue to cooperate the company in all their future activities for construction and operations of Vedanta's Alumina refinery. They will not raise any future issues, which will materially affect the construction and operation of Alumina refinery. *Any demands raised by Rengopalli villagers shall be only routed through the village coordinator to be nominated by Vedanta and they will not resort to any pressure techniques/strikes/stoppage of work/threatening etc.*"

[For complete document, see Annexure]

In return, VAL agreed, *inter alia*, to "provide appropriate training facilities to the eligible PAPs to acquire skills and provide employment as per provision of Resettlement and Rehabilitation policy of Government of Orissa approved for Lanjigarh Project."

The villagers of Rengopalli conveyed to us that it was this promise of jobs for which they had been waiting. Twenty-five youth had taken training, but had not been employed. Their understanding was that the twenty-five should have been employed by the company, and they did not see how to get the company to honour the agreement.

The ‘settlement’ is steeply slanted in favour of the company and has the stated purpose of stifling protest and the expression of discontent. Since then, as has been observed earlier in this report, the villagers of Rengopalli have approached the SHRC in connection with matters concerning health, pollution and the access road to the school.

These villages are populated by adivasis and Scheduled Tribes. Rengopalli’s habitants belong to the Kutia Kond adivasi tribe. Their agricultural land has been acquired for the refinery, and the homestead remains with them. That too is in jeopardy when the Red Mud Pond is expanded.

This Memorandum of Settlement is contrary to public policy as per section 23 of the Contract Act. Expressions of dissent and difference are forms of democratic expression, and these cannot be curtailed by agreement. This has been explained by the Madras High Court in *Dow Chemical International v. Nithyanandam*, International Campaign for Justice in Bhopal, Bhopal Group for Information and Action, Bhopal Gas Peedit Mahila Stationery Karamchari Sangh, Bhopal Gas Peedit Mahila Purush Sangharsh Morcha, Greenpeace International and one other, O.A.395-397 of 2009 in Civil Suit No. 356 of 2009, order dated July 9, 2009 in the Madras High Court.

These are important cautions while dealing with the rights of adivasis and Scheduled Caste populations who are facing disruption of their lives and livelihood. Democratic, and constitutional, means have to be deployed in taking a project forward. This is why the involvement of the *gram sabhas*, holding public hearings, and practising the requirements of Free Prior Informed Consent has become central to project functioning, especially in adivasi areas. The imposition of these conditions violate the fundamental rights of the villagers of Rengopalli.

The team was met by villagers at Kadampura Chowk, and villagers from Bandhguda, Kotdwar and Dhadel who have been detained, charge-sheeted and are currently facing trial following protests against the company, demanding rehabilitation, employment and other similar concerns. The issues of land, livelihood, and immiseration is being converted into issues of law and order. While one aspect of these protests are in the realm of law and order, the treatment of these protests as offences in criminal law distorts the situation on the ground.

This “burden of criminality”, a lawyer told us, disables the tribals and Scheduled Castes of the area from pursuing their rights. This, he said, itself constitutes a violation of fundamental rights of the adivasis and Scheduled Castes in this Fifth Schedule area. In many instances, protestors were booked on false cases to silence them, we were told.¹ These are serious allegations, and must be probed to ensure that the power of the law is not abused.

¹ See, for instance, statement of Kumuti Majhi of Sudhibali village at the Public Hearing for expansion of the Alumina Plant held on 25/4/2009: “He stated that he gave everything to the VAL but still they are neglected. Whenever they raise the objection they are booked on false cases.”

Also, against the background of the circumstances that have emerged since the first protests that are on trial, especially the immiseration that we witnessed in the villages around the plant, there is weight that must be attributed to the lawyer's contention.

If the administration is unable to address the protests otherwise than as acts of criminality, it does in fact result in a violation of the rights of the displaced and project affected villagers.

Public Hearing

There has been no public hearing in relation to the mining project after 2003. In 2003, it was held at the PWD Inspection Bungalow, Muniguda, Rayagada District on 17/3/2003, and at the Office of the Special Officer, Kutia Kandha Development Agency, Lanjigarh, Kalahandi District on 7/2/2003. These were hearings in relation to the “proposed alumina refinery captive power plant and bauxite mine.” The validity of a public hearing for a project does not however extend beyond five years. This means that a public hearing will have to be held before any decision can be made about permitting mining in the mining lease area.

The public hearing held on 25/4/2009 in relation to the “expansion of Alumina Refinery Capacity from 1.0 MTPA to 6.0 MTPA at Lanjigarh in the district of Kalahandi” has been recorded, and it is annexed to this Report. [Annexure] Twenty seven (27) persons spoke at the public hearing. Each of them spoke about the dust pollution, the non-provision of employment, non-performance of the promises made by VAL when they took their land for the refinery, the diseases that pollution brought with it. Except one speaker who is recorded as only having spoken to welcome the project, the twenty six (26) others were agitated by what they saw as having transpired since their lands were acquired and the refinery set up. The conclusion, highlighted in the report of the proceedings, however, reads:

“The overall opinion of the public about the project was favourable, provided the proponent takes care of their issues.”

It was represented to us that this conclusion could not flow from the anger and disillusion that was witnessed at the meeting, and reflected in the words of those who spoke at the public hearing. A CD of the public hearing testifies to the mood of the speakers having been predominantly defiant.

There was anxiety expressed that, were a public hearing to be held on the mining project, the conclusion may likewise be shown as positive even if the sentiments expressed were to the contrary. It was suggested that, before the FAC relies on the conclusion proffered about a public hearing, it view the proceedings on camera and the views of the people, and itself assess whether the conclusion follows from the proceedings.

Government agencies as beneficiaries

It was pointed out to us that there are instances where a government department has received material assistance from VAL, and that this could detract from the neutrality of the government department. As an instance, it was pointed out that two rooms had been added to the BDO's office in Viswanathpur, and furnished, by VAL as a resting place for the Collector when he travels on duty.

This is a disturbing state of affairs and needs to be checked if the neutrality of the state is to be maintained.

Sd/
Usha Ramanathan

Annexure of Andhra Pradesh High Court Case

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT
HYDERABAD

W. P. No. 21919 of 2009

Between:

Dasari China Kondaiah, Son of Kondaiah
Aged: 35 years, R/o Korrapolu Village of
Dornala Mandal, Prakasam District.

.... Petitioner

And

1. Union of India, Rep. by its Secretary
Ministry of Tribal Affairs, New Delhi.
2. Government of Andhra Pradesh
Rep by its Principal Secretary,
Social Welfare (LTR-I) Department
Secretariat Buildings, Hyderabad.
3. Andhra Pradesh State Level Monitoring
Committee for Implementation of Recognition
Of Forests Rights Act, 2006, Rep. by its
Chair Person, Chief Secretary, Government
Of Andhra Pradesh, Secretariat Buildings,
Hyderabad.
4. District Level Committee for
Implementation of Recognition of
Forests Rights Act, 2006, Prakasam district
Rep. by its Chair Person, District Collector
Prakasam District, Ongole.
5. Sub Divisional Level Committee for
Implementation of Recognition

Of Forests Rights Act, 2006, Markapuram
Division, Prakasam District,
Rep. by R.D.O., Markapuram, Prakasam District.

....Respondents

AFFIDAVIT

I, Dasari .China Kondaiah, Son of Kondaiah Aged: 35 years, Resident of Korrapolu Village of Nallaguntla Panchayat , Dornala Mandal, Prakasam District, having temporarily come down to Hyderabad, do hereby solemnly affirm and sincerely state on oath as follows:

1. I am the petitioner herein and as such and as such I am well acquainted with the facts of the case.
2. It is respectfully submitted that I am filing the present Writ Petition complaining against the action of the respondents in not implementing the provisions of Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 and the Rules made there under in letter and spirit with respect to our community rights and communal amenities within the forest area. I submit that I am a tribal belonging to Chenchu tribe .I am the effected party along with other Chenchus of my village. I am also the sarpanch.
3. It is respectfully submitted that after prolonged struggle and recommendations made by the Anthropologists, social scientists the Governments have recognized the fact that the tribals living in forest areas had to be treated as citizens of the country and their rights have to be crystallized and documented. The old colonial legacy of tribals being at the mercy of local forest guards and the foresters was given a go bye. After extensive discussions, the S.Ts and other Traditional Forest

Dwellers (Recognition of Forest Rights) Act, 2006 came into force. From now on this will be referred as the Act. This is a Central Act 2 of 2007. Section 2(a) of this Act defines community forests resources as customary common forest land within the traditional or customary boundaries of the village. This presupposes that traditional boundaries are to be identified, notified and demarcated by the concerned authorities. Similarly, the definition of habitat includes, the area comprising the customary habitat, especially, referring to primitive a tribal groups and pre agricultural communities is there. Chenchus are primitive groups. I belong to Chenchus tribe and the tribals living in our gram panchayat are all Chenchus. Chenchus are traditionally food gatherers. I respectfully submit that Section 3 of the Act refers to forests rights and Section 3(1)(e) of the Act refers to community tenures of habitat and habitation for primitive tribal groups.

4. I respectfully submit that the Grama Sabha was given authority to identify the nature and extent of the community rights and enjoyment rights. Pursuant to this Act, Rules were framed in January 2008 and after the Rules were framed by the Central Government, the Government of Andhra Pradesh issued G.O.Ms.No.8 dated 23.1.2008 and G.O.MsNo.4 dated 21.1.2008. By virtue of these G.Os, State level Monitoring Committees, District level Committee, Sub Divisional Committees were formed. They were given responsibilities. I respectfully submit that Section 11 of the Act makes it clear that the first respondent herein is the authority to implement this Act. Thus the first respondent is an authority not only vested with the powers, but vested with the duties and responsibilities also. Rule 6 (C) (i) mandates that a block or tahasil wise draft of proposed forest rights must be done after reconciliation of the

government records. The most important rule is that a duty imposed upon the authorities to take steps to raise awareness among the forest dwellers about the objectives. The District level committee under rule 8 is supposed to provide all the relevant information to the respective gram sabhas. Section 8 (B) of the Act refers to claims with regard to the primitive tribal groups nomadic tribes etc., As per Rule 10 the State Level Monitoring Committee has to devise criteria and indicators for monitoring the process and recognition and vesting of forest rights. Rule 12 (3) refers to traditional and customary boundaries of a village in a forest area and conflicting claims, if any, between two villages. Rule 13(2) (C) refers to structures built by local community, temples ponds, and burial or cremation grounds.

5. I respectfully submit that we are Chenchus living in deep forest area and we were told in the month of March 2007 that pattas will be issued to the lands being enjoyed by us. Gram Sabhas were asked to assemble and officers came and asked us about the land which is under enjoyment of each person, noted the details and left. We were told that immediately after elections we will be given the pattas though the process of identification, recording etc., was done prior to the elections. We were promised that as soon as the new government takes office we will be rewarded properly. In the month of July 2009 we were given pattas. There was a State function and we were asked to thank the present political executive for giving us the pattas. In the last week of August, 2008 the forest guards prevented us from celebrating our traditional festival. The dead person was not allowed to be buried and we were told that unless the burial ground is notified under the new Act, it cannot be used.

6. I respectfully submit that at that stage I made enquiries and I asked the educated boys from our community to find out the correct position. Now it has come to our notice that the Act under the caption of Forest Rights not only talks about individual rights but the community rights also. The traditional customary boundaries of village especially that of a tribal village in a forest area defers from one region to another region. Customary rights of a tribal community have been recognized by the Act, but they have not been realized on the ground due to the failure of the respondent authorities. The temples and other sacred places, burial grounds, pathways, (rachabanda; meeting place) should have been notified. All these are part of the records of various government departments. But, however, the authorities asked us to be content with having a document relating to possession of individual rights over small extent of land. The local traditional temples, sacred places, historical sites, collection of MFP, tanks, ponds, wells, and springs and other water bodies which are community assets are not recorded. The burial grounds are not notified under the Act. We came to know that the Mantanalamma temple in Peda Mantanala and electric pole line in Rollapenta only are recorded as community rights.
7. I respectfully submit that I made representation along with Forest Rights Committee of our village. The five hamlets for which the detailed representation was made were Rollapenta, Mantanala, Korraprolu, Nallakuntabodu, and Pothannagudem Ayyannakunta. In these representations we gave the details of community forest rights and also enclosed customary boundary map. The local as well as the State level committees received these representations in the last week of August 2009.

8. I respectfully submit that our villagers met the local forest officers of Markapuram and they told us that they were instructed to deal with the possessory rights of the tribal communities but not all these traditional customary community rights. For a primitive tribal group like Chenchu to survive in the forest area we need appropriate rights meant for the community to be crystallized. **In fact, after long struggle and court cases the tribal community rights over Rushula Cheruvu in Mahaboobnagar District was identified, declared and notified by the concerned authorities under the present Act.** The respondent authorities were duty bound to record the customary rights. The illiterate tribal communities did not make such a demand thinking that the custom would prevail and there is no need of a specific declaration from the various authorities or the government regarding the community and customary rights. But, however, now we have realized that we are being denied access and enjoyment rights to our sacred places, food gathering rights, footpaths, burial grounds etc., the inaction on the part of the authorities in this regard is arbitrary and violative of Articles 14 and 21 of the Constitution of India. Unless this Hon'ble Court intervenes we will not get justice.
9. I respectfully submit that the authorities have not applied their mind regarding the sensitive issues pertaining to the life of a tribal in interior forest area. The rules provide for 60 days time limit for filing an appeal against the orders of a local sub divisional committee after its decision, which notified to the communities. We came across the proceedings issued by the Revenue Divisional Officer, Markapuram who says that the Sub Divisional Committee process the rights list on 20.2.2009 and the District level committee approved it on 21.2.2009 and the same was notified on 26.2.2009. Thus the authorities were in a hurry to tell the

local people that they are getting pattas at the pleasure of the present people who are in power. Some of the individual claims were also rejected .The claimant should be allowed to resubmit the claims after rectification of ground cited for rejection. The community rights which are vital for sustenance of a community especially that of my tribe were not considered at all. I am not only the sarpanch of the village, but also an affected person by virtue of non notification and non identifying the community rights. I along with the local committees made representations in August 2009. Unless this Hon'ble Court intervenes the authorities are not considering the representations also.

10. This is the time for celebrating local festivities at local sacred sites and temples. We are prevented from visiting the temple at Rollapenta by the authorities saying that there is no notification in this regard. A gate was put up preventing us going in forest to collect NTFP. Vehicles are not allowed to ply on the forest tracks to bring daily provisions to Mantanala Cheruvugudem from Mantanala village by putting a gate at the entrance of road. All this is violative of article 14 and 21 of constitution of India apart from violation of Act and rules.
11. I respectfully submit that in view of the above, there is no effective alternative remedy available for us other than invoking the extraordinary jurisdiction of this Hon'ble Court under Article – 226 of the Constitution of India. I submit that we have not filed any other writ or application before this Hon'ble Court or any other Court seeking the relief sought for in this writ petition.
12. Hence, it is prayed that this Hon'ble Court, in the interest of justice, be pleased to issue a writ, order or direction, more particularly, one in the nature of Writ of Mandamus declaring the inaction on the part of the

respondents in identifying, conducting a survey , record and notify the community, customary rights, including traditional customary rights of each tribal habitation in forest areas of Markapuram division with specific reference to the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 and the Rules made there under as unconstitutional and consequently direct the respondent authorities to identify, conduct a survey and notify the traditional customary rights and other community rights of Chenchu tribes of Nallaguntla gram panchayat, Dornal Mandal, Prakasam District forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

13. Pending further orders, this Hon'ble Court may be pleased to direct the respondent authorities to consider the representations made by the petitioner and pass appropriate orders with regard to the traditional customary boundaries of a village and other community rights and amenities as provided under the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 and the rules made there under after survey and inquiry and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Sworn and signed on this
The Eleventh day of October 2009
Before me at Hyderabad

VERIFICATION

I, Dasari China Kondaiah, Son of Kondaiah Aged: 35 years, Resident of Nallaguntla Village, Dornala Mandal, Prakasam District being the petitioner herein do hereby declare and state that the contents in Para 1 to in the affidavit are true to my knowledge based on legal advise and the contents in paras to of the affidavit are true to my personal knowledge based on legal advice.

Verified on this the Eleventh day of October 2009, at Hyderabad

MEMORANDUM OF WRIT PETITION
(Under Article 226 of the Constitution of India)
IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT
HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

W. P. No. 21919 of 2009

Between:

Dasari China Kondaiah, Son of Kondaiah
Aged: 35 years, R/o Korraprolu Village of
Dornala Mandal, Prakasam District.

.... Petitioner

And

1. Union of India, Rep. by its Secretary
Ministry of Tribal Affairs, New Delhi.
2. Government of Andhra Pradesh
Rep by its Principal Secretary,
Social Welfare (LTR-I) Department
Secretariat Buildings, Hyderabad.
3. Andhra Pradesh State Level Monitoring
Committee for Implementation of Recognition
Of Forests Rights Act, 2006, Rep. by its
Chair Person, Chief Secretary, Government
Of Andhra Pradesh, Secretariat Buildings,
Hyderabad.
4. District Level Committee for
Implementation of Recognition of
Forests Rights Act, 2006, Prakasam district
Rep. by its Chair Person, District Collector
Prakasam District, Ongole.
5. Sub Divisional Level Committee for
Implementation of Recognition
Of Forests Rights Act, 2006, Markapuram
Division, Prakasam District,

Rep. by R.D.O., Markapuram, Prakasam District.

....Respondents

The address of the petitioner for the purpose of service of notices etc. is that of his counsel, M/s. K. S. Murthy and Punna Rao, Advocates, having chambers at 12-2-828/A/45, Amba Garden, Mehdipatnam, Hyderabad and also the A. P High Court Advocates Association.

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court, in the interest of justice, be pleased to issue a writ, order or direction, more particularly, one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents in identifying, conducting a survey , record and notify the community, customary rights, including traditional customary rights of each tribal habitation in forest areas of **Markapuram** division with specific reference to the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 and the Rules made there under as unconstitutional and consequently direct the respondent authorities to identify, conduct a survey and notify the traditional customary rights and other community rights of Chenchu tribes of Nallaguntla gram panchayat, Dornal Mandal, Prakasam District forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Hyderabad
Dt: 11 -10-2009.

Counsel for the petitioner

Implementation of Recognition
Of Forests Rights Act, 2006, Markapuram
Division, Prakasam District,
Rep. by R.D.O., Markapuram, Prakasam District.

....Respondents

For the reasons stated in the accompanying affidavit, Pending further orders, this Hon'ble Court may be pleased to direct the respondent authorities to consider the representations made by the petitioner and pass appropriate orders with regard to the traditional customary boundaries of a village and other community rights and amenities as provided under the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 and the rules made there under after survey and inquiry and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Hyderabad
dT: 11 -10-2009.

Counsel for the petitioner

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT
HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

W. P. No. of 2009

Between:

Dasari China Kondaiah, Son of Kondaiah
Aged: 35 years, R/o **Korraprolu** Village of
Dornala Mandal, Prakasam District.

.... Petitioner

And

1. Union of India, Rep. by its Secretary
Ministry of Tribal Affairs, New Delhi.
And others

....Respondents

it is prayed that this Hon'ble Court, in the interest of justice, be pleased to issue a writ, order or direction, more particularly, one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents in identifying, conducting a survey , record and notify the community, customary rights, including traditional customary rights of each tribal habitation in forest areas of **Markapuram** division with specific reference to the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 and the Rules made there under as unconstitutional and consequently direct the respondent authorities to identify, conduct a survey and notify the traditional customary rights and other community rights of Chenchu tribes of Nallaguntla gram panchayat, Dornal Mandal, Prakasam

District forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the petitioners : K.S.Murthy
Counsel for the respondent 1: A.Rajasekhara Reddy, Adl Solicitr
Counsel for the respondent 2: GP for Social welfare
Counsel for the respondent 3: GP for GAD
Counsel for the respondent 4&5: GP for Revenue

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT
HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

W. P. No. of 2009

Between:

D.Ch.Kondaiah, Son of
Aged: 35 years, R/o Nallaguntla Vilalge,
Dornala Mandal, Prakasam District.

.... Petitioner

And

Union of India, Rep. by its Secretary
Ministry of Tribal Affairs, New Delhi
And four others.

....Respondents

ANNEXURE – 1

CHRONOLOGICAL EVENTS

S. No.	Date	Event
	January 2007	Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 comes into force as Act 2/07. The concept of forests rights including Customary and community rights seen
	January 2008	Rules framed under Act 2/2007

Febraury 2009 Officers come to village: note down only Individual rights no mention of customary community rights

AUGUST 2009 Petitioner and others make representations

ANNEXURE – 2

Writ petition filed under Sec 226 of Constitution of India

Hyderabad

DT: 11 -10-2009.

Counsel for the Petitioner

Translation to the representations

To

1. Chief Secretary, State Level Forest Rights Committee, Secretariat, Sifabad, Hyderabad.
2. The District Collector, District Level Forest Rights Committee, Office of the District Collector, Ongole, Prakasam District.
3. The Revenue Divisional Officer, Sub Divisional Forest Rights Committee, Markapur, Prakasam District.
4. The Project Officer, ITDA, Chundipenta, Srisailam, Kurnool District.

Sir,

As per the Forest Rights Act, we have to make application on community resources in Form B regarding the boundaries and we have to name grave yards, sacred sites, water resources, paths, historical sites and Nasab (Meeting places) We did not know about this. The officers also did not tell us about this. However, we came to know that ITDA at Rampachodavarm and Utnuru have issued appropriate village maps in this regard. We are making application in form B to fix the boundaries of our chenchu hamlets for community rights along with all the details. We herewith enclose the village

11.02.2010

map also. Please inform us that these rights are enumerated along with these rights. We request you to provide the combined full fledged rights document which includes rights of pilgrims and chenchus hamlet wise.

Yours sincerely,

D. Ch. Kondaiah
Sarpanch

B.Venkataiah
Forest Rights Committee President.

SCHEDULE TRIBES AND OTHER TRADITIONAL FOREST DWELLERS
(RECOGNITION OF FOREST RIGHTS) ACT, 2006 AND THE RULES
GOVERNMENT OF INDIA, MINISTRY OF TRIBAL AFFAIRS

Form B

Application for Community Rights

{As per Rule 11(1) (a) and (4)}

1. Name of the Applicant:

- | | |
|--|----------------|
| a) Whether they are tribal living in forest: | Yes / No |
| b) Traditional Forest Dwellers | Yes / No |
| 2. Village | Korraproly |
| 3. Gram Panchayat | Nallaguntla |
| 4. Taluq / Tahasil | Peddda Dornala |
| 5. District | Prakasam |

How the Community Rights are being enjoyed:

- | | |
|---|---|
| 1. If there Community rights in the form of Jamindari (See Sec. 3(1) (b) of the Act) | Places where honey is collected.
The right of collecting honey and Fruits from Manthanala to Chenchukunta. |
| 2. If there are any minor forest produces Collection wise (See Sec. 3(1)(c) of the Act) | The area near the Peddakonda from pedda Manthanala to Chenchukunta. |
| 3. Community rights: | |
| a) If in use (Fishing, water sources) | Chinnakunta, Antupaya, Sakalidanikunta Check Dam and other places. |
| b) If there are rights pertaining to grazing of cattle: | Chakalidani Bodu, Pedda Konda Oddu, till Nemallasila. |

- c) If there are rights pertaining to migrant cattle grazers and traditional resources)Sec. 3(1) (g) Kuntas where drinking water is taken, water ponds, stream, wells and other places identified by us.
4. Community dwelling rights (PTGs and Pre agrarian communities. (See Sec. 3(1) (e) of the Act) Mirasi rights, grave yards, old Kunta from Kandakam penta to Chenchukunta of other pentas.
5. Bio diversity, Traditional knowledge Etc., (See Sec. 3(1)(k) of the Act.) Medicinal Hurbs Chitra Chalamu Neelavemu, Nagamusti etc., And forest other plants and also Tamarind, soap nut and other Fruit bearing rights.
6. Other traditional rights (See Sec. 3(1) (l) of the Act.) Forest seeds, Madapakulu and other used for pujas of forest Gods
7. Evidence in support (See Rule 13) Manthanalamma temple and permission form Manthanal Cheruvu to Silpam well.
8. Any other information: Festivals of Sri Rama and Ugadi and other festivities under the Shade of the trees.

1. Ch. Kondaiah
X x x x x x x

GOVERNMENT OF ANDHRA PRADESH
TRIBAL WELFARE DEPARTMENT
PRAKASAM DISTRICT
ONGOLE

The Central Government has formulated Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 to recognize and crystallize the rights of the Schedule Tribes and other Traditional Forest Dwellers. Though they have been living in forest areas for generations and none of their rights are documented. As per this Act, the tribals will get right over the lands which have been in their possession prior to 13.12.2005. The District Committee meeting under the Chairmanship of the Collector and approved, the claims of 3,263 tribals in agricultural lands admeasuring Ac. 8145.48 and house sites in AC.27.97 and recognized 57 community claims spread over Ac.51.99.

Sl.No.	Mandal	Total Individual Claims		Community Claims	
		No. of Claims	Extent	No. of Claims	Extent
01	Dornala	350	1071.05	9	0
02	Yerragondlapalem	910	4237.21	28	0
03	Pullalacheruvu	549	1905.44	0	0
04	Gudluru	307	65.18	17	37.39
05	ULAVAPADU	1147	894.78	3	14.60
	TOTAL	3263	8173.66	57	51.99

Sd/- District Collector
Prakasam District, Ongole

Thursday, February 26, 2009

Markapur Zone, **Sakshi**, Ongole

From
Sk. Sultan B.A.
Revenue Divisional Officer
Markapuram

To
The Tahasildar
Yarragondapalem, Pulla
Cheruvu and Dornala

R.C: C/240/2008 Dated: 28.02.2009

Sir,

Sub: Forest Rights Committee – Markapuram Division – Publishing fact of acceptance of the District Level Committee of the list of beneficiaries who had been approved in Sub Division Committee - Regarding.

Ref: List approved on 21.02.2009

Your attention is drawn to the reference made above. It is hereby ordered that you shall publish the list of beneficiaries in each village which has been approved in the meeting of the Sub Division Committee dated 20.02.2009 and which has been approved in the District Level Committee on 21.02.2009 pertaining to Yerragondapalem, Pullalacheruvu and Dornala Mandals.

Sd/-

Revenue Divisional Officer
Markapuram.

//tcfbo//

C.C. to
The District Collector, Ongole for proper information.

SCHEDULE TRIBES AND OTHER TRADITIONAL FOREST DWELLERS
(RECOGNITION OF FOREST RIGHTS) ACT, 2006 AND THE RULES
GOVERNMENT OF INDIA, MINISTRY OF TRIBAL AFFAIRS

Form B

Application for Community Rights

{As per Rule 11(1) (a) and (4)}

1. Name of the Applicant:

a) Whether they are tribal living in forest: Yes / No

b) Traditional Forest Dwellers Yes / No

2. Village Pedda Mantanala Gudem Road

3. Gram Panchayat Nallaguntla

4. Taluq / Tahasil Peddda Dornala

5. District Prakasam

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 21919 of 2009

Oral order:

The petitioner states that he belongs to Scheduled Tribe. That he along with other made several representations, the latest being in the month of August, 2009, requesting the respondents to identify, conduct a survey, notify the community and their customary and traditional rights as per Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006, and it is his grievance that till date no action thereon had been taken. Hence, he seeks appropriate directions.

Heard the learned counsel for the petitioner, the learned Assistant Solicitor General for the Central Government, learned Government Pleader for Social Welfare, the learned Government Pleader for GAD and the learned Government Pleader for Revenue, and all of them agreed for disposal of the writ petition with the following directions:

The respondents are directed to consider the representation, said to have been made by the petitioner and others for identifying and recognizing their customary and traditional rights as per the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006, and pass appropriate orders thereon in accordance with law.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J.

Dated: 14th October, 2009
KSR