



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

Case File No. KNR/4/2018/STGAP/DELAAL/RU-IV

Dated: 05.03.2019

To,

1. **The Principal Secretary,**  
Dept. of Revenue (Lands),  
Govt. Andhra Pradesh,  
New Secretariat, Velagapudi,  
Amravati, Guntur, A.P.
2. **The Principal Secretary,**  
Industries and Infrastructure -  
Development,  
Govt. Andhra Pradesh,  
New Secretariat, Velagapudi,  
Amravati, Guntur, AP
3. **The Managing Director,**  
AP Industrial Infrastructure -  
Corporation Ltd., (A.P.I.I.C.)  
59A-20/3/2A, Sri Siva Complex,  
Funtimes Club Road,  
Teachers Colony,  
Vijayawada - 520 008  
(A.P.)
4. **The District Collector,**  
Guntur,  
(Andhra Pradesh).

**Sub: Proceedings of the Sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 11.02.2019 in the case of Dr.K.N.Rao, National President Forum for Social Justice, Guntur (AP), regarding Land Acquisition towards Ambuja Cements.**

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 11.02.2019 under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 30 days from the receipt of the letter for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

(Y.K. Bansal)  
Research Officer

Copy to:

Dr.K.N.Rao,  
National President,  
Forum for Social Justice,  
Guntur - 522 017  
Amravathi,  
Andhra Pradesh.

2421-25  
6/3/18  
जारी किया  
ISSUED

Copy to: - SSA, NIC, NCST.

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

Case File No. KNR/4/2018/STGAP/DELAAL/RU-IV

**PROCEEDINGS OF SITTING HELD ON 11.02.2019 AT 2.00 P.M. CHAIRED BY Dr. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF REPRESENTATION OF Dr. K. NARAYANA RAO, NATIONAL PRESIDENT, FORUM FOR SOCIAL JUSTICE, GUNTUR (A.P.) REGARDING LAND ACQUISITION TOWARDS AMBUJA CEMENTS – NON-STARTER OF THE CONSTRUCTION OF AMBUJA CEMENT FACTORY IN SPITAE OF THE REPEATED ASSURANCES AND PROMISES.**

Date of Sitting: 11.02.2019

List of officers present in sitting is Annexed.

The petitioner Dr.K.Narayana Rao vide his representation dated 17.10.2018 has submitted the grievances regarding land acquisition.

The petitioner has represented that the land to the extent of 2450 Acres belonging to Scheduled Tribes, Scheduled Castes and Other Backward communities peasants of villages of Budawada, Gogulapadu, Ambapuram in Gurajala Mandal, villages of Kachavaram, Inaparajupalli, Gadevaripille of Karampudi Mandal and Villages of Alugumallepadu, Takkellapadu, Nadekudi of Dachepalli Mandal of District Guntur were acquired in 1999 by the Government of Andhra Pradesh and handed over to the M/s Gujarat Ambuja Cement Company Ltd. for construction of Cement Factory, providing employment opportunities, Village development and converting these villages into modal villages with all infrastructure facilities.

The Management of Ambuja Cement Ltd. collected land from the peasants of villages and laid foundation stone of the factory in 1999, with promising for construction of the Cement factory within 2 years and providing employment to the peasants. But, it is 20 years from the land acquisition, there is no construction to till date. Thus, due to loosing of land holding, the villagers became landless and unable to get minimum daily wages, became unemployed.

On 31.05.2012, an agreement was finally reached between the victim ST/SC/OBC peasants to allow the peasants to cultivate on the leased lands, in case the construction of the factory did not take place. As per agreement, the factory management promised to provide jobs to children. But it is 8 years by now, no jobs has been provided to the children of victim peasants as per agreements. In addition, due to acquisition of land for construction of cement factory, the land became unproductive and unfertile. As per section 101 of 2013, Land Acquisition Act, if the land is not put to use within five years of lease, the land could be handed over to the concerned farmers. The Forum requests the Commission to intervene the matter and cancel the land-lease with restoration of land in favour of ST/SC/BC peasants.



नन्द कुमार साय/Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes

2. As per procedure, the NCST vide its notice dated 24-10-2018 sought a report from the Government of Andhra Pradesh. However no report was received from the Department concerned. Therefore, the Hon`ble Chairperson, NCST fixed a sitting on 11-2-2019 to have a discussion in the case.

3. As per schedule, sitting was held on 11-02-2019. The Revenue Secretary, Andhra Pradesh, the Industries Secretary, Andhra Pradesh, the District Collector, Guntur and the Managing Director, Andhra Pradesh Industrial Infrastructure Corporation Ltd. were called. But none of them appeared before the Commission. However, on behalf of Managing Director APIIC Ltd., the Chief General Manager (Law) appeared.

4. In sitting, the petitioners submitted before the Commission that total agriculture/fertile land of 2450 acres belonging to STs/SCs/OBCs were acquired by the Government of Andhra Pradesh in the year 1999 for construction of Cement factory and providing employment opportunity to the children of land losers. The acquired land was handed over to the M/s Ambuja Cement Ltd. However, after passing of more than 20 year, no cement factory was constructed and no employment as promised was provided. The petitioners demands that the Government of Andhra Pradesh and M/s Gujarat Ambuja Cements Limited to pay annual lease amount of Rs. 20,000/- per acre from the date acquisition to the land losers, pay compensation to land losers as per the "Right to Fair Compensation and Transparency Land Acquisition, Rehabilitation and Resettlement Act, 2013", to pay unemployment compensation to ST youths, to permit cultivate the agriculture land and return back the acquired land to the land losers.

5. The representative of APIIC Ltd. informed the Commission that the complainant's allegation of acquiring of 2450 Acres of land is not based on facts. Actually, the Government has acquired only land extent to 1188.60 Acres from the peasants of villages of Nadikudi, Alugumallepadu and Gogulapadu of District Guntur, after paying due benefits as per consent award under section 11(2) of Read With section 31(2) of L.A. Act. Thereafter the land was handed over to the APIIC and subsequently land to the extent of 10.52.25 Acres was handed over to the Ambuja Cement Co. Ltd. for construction of cement factory. The factory management has failed to construct the factory and therefore the APIIC Ltd. issued show cause notice to the company. Finally, the APIIC management vide its letter dated 8-3-2016 has requested to the Revenue Department, Government of Andhra Pradesh to issue suitable instruction to the District Collector, Guntur to cancel the land acquisition awards passed in favour of M/s Gujarat Ambuja cement Ltd. and transfer the award in favour of APIIC Ltd. to develop the subject land as Industrial Pak.



नन्द कुमार साय/Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

6. The case discussed in detail, the Commission observed that the land belonging to poor ST/SC/OBC farmers were acquired in 1999 for construction of cement factory and providing employment opportunity to the children of land loser and handed over to the M/s Gujarat Ambuja Cement Co. Ltd. However, after passing of more than 20 years, the Company Management has failed to construct cement factory. Due to which the, land losers became landless and did not have source of income to feed the family members. The Government of Andhra Pradesh has also not taken any action against the Company and did not make efforts to return back the land to the land losers. The Commission, therefore recommends following:

- The Government of Andhra Pradesh should cancel the acquisition award as per the "Right to Fair Compensation and Transparency Land Acquisition, Rehabilitation and Resettlement Act, 2013" and take immediate action to restoration of the land in favour of land losers.
- Punitive action should be taken against the M/s Gujarat Ambuja Cement for non-compliance of land acquisition's terms and conditions and non-providing employment opportunity to the children of land losers.
- The Government of Andhra Pradesh should consider to provide monetary compensation to the land losers for depriving of their rights of cultivation, employment, education etc.
- The Commission will also hold a sitting with the senior officers of Revenue Department, APIIC and District Collector, Guntur to protect the interest of the Scheduled Tribes
- An action taken report on the Commission's recommendations should be submitted by the Government of Andhra Pradesh and other concerned authorities within 30 days from the receipt of the proceedings.

757  
28.09.19

नन्द कुमार साय/Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

