



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)

By Speed post

File No. KNR/5/2016/STGAP/DEOTH/RU-IV

Dated: 13.12.2018

To,

1. The Registrar of Co-operative Societies, Co-operation Department, Government of Andhra Pradesh, Skylark Towers, Shyamala Nagar, Guntur (Andhra Pradesh).
2. The District Collector & Magistrate, District – Guntur, Andhra Pradesh.

Sub: Proceedings of the sitting taken by Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 09.10.2018 in the matter of Shri K. Narayana Rao, President, Forum for Social Justice, Guntur regarding resumption of land given to the Edavalli Weaker Section Land Colonization Co-operation Limited.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 09.10.2018 under the Chairmanship of Smt. Maya Chintamn Ivate, Hon'ble Member, 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 Member, NCST

Yours faithfully,

(Y.R. Bansal)

Research Officer

(Encl: As above)

Copy to:-

Shri K. N. Rao,
National President,
Forum for Social Justice,
Chamallamudi, Via – Etukur,
District – Guntur, Amaravati – 522 017
(Andhra Pradesh).

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Copy to - NIC, NCST

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. KNR/5/2016/STGAP/DEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 09.10.2018 CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI K. NARAYANA RAO, PRESIDENT, FORUM FOR SOCIAL JUSTICE, GUNTUR REGARDING RESUMPTION OF LAND GIVEN TO THE EDVALLI WEAKER SECTION LAND COLONIZATION CO-OPERATION LIMITED.

Date of Sitting: 09.10.2018

List of officers present in sitting is Annexed.

The petitioner Shri K. Narayana Rao, President, Forum for Social Justice, Amravati, District – Guntur (Andhra Pradesh) vide his representation dated 05.07.2016 has represented that the Scheduled Tribe people of Idavalli Village, Chilakaluripet Mandal, Guntur District were allotted an extent of 416.53 cents of agricultural land in Sy. Nos. 83/B, 207/B, 381/10, 381/11, 381/12/1A, 381/12/1C, 381/12/2C, 381/15, 381/16, 381/17, 381/20/2A and 381/44/6 at Edvalli Village in the year 1975 for cultivation as they belongs to scheduled tribes and scheduled caste, and landless poor for their livelihood and since then the same have been under their peaceful possession and enjoyment and their families are surviving with the income derived from the said agricultural lands.

On 08.03.2003, the Mandal Revenue Officer, Chilakaluripet has also issued beneficiary list of their society for the said land for the cultivation and has also issued certificate in favour of them. The society have been conducted elections regularly. The state Govt. has also issued funds under welfare schemes for the welfare of the scheduled tribes people of the village but suddenly in the year 2016 the District Administration has defund society and evicted for scheduled tribe from their land.

2. The NCST vide its letter 29.08.2016 had sought the report from the Principal Secretary (Revenue), Principal Secretary, Agriculture and Co-operation, Govt. of AP.
3. In response to Commission's notice, the Govt. of AP have submitted a report.

The Special Chief Secretary, Agriculture and Co-operation (COOP-III) Department, Government of Andhra Pradesh, Velgapudi, District- Guntur vide letter dated 22.06.2017 (received in Commission on 27.06.2017) has furnished the report in respect of representation of Shri K. Narayana Rao, President, Forum for Social Justice, New Delhi regarding resumption of land given to the Edavalli Weaker Section land Colonization Cooperation Society Limited, Edvalli Village Chilakaluripet Mandal Guntur District and for cancellation of the said society illegally and Direct and to cancel the Order dated 16.09.2015 and 29.02.2016 of the District Co-operative Society, Guntur and Tehsildar, Chilakaluripet respectively.

In the report it is informed that:

- i) The said No. Z 409, Edavalli Weaker Section land Colonization Cooperation Society Limited, Edvalli Village Chilakaluripet Mandal Guntur District was registered on 21.03.1975.
- ii) Inspection on the affairs of the Society was ordered on 27.04.2015 under Section 52 of APCS Act, 1964.

In the Section 52 Inspection Report which is the basis for ordering winding up it was reported that, the said society was found registered on 21.03.1975. But audit of the accounts


Smt. Maya Chintamn Ivnate
Member

of the society was conducted up to the year 2002-2003 only. The society is in dormant condition. The Bye-laws and records of the society were not available. Due to non availability of the records of the society audit was not conducted and the society was kept under part-II (A) (Deleted societies) during the year 2014-15. It was also reported that, the society did not do any bank transactions for the last 10 years. There is no elected Managing Committee to the society for the last 10 years.

As per Section 69 of the APCS Act, 1964 a society which has been ordered to be wound up may be restored to a Committee in case such society is under liquidation only. But in the instance case the affairs of the subject society were already finally closed and its registration was also cancelled. A committee cannot be constituted under the provisions of Section 69 of the APCS act 1964 for its revival after it was finally closed and its registration was cancelled.

It is also submitted that "whereas it is humbly submitted that Sri. Talluri Vennkata Rao, of Edavali Village has filed a petitioner on the same subject of the Edavalli Weaker Section Land Colonization Coop. Society Ltd., Edavalli Village, Chilakaluripet Mandal, Guntur District before the National Commission for Scheduled Castes. The Commission vide reference 3rd cited recommended the petitioner to approach the District Collector/District Magistrate, Guntur with appropriate petition and District Collector should make an Enquiry in the petitioner case and should take necessary action on the request of the petitioner and to submit action taken report within (30) days.

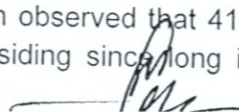
4. Reference of above reply, Smt. Maya Chintamn Ivnate, Hon'ble Member has fixed a Sitting on 22.05.2018 with the District Collector, Guntur. Proceedings of sitting has been sent to the District Collector vide this Commission's letter dated 18.06.2018 for compliance report. No compliance report has been received from the District Collector, Guntur. Therefore, the Hon'ble Member has fixed a second sitting with the Registrar, Co-operative societies, Govt. of Andhra Pradesh and District Collector, Guntur on 09.10.2018 for discussion in the matter. Accordingly, sitting notice has been issued.

5. The District co-operative officer and RDO, District Guntur appeared before the Commission on 09.10.2018. The petitioner was also present in the day of sitting.

6. The matter discussed in detail. During the discussion the Hon'ble Member asked about the grievances. The petitioner submitted to the Commission that 416 acre land is still vacant in that area. Lease of said land was given by the co-operative societies which was cancelled by the District Collector. They have requested to provide lease of said land permanently, but the concerned authority is not co-operating. The Hon'ble Member asked the concerned authority to explain the position of the case. The co-operative society officer submitted that petitions of Scheduled Tribes for lease in said area is under trial. Three hearings in the matter has been completed in the office of Assistant Co-operative Society Commissioner. The petitioner's should file appeal in the ACS Commissioner office and pursue for them. Since, the matter is pending under co-operative Society Tribunal.

7. The Co-operative society officer also apprised that after cancellation of Co-operative Society, the allotted land to the Scheduled Tribes has been gone under the control of District Collector.

8. After heard both side, the Commission observed that 416 acre land is still vacant in said area and scheduled tribes people is residing since long in that area. Therefore, the Commission recommends that



- Restoration of land should be considered and lease of said land should be provided to the Scheduled Tribes family in that area.
- Some Scheduled Tribes families are cultivating of the said land in that area to them should not be disturbed and vacate.
- Status quo should be maintained for scheduled tribes in that area till their grievances may be considered.

9. An action taken report in the matter should be submitted before the Commission within 30 days from the receipt of the proceedings of the Sitting.

Smt. Maya Chintam Ivate
Member
National Commission for Scheduled Tribes
Govt. of India
New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. KNR/5/2016/STGAP/DEOTHARU-IV)

List of participants

NCST

1. Shri Maya Chintamn Ivnate, Hon'ble Member (In chair)
2. Shri P.T. Jameskutty, Hon'ble Member
3. Shri Y.K. Bansal, Research Officer
4. Shri S.K. Atram, PS to Hon'ble Member
5. Shri H.R. Meena, Sr. Investigator

Officers of Government of Andhra Pradesh

1. District Co-operative officer
2. Shri. K. Srinivasa Rao, R.D.O.,
3. Shri Krishna Rao, ASP, Thullur.

Petitioner

Shri K. Narayana Rao.