

ISSUES IN IMPLEMENTING POLAVARAM IRRIGATION PROJECT		
SNO	VIOLATION	DISCRPTION OF THE ISSUE
1	Demands	Cutoff date should be implemented as on the date of relocating into colony
2	Demands	It is illegal to implement G.O.ms.No 88/2010, or 68 with the enactment new LARRAct 2013
3	Demands	Compensation for VSS lands
4	Demands	Should pay all the compensations before vacating villages as per writ petition No. 18020/2005 . High court orders as on June 2007.
5	Demands	Officials does not follow the procedure while acquiring lands in scheduled areas. This is violating under Hight court writ petition No. 8476/2001 dated 2-4-2004.
6	Demands	One acre for Land less SC, ST poor people. It is in pending stage in Lokayuktha
7	Demands	Should pay 3 times to the market of 8.25 lakh i.e, 24.75 lakhs as per LA act. But the government said to pay only 11.50 lakhs only, which is against law.
8	Demands	As per New LA act 2013 section – 46(4) ,Should not use tribal lands prior to the confirmation of their rights and completed the resettlement done for them.
9	Demands	As per the hiked prices of lands under new LA act section 31(2) R&R package should be paid.
10	Demands	Eventhough There is a survery settlement regulations 1/60, 2/69/2/70,1/89 as per government orders i.e, Survery settlemnt director powers transferred to ITDA project officers . But there is no required action taken on this.
11	LA	Whoever completed 18 years at the time of vacating villages are eligible for package compensation of 6.86 Lakhs (Tribal). Government will construct house for them who are eligible for compensation. As per AP High court interim orders, married women should get allocation of house site for house construction.
12	LA	Should apply to Joint Collector for the remaining amount of package, who have paid less amount than said package.
13	LA	For Tribes land for land should give in command area only. If they are not interested in Land , Compensation should be paid to them instead. In many areas government given un cultivable land (waste land). This is not comes under land for land. If land given in command area then only we can say it as land for land. So all the acquired land from Adivasis should be compensate with amount.
14	LA	The government will provide Fishing rights in Project area for the tribal families.
15	LA	Land less rehabilitate families should get compensation in terms of money, as per Narmada Bachao Andolan case instructions in 2017 & Civil appeal no.3727/2011 related in supreme court on 26 th , July 2011.
16	LA	As per New LA act Section-46(4), Forest rights act and other acts Government should not use Adivasi's acquired land until they get complete rights and providing Rehabilitation and Resettlement for them.
17	LA	The Polavaram project is in violation of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which provides for "land for land" in command area for the affected people under irrigation projects and protection to ensure that "all benefits, including the reservation benefits available to the Scheduled Tribes and the Scheduled Castes in the affected area shall continue in the resettlement area ". It is also mandatory for obtaining prior consent of concerned Gram Sabha or the Panchayats in the Scheduled Area under Panchayat Extension to Scheduled Areas Act (PESA) 1996.
18	LA & D-form patta	should pay 15 Lakhs/Acre in West Godavari. D-form pattas, RoFR individual lands, and whatever land which is in control of Adivasis should be paid by Government like this only. But Government is paying 2Lakhs / acre in some areas, which is illegal.
19	LA & PESA	Videos should be taken at the time of conducting Grama Sabhas which were not taken.
20	LA & PESA	Most of the Grievances are still in pending stage
21	LA & RR	There should be all 25 amenities in All R&R colonies before the relocating the villages respectively. Where those did succeed 4 or 5
22	LA & RR	Should pay 19.5 Lakhs/ Acre compensation for land to land in East Godavari.
23	LA (SC&ST)	Forcibly vacating SC,ST displaced families is against SC,ST attracity Act section 3(1)(g). Should follow SC ST act of 1995 amendment rules 2016 (1)(5) . This case is in pending in Lokayuktha

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24	LA AP High Court	As per Instructions given by AP High court Division Bench on 20-June-2007 WRIT Petition No. 19067/2005, Government should not acquire lands in 371 habitations until compensation paid to them. If not followed these instructions it is violation Contempt of Court.
25	LA Gender	Married women should get House sites as per the AP High court WRIT Petition no.8462/2018. These implementation should be follow in Both East and West Godavari districts. If vacating forcibly it comes against SC,ST Act section 4 with out solving their land issues.
26	LA LA & SC ST act	As per Scheduled Casts and Scheduled Tribe (Anti Rape) rules – 1995 amendment rules 2016 rule (1) (5) Government should take action to make sense of security feeling between Polavaram project rehabilitated families of SC,STs.
27	LA RR	Land lost farmers should be paid 10 lakhs per 1 acre but 36 laksh rupees demands my Adivasi Mahasabha
28	LA&PESA	Violating Panchayati raj act section 242 F and PESA rules of 2011 rule 5(1). By not taking videos while conducting Grama sabhas.
29	RR	Land Compensation Should pay as per market value
30	RR	Land for Land else compensation should pay
31	RR	R&R package for 18 years completed
32	RR	R&R package for married women removed from SES data
33	RR	Pay compensation who were 18 years at the time of Vacating village
34	RR	Relocating should be done after 25 amenities implemented in RR colonies
35	RR	RR package should be paid 10 lakhs as per the Government commitment
36	RR	The DPR did not mention the complete details of land required for each project work; head works, right main canal, left main canal and connectivities. It also did not contain the details of land to be acquired for Rehabilitation and Resettlement (R&R) for the Project Affected Families (PAFs)
37	RR	Polavaram project is also in violation of the National Tribal Policy which states that “ any project which displaces more than 50,000 tribal people should not be taken up ”.
38	RR Housing	Houses constructed other than planned in Gramsabha resolution, which violates the spirit of PESA
39	RR Housing	As per G.O.RT.No.641 Revenue(LA) dept dated 14-9-2016 given orders. Tribals should get 4.55 laksh for one house. But the government was pending 2.84 laksh for one house. The govermnet made a false agreement with House construction organizations and contractors . These agreements should not be agreed. Recently the budgetted amount increased to 3.55 lakhs.
40	RR Housing	As per G.O.R.T.No.641 on 14.09.2016, by AP Revenue Land Acquisition act, Government should pay 4.55 Lakhs for house construction for tribes. Where the government paid 2.84 laksh recently and now fixed at 3.55 lakshs
41	RoFR	Individual rights for VSS
42	RoFR	No comprehensive survey done revenue waste lands in possession by tribals
43	RoFR	A violation of community rights over Minor Forest Products: Section 3(1)(c) of the FRA recognizes community rights over ownership of non-timber forest product (NTFP) and its disposal which has been further elaborated in the amended FRA Rules, 2012.
44	RoFR	Violations of the self-governance aspects of the Gram Sabhas with respect to customary resources, minor forest produce, minor minerals, minor water bodies, selection of beneficiaries, sanction of projects, and control over local institutions continue. Not a single state has currently amended the PESA Act.
45	RoFR	Violations of the Act and its dilution highlights a pattern of developments which show the Centre and states' lack of commitment towards strengthening of gram sabhas. Instead there has been a push for corporate entry and control of resources, making it easier to surpass gram sabha consent.
46	RoFR	The Ministry of Tribal Affairs, Govt of India (Letter No 23011/11/2013-FRA dated 6-8-2013, MoTA, GoI), held that the grant of Community Forest Right titles to VSSs is illegal and directed the Government of AP that these titles be immediately withdrawn. FRA is clear that it is only the Gram Sabha who can hold the title for Community Rights. However, the MOTA order has not been complied with and the Community Forest Rights titles to VSSs haven't been withdrawn. There are ove 900000 acres of lands were there under VSS holding CF Rights

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47	RoFR LA	If one person have community rights then he has to be paid individually for equal amount for the land he has, as per new LA act section 42 (3) in Forest Rights act. Where as not even one such case is observed
48	PESA	The Gram Sabhas notified under the PESA Act are yet to function. Throwing the provisions of the FRA to the winds, in 2010 the Ministry of Environment and Forest (MoE&F), Govt of India, gave final clearance for diversion of 3,731 hectares of forest lands for the Polavaram Project in clear violation of the FRA. The Government of AP falsely assured that no forest rights needed to be recognised under the FRA in the project area. This clearance was also against the requirement of mandatory consent of the Gram Sabhas for the diversion of forest lands for non-forest purposes.
49	PESA	The Government of Andhra Pradesh has failed to operationalize hamlet level Gram Sabhas for implementation of either PESA Act or the FRA in the Scheduled Areas. Instead Gram Sabhas of large multi-village Panchayats were used.
50	PESA	Panchayati Raj Act as required as per PESA. State amendment is not in full compliance; states have not complied with the central provisions. PESA defines the powers of the gram sabha and structures above gram sabha cannot encroach into its powers. However, a gram sabha has no powers; all the powers have been vested in the elected members, creating a hierarchy of powers. One law gives one supreme power the other gives another; therefore, PESA cannot work in the given structure.”
51	FRA	Tribal department has not been able to participating in Joint survey where as these Three departments Forest , Revenue and Tribal should have participated in marking the boarders of lands.
52	FRA	The Forest Rights Act recognises historical injustice meted out to scheduled tribe and other traditional forest dwellers and sought to restore the rights of forest dwelling communities over land and the governance & management of forests through decentralisation of power to Gram Sabha.
53	FRA	FRA is premised on restoration of ‘historical justice“, the issues of gender justice that have been incorporated in the provisions of the act are seldom understood by state agencies due to their deeply patriarchal structural biases
54	FRA	Poor implementation of Individual Forest Rights with high rates of rejection, where as handling any application were processes under CFR and habitat rights.
55	FRA	Gram Sabhas and FRC constituted at Gram Panchayat levels rather than habitation or revenue village level as required by law
56	FRA	Lack of institutional support to FRA implementation, with Forest Department acting as major obstacle
57	FRA	Massive violation of FRA in diversion of forest lands, especially in the Polavaram project observed
58	FRA	Non-conversion of forest/unsurveyed villages into revenue villages: There are several forest enclosures (unsurveyed) which should be recognised as Revenue Villages under section 3(1) (h) of the FRA.
59	FRA	The AP government issued a GO (MS No. 97, dated 5th Nov, 2015) permitting AP Mineral Development Corporation to mine bauxite in 1,212 hectares of land in Chinthapalli and Jarrela Scheduled Areas in Visakhapatnam district, including forest lands where FRA is applicable This permission for bauxite mining is in violation of the law governing Fifth Schedule Areas of the state as well as the FRA.
60	FRA	Lack of capacity of Nodal agency and DLCs/SDLCs: There is a dearth of staff specifically to conduct surveys at field level and to record the extent of land holdings of claimants at the ITDAs and the District Level Offices. Earlier FRA cells were established in ITDAs for monitoring. But currently these are not effectively functioning in many ITDAs. There is no effective monitoring mechanism in place to tally the data, to identify the gaps in data and to monitor the claims filed.
61	FRA	The nodal agency is even failing to implement the circulars and guidelines that are periodically issued by the MoTA for effective implementation of the FRA. Legal awareness is lacking among the officials as well as the claimants.
62	FRA	The forest department has been a major beneficiary of the ‘historical injustice’ as it acquired ancestral tribal lands as ‘forests’ unjustly. During the verification of the claims often the Forest Department officials have objected to the process and rejected the claims of claimants without having any authority to do so. After completion of the recognition process the FD officials have been reported to be reluctant to sign on the title deeds.

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63	FRA	No step has been taken to recognize the rights under the FRA in protected areas. During the recent consultation on the implementation of the FRA, the Forest Department officials requested for a committee to look in to the rights of community under the FRA in protected areas despite the FRA clearly requiring recognition of rights in them.
64	FRA	The Forest Conservation Act (1980) expose the focus on watering down provisions protecting tribal communities and natural resources. Moreover, as India privatises coal and brings in mining reforms, one of the biggest concerns of environmentalists lie in its conflict with the violations and undermining of the PESA provisions.
65	CFR	No legal CFRs have been recognized in AP; illegal CFR titles have been issued to JFM Committees as those are under the control VSS where as the title deeds must be in the name of respective Gramsabhas Ehte are about 47 VSS involving 35,025 acres.
66	CFR	Community Forest Resource Rights (CFR) granted illegally to VSSs instead of Gram Sabhas
67	PVTG	The rights of PVTGs ignored, with illegal evictions by FD
68	PVTG	Non-recognition of habitat rights and illegal evictions of PVTGs from forests: So far, not a single habitat right of the PVTGs of AP
69	PVTG	The District Committee chaired by the District Collector is under legal obligation under the amended FRA Rules 2012 to ensure that the habitat right of PVTGs are recognized in view of their differential vulnerability.
70	SC,ST	As per GO.No.1 Government should allocate one acre for land less SC, ST families. Should give compensate amount instead if they fail to do so.
71	SC,ST	The Polavaram irrigation project area is located in the scheduled areas of East and West Godavari Districts In effective implementation of Agency launched as FRA, PESA, LTR Act the special protective law of SCs & STs prevention of Atrocities Act and most importantly the LARR Act which has resulted in multitude of problems and unending frustrations, disappointments and unrests.
72	SC,ST	Gross violation of several laws of the land making adivasi people victims of cultural genocide. More than three lakh people belonging to Koya, Konda Reddy (ST), scheduled caste and other communities dependent on land and forest are going to be affected by the project. A great human tragedy and environmental disaster in the Eastern Ghats should be avoided.
73	SC,ST	The cabinet decision on AP Reorganisation Bill with regard to Polavaram project and the proposed amendments to it are arbitrary and in violation of Article 244 that provides mandatory process for administration and control of the Scheduled Areas in accordance with the Fifth Schedule which require consultation and approval of the Tribal Advisory Council in the State.
74	MGNREGA	MGNREGA is a lifeline for the lakhs of workers of the state. But violations of their entitlements are regular affair. In most of the villages, the workers are waiting for adequate number of schemes to be implemented. In the last three years, households that managed to get work under MGNREGA could get only an average of 40 days of work per year. The participation of Adivasi and Dalit workers in MGNREGA employment fell from almost 50 per cent to 38 per cent in the last three years.
75	MGNREGA	In the last two years, job cards of more than three lakh households were deleted in the "jobcard verification drive" of the government. It also includes cards of several households that regularly work in MGNREGA or want work. As a result, such households are unable to access their right to work.
76	MGNREGA	At least 25 per cent of positions of MGNREGA functionaries are lying vacant. Only one-third of the total Gram Panchayats have their own Panchayat Secretaries. And even now, most of the Gram Panchayats lack functional digital infrastructure. It directly affects the implementation of MGRNEGA.