



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)

File No. VYR/1/2019/STGAP/SEFCC/RU-IV

Dated: 20.11.2019

To,

1 **The Principal Secretary,**
Tribal Development Department,
Government of Andhra Pradesh,
New Secretariat,
Velgapudi, Amaravati,
District - Guntur (Andhra Pradesh).

2 **The District Collector,**
District - Srikakulam
Collector and Zilla Majistrate
Vari Karyalayam
Kothapeta, Srikakulam,
Andhra Pradesh 532001

Sub: Representation of Shri Vaba Yogeswara Rao, State Joint Secretary, Adivasi Samkshema Parshath Andhra Pradesh, Srikakulam District, AP regarding removal of VADDI caste people got employment in the various Government Sectors by getting bogus caste certificate of BENTHO ORIYA where the said case is not existed in Srikakulam District of Andhra Pradesh and inclusion of all tribal villages in Srikakulam District in 5th Schedule of the Constitution of India.

Sir,

I am directed to refer to the subject cited above and to enclose herewith a copy of the Proceedings of the Sitting held on 15.10.2019 before the Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the aforesaid matter for necessary action.

It is therefore, requested to send an action taken report on the Commission's recommendations 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
Ph. No. 24645826

(Encl. As above)

Copy to:

Shri Vaba Yogeswara Rao,
State Joint Secretary,
Adivasi Samkshema Parishath,
New Colony Saravakota,
Saravakota Post & Mandal,
Srikakulam District - 532426 (AP)

copy to
NIC, NCST

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. VYR/1/2019/STGAP/SEFCC/RU-IV

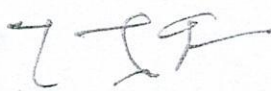
PROCEEDINGS OF MEETING HELD ON 15.10.2019 UNDER THE CHAIRMANSHIP OF DR. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NCST IN THE CASE OF SHRI VAABA YOGESWARA RAO, STATE JOINT SECRETARY, ADIVASI SAMKSHEMA PARSHATH, SARAVAKOTA VILLAGE, SRIKAKULAM DISTRICT, A.P. REGARDING (I) REMOVAL OF VADDI CASTE PEOPLE GOT EMPLOYMENT IN THE VARIOUS GOVERNMENT SECTORS BY GETTING BOGUS CASTE CERTIFICATE OF BENTHO ORIYA WHERE THE SAID CASTE DOES NOT EXIST IN SRIKAKULAM DISTRICT OF ANDHRA PRADESH AND (II) INCLUSION OF ALL TRIBAL VILLAGES IN SRIKAKULAM DISTRICT IN 5TH SCHEDULE OF THE CONSTITUTION.

Date of sitting: 15.10.2019

List of officers present in sitting is Annexed

The petitioner Shri Vaaba Yogeswara Rao, State Joint Secretary, Adivasi Samkshema Parshath, Saravakota Village, Srikakulam District, A.P. vide his representation dated 7-2-2019 has submitted representation regarding (i) removal of VADDI caste people got employment in the various Government Sectors by getting bogus caste certificate of BENTHO ORIYA where the said caste does not exist in Srikakulam District of Andhra Pradesh and (ii) inclusion of all tribal villages in Srikakulam District in 5th Schedule of the Constitution. The petitioner has submitted following grievances.

- The Vaddi caste has not notified in the ST list of Andhra Pradesh. The said caste originally hailing from contiguous state of Odisha and have managed in convenience with State Revenue Officers to get bogus ST caste certificate in the name of Benthoriya in Srikakulam District. These fake certificate holders are enjoying all ST benefits in employment, education and other developmental schemes for last many years and deprived rights of original STs.
- The Govt. of Andhra Pradesh vide memo dated 04.02.2005 had clarified that as per the study and survey conducted by TRI that there were no Benthoriya Tribe in Srikakulam District.
- The District Collector, Srikakulam had also clarified in the letter dated 13.10.2000 addressed to Hon'ble Minister of Revenue and Rehabilitation, Govt. of AP that the socio economic and cultural traits of the people claiming to be called as Benthoriya speaking Oriya dialect in Teekkali & Palakonda Divisions of Srikakulam District are totally different and not sharing any cultural similarities and identities with the recognised tribes of Kotia/Benthoriya Tribes of Vijayanagaram and Visakhapatnam Districts of Andhra Pradesh.
- Revenue Divisional Officer, Tekkali Division vide letter dated 01.11.2012 addressed to the District Collector, Srikakulam has also clarified that there were no grounds on which recognition of the Oriya speaking Vaddi caste people could be considered under Benthoriya Tribe.
- The Mandal Revenue Officer, Kaviti Mandal under Srikakulam District wrote a letter addressed to RDO, Tekkali Revenue Division that the people who have already got Benthoriya Certificates and those who are requesting for the same could not be considered as ST in Srikakulam District as there are no Benthoriya tribe.


डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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- Despite these facts, the community members of the Benth Oriya are getting ST benefits in the name of Vaddi Tribe in Srikakulam District.
- Many Tribal villages in 22 mandals of Srikakulam District, Andhra Pradesh have been kept out of the purview of the 5th Schedule of the Constitution, therefore benefits of the developmental Schemes of Central/State Government's Implemented through ITDA are not applicable. They can't have access and are totally devoid of any kind welfare benefits being given to the villages included in 5th Schedule. The villages are not covered so far have to be notified under 5th Schedule to provide the accessibility to the development programmers equally with other areas.
- The Commission is requested to take suitable action in removal of services of those Vaddi caste employees who obtained job with bogus Benth Oriya certificates and include all villages inhabited by the Tribes in Srikakulam District under 5th schedule of the constitution.

2. The NCST vide its notice dated 26.06.2019 called for a report from the Government of Andhra Pradesh. As, no action taken report was received by the Commission, therefore, the Hon'ble Chairperson, NCST has held a sitting in the case on 15.10.2019 in the Commission.

3. In sitting, the District Collector, Srikakulam and Assistant Project Office, ITDA, Srikakulam were appeared. The petitioner was also present.

4. During the sitting, the petitioner has raised the grievances of issuance of bogus caste certificate of Benth Oriya ST caste to the Vaddi (BC-I) caste people in Srikakulam District and also getting benefits of STs in employment, education and other developmental schemes. He requested the Commission to issue direction to the District authorities to not issue ST caste certificate of Benth Oriya to Vaddi caste people and also cancellation of all ST caste certificate issued to Vaddi people. In addition, the State Govt. and District Administration should remove 2000 Vaddi caste people who got employment in various Govt. Departments on the basis of bogus caste certificate. He also requested to include all tribal villages in Srikakulam District under the 5th Scheduled of the Constitution.

5. The District Collector, Srikakulam has submitted a report in the matter to the Commission. He reported that the Govt. of Andhra Pradesh have issued certain guidelines vide G.O. dated 03.05.1999 for issue of ST certificate of Benth Oriya stating that Benth Oriya shall be treated as distant tribe and the ST certificate will be issued without going into the requirement of establishing affinitive with Kotia tribe. The certificate issuing authority is, not able to establish the identity of the claimant, then the caste certificate of Benth Oriya be issued to those persons whose names are found recorded in the electoral roll 1951 as the Benth Oriya or their direct descendent. Thereafter, the Govt. of Andhra Pradesh has issued certain other instruction vide Memo dated 04.02.2005 that the State Level Committee should consider the claimant's claim of belonging of Benth Oriya community and conduct enquiry before deciding the matter. The G.O dated 04.02.2005 mentioned that Vaddi is a genetic term used in Vizianagaram, Visakhapatnam and Srikakulam District, which refers to all population who speak Oriya language or hail from Orissa State. There is, however, another community VADDI living in rural areas of Srikaulam District, who are basically stone cutters or earth workers engaged in digging of wells or de-silting of wells and included in the list of B.Cs.


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Therefore, the individuals who claim to belong to Vaddi/Oddi community of either of the communities mentioned are not entitled for Benth-Oriya (ST) caste certificates and also such applications must be rejected.

The Government of Andhra Pradesh have also issued instructions to the Collector, Srikakulam in their Memo dated 21.05.2009 that, the General Secretary, Srikakulam District Benth-Oriya Association has represented that they are facing problem in getting Benth-Oriya Certificates as the Revenue officials are not conducting proper enquiries and recommending for cancellation of Benth-Oriya Caste Certificates already issued to the claimants. The Government have considered the above representation of the issue and directed as the status-quo should be maintained in already issued Benth-Oriya Caste Certificates and no certificate be cancelled when status-quo order are in operation.


The Government of Andhra Pradesh has further issued instruction in their Memo dated 20.08.2016, withdrawing the status quo orders issued in their Memo dated 21.05.2009 directing the Collector, Srikakulam, to follow the directions issued by the Government in earlier Memos dated 03.05.1999, 04.02.2005, 30.08.2006.

In addition, the Government of Andhra Pradesh vide G.O.Ms No. 104 Social Welfare (CV.I) Department dated 05.09.2019 appointed Sri J.C. Sharma IAS (Retd) as head of the One Man Commission to resolve the issue.i.e. inclusion of Beda/Budaga Jangam community people under Scheduled Caste Category and issuance of ST-Benth Oriya community certificates in Srikakulam District and Scheduled Caste community disputes. The One Man Commission has proposed to visit Srikakulam District on 22.10.2019 & 23.10.2019. The Committee did not conclude the matter and its findings are awaited.


With regard to the inclusion of 239 villages inhabited by the Tribes in Srikakulam District, a proposal has already been submitted to the Govt. of Andhra Pradesh vide Rc. No. 2101/2004 Dy. SO dated 19.04.2019 for inclusion of hamlets & villages inhabited by the Tribes in Srikakulam District in the 5th Schedule for issuance of Presidential Order.

6. The case was discussed in detail. The Commission observed that it is a serious issue wherein a large number of non STs belonging to Vaddi backward community are getting benefits of caste of Benth Oriya (ST) in employment, education and other development schemes of the Govt. of Andhra Pradesh in Srikakulam District. The Commission also noted that the original Benth Oriya community members could not be get caste certificate due to dispute and Court cases. In addition, a large number of bogus caste certificate were issued to the Vaddi (BC) community member in the name of Benth Oriya (ST) and the District Administration could not take action against these bogus ST community certificate holders on the basis of the Court's decision. The Commission, therefore recommends that:

- The District Collector, Srikakulam should engage senior most Public Prosecutor to argue the case in the Court and should take immediate action to vacate the stay granted by the Court. It should be ensured that the Public Prosecutor be advised that the bogus ST caste certificate holders could not get any stay and direction for issuance of ST caste certificate from the Court and also protect the interest of the Original Benth Oriya community members at every stage. The District Collector will also monitor the progress of the Court case on monthly basis.


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- The District Collector, Srikakulam should decide the caste certificate issuance matter within a period of 30 days despite approaching the claimant to the Court and he should also submit verification of caste certificate report to the Hon'ble Court as there is no bar upon the District Administration to decide the caste certificate issue.
- The interest of original Benth Oriya community members be protected and there should be no denial of ST community certificate to the original ST community members.
- The issue of inclusion of 239 villages inhabited by the tribes in Srikakulam District and a proposal submitted to the Govt. of Andhra Pradesh vide Rc. No. 2101/2004 Dy. SO dated 19.04.2019 under the 5th Schedule of the Constitution of India be expedited. At the same time the Commission also recommends that the Govt. of Andhra Pradesh will take up this issue with the Govt. of India through Ministry of Tribal Affairs for issuance of Presidential Order in the matter of inclusion of tribal villages in Srikakulam District.
- An action taken report on the Commission's recommendations should be submitted before the Commission within 30 days on the receipt of the proceedings.


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List of participants

NCST

1. Dr. Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri Harshadbhai Chunnilal Vasava, Hon'ble Member
3. Shri Hari Krishna Damor, Hon'ble Member
4. Shri S.K. Ratho, Joint Secretary
5. Dr. Lalit Latta, Director
6. Shri Y.K. Bansal, Research Officer
7. Shri H.R. Meena, Sr. Investigator

Officers of Government of Andhra Pradesh

1. Shri J. Nivas, Collector, Srikakulam Distt.
2. Shri L. Anandarao, Asst. Project Officer, ITDA, Srikakulam Distt.

Petitioner

Shri Vaaba Yogeswara Rao