

INTEGRATED TRIBAL DEVELOPMENT AGENCY:ADILABAD:HQRS:UTNOOR.

From:
Sri, Mutyala Raju Revu, IAS,
Project Officer,
ITDA.UTNOOR.

To,
The Shakti,
Voluntary Organization,
C/o P.Shiva rama Krishna,
Ghandhi nagar,
HYDERABAD.

LR.No.A4/75/2004-II,dated:-19 01-2012.

Sir,

Sub:- P.O ITDA.RTI-Act-Information under RTI act-Letter Addressed
to the Co0mmissioner (TW) Hyd- sending-Reg.

Ref:-1) This office Lr.No.A4/LTR/75/2004-II,dated:-18-9-2010,
addressed to the Commissioner of (TW) A.P Hyderaba.
2) Your organization letter dated,7-5-2011,

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With reference to your letter cited I enclosed herewith the information asked
under RTI-Act (i.e copy of the letter addressed to the commissioner (TW) A.P Hyderabad
vide this officer Lr.No.A4/75/2004-II dated 18-09-2010),for information .

Kindly acknowledge the receipt of the letter cited,

Yours faithfully
Sd/-
Project Officer,
ITDA . Utnoor.

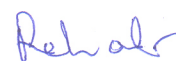
Enclosers:- As above.

Copy submitted to the Commissioner (TW) A.P.Hyderabad for
favour of kind information.

//Attested//


Administrative Officer,
ITDA.Utnoor.





INTEGRATED TRIBAL DEVELOPMENT AGENCY
:: ADILABD :: HQRS.UTNOOR

From:
K. Veeramallu, M.A., LL.B.,
Project Officer

To
Commissioner of Tribal Welfare,
DSS Bhavan, Masab Tank,
Hyderabad.

Letter No.A4/LTR/75/2004,dated:18-09-2010.

Madam,

Sub:- I.T.D.A., Utnoor – Legislative (Assurance) Council Assurance No.665,
dated:28-03-2007 made by the Hon'ble Minister for Tribal Welfare & RIAD while
answering the LAQ No.7681 regarding not following Regulation 1/70 by Orient
Cement Factory, Devapur, Adilabad District – Report submitted seeking further
direction – Requested – Reg.

- Ref:- (1) CTW Office Letter No.793/2008/TRI/LTR, dated:03-09-2010.
(2) CTW U.O. Note Rc.No.E2/6078/08, dated:27-08-2010.
(3) Representation of President of Girijana Samakya Society and others,
Devapur, Kasipet Mandal, dated:13-09-2010.
(4) Govt. Memo. 2295/TW-LTR-1/2008, dated:19-03-2008 of Social Welfare,
Govt. of AP, Hyderabad.

-/OOoOO/-

I invite your kind attention to the references cited, ^{where in I submit that the} the Commissioner (TW), Hyderabad has
requested to furnish a copy of the minutes of the meeting held if any, inviting Hon'ble MLA Sri
Chanda Venkat Reddy and Orient Cement Factory Management to find out whether the
surrounding Thandas and Gudems of Cement Factory at Devapur have been affected, if so any
development ^dactivities ^(or) infrastructure etc., were provided to them or not. I was called both the
parties, but the Management of the M/s. Orient Cement Factory, Devapur has not appeared before
me. Hence, I submit my findings basing ^{and} upon the perusal of records available in the file is
as follows:-

The brief history of the issue is that the Devapur Village of Kasipet Mandal erstwhile
Luxettipet Taluk of Adilabad District is in the Scheduled Areas as per the Scheduled Areas (Part-

B States) Order, 1950. The Orient Cement Factory has constructed with an agreement made by the Government on 24-01-1981 by acquiring the Assigned Land (Govt. Land) with an extent of Acs.334-39 gts. in Sy.No.84 and an extent of Acs.126.35 gts. of various patta lands in various survey numbers. Thus, total an extent of Acs.461-34 gts of land was acquired and is under the occupation of Orient Cement Factory in 2 spells. These lands were given to the factory is under the procedure of land acquisition.

The Revenue Divisional Officer (Land Acquisition Officer), Nirmal had initiated Land Acquisition Proceedings and passed awards accordingly. While passing awards, some cases were referred to the Hon'ble Subordinate Court, Asifabad along with the Compensation amount for settlement of dispute and payment of compensation amount to the rightful owners. The Hon'ble Subordinate Court, Asifabad in its Judgment and Decrees in O.P.Nos.16/84, 17/84, dated:28-12-1992 has decided the title in respect of fourteen (14) persons which the lands covered under Sy.No.84/62 and Sy.No.84/51.

Subsequently, the ten (10) persons out of fourteen (14) persons have filed a Petition proposing the names of their nominees before the Revenue Divisional Officer, Mancherial along with the copies of the Judgments and Decrees and requested to recommend their names to M/s. Orient Cement Factory, Devapur to provide the employment as per the agreement. The Revenue Divisional Officer, Mancherial got enquired into the matter and after satisfaction in his letter No.A/953/03, dated:03-12-1993 submitted to the District Collector and requested the District Collector to provide employment as per the agreement as the District Collector is the final authority.

The District Collector, Adilabad vide its letter No.B6/9383/93, dated:06-04-1994 had recommended the names of thirteen (13) persons displaced of their lands which are identified by

the Hon'ble Subordinate Court, Asifabad except that Sri. K. Bakkaiah and their nominees to M/s. Orient Cement Factory, Devapur with a request to provide the employment as per the agreement. But the Management of Orient Cement Factory rejected the views of the District Collector and refused to provide the employment to the nominees who have displaced of land as recommended by the District Collector. Due to which, the ten persons (10) out of thirteen (13) persons had approached the Hon'ble High Court and filed a Writ Petition No.12888/98 requesting to issue a directions to M/s. Orient Cement Factory, Devapur to provide employment to displaced families as per the list furnished by the District Collector. The Hon'ble High Court of Andhra Pradesh in its order held that the M/s. Orient Cement Factory, Devapur is directed to provide a suitable job according to their qualification and eligibility to the dispossessed petitioners within a period of one month from the date of receipt of this order. Later, the M/s. Orient Cement Factory, Devapur had filed a Writ Petition No.1639/98 against the orders passed in Writ Petition No.12888/98. The Hon'ble High Court after hearing both the parties arguments and directed the District Collector, Adilabad to hear both the parties afresh and to pass appropriate orders keeping in view of the terms of the agreement entered into the Orient Cement Factory with the Government within a period of 3 months from the date of the receipt of the orders.

Accordingly, the District Collector, Adilabad got issued notices to both affected parties and M/s. Orient Cement Factory, Devapur to attend the hearing fixed on 17-01-2000. No party were attended even though they have served the notices. Again, the District Collector, Adilabad sent the notices to the parties to appear on 02-02-2000. Both the parties were appeared and presented their case on their behalf. Finally, the District Collector, Adilabad after hearing both sides arguments passed an order No.B6/6619/99, dated:03-03-2000 that the M/s. Orient Cement Factory, Devapur shall appoint ten (10) persons who are nominees from disposed families from

their lands in terms of agreement entered by the M/s. Orient Cement Factory, Devapur with the Government and as per the directions given by the Hon'ble High Court of Andhra Pradesh. But the Management of the M/s. Orient Cement Factory, Devapur defied the orders of the District Collector and approached the Hon'ble High Court of Andhra Pradesh and filed another Writ Petition No.6145/2000 for seeking stay of the orders of the District Collector vide No.B6/6619/99, dated:03-03-2000. The Hon'ble High Court granted an interim stay of execution of such orders in W.P.M.P.No.8113/2000 in W.P.No.6145/2000. Soon after the District Collector has filed a Counter in this case is pending before the Hon'ble High Court since long considerable period. And this matter is kept pending since then till date.

Further this issue has arisen by Sri Chanda Venkat Reddy and other MLAs LAQ No.7681 (Starred) regarding the tribal acts are being violated in tribal villages of scheduled areas especially by the acts of the M/s. Orient Cement Factory, Devapur. On this issue, the Government was asked the information vide its Govt. Memo No.1704/LTR-1/2007-1 SW(LTR1) Department, dated:13-03-2007. On that the District Collector was also asked the Project Officer, I.T.D.A., Utnoor to furnish the required information on some questions asked in the Hon'ble Assembly. The then Project Officer, I.T.D.A., Utnoor through its letter No.A4/75/2004, dated:14-03-2007 has given reply on the points asked by the Government as well as the District Collector. Further he represented that if any incident shall occur in future the matter will be brought to the notice of the Government.

In my view, it is not sufficiently sending the information regarding the issue in which the tribals were affected by the then Project Officer, I.T.D.A., Utnoor. I have resubmitted the required information afresh as desired by the Government under LAQ No.7681 (Starred) asked in 28-03-2007.

(a) Whether it has been brought to the notice of the Government that the Tribal Acts are being violated in the Tribal Villages of the Notified Areas.

Reply:- There are so many laws which protects the tribals interest in Scheduled area. Some of them are (1) The A.P. (SA) Money Lenders Regulation, 1960, (2) The A.P. (SA) Debt Relief Act, 1960, (3) The A.P. Mahals (Abolition and conversion into Ryotwari) Regulation, 1960 & 1970 and (4) The Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 as amended by Regulation 1/1970. In respect of The Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 as amended by Regulation 1/1970 is being implemented in 412 Notified Scheduled Villages covering 32 Mandals in Adilabad District properly. The Transfer of immovable property from Tribal to Non-tribals is prohibited with effect from 01-12-1963 and the transfer of immovable property among Non-tribals is also prohibited with effect from 03-02-1970. So far at about 7800 cases were booked under Land Transfer Regulation, but are not sufficient to implement the provisions of the Regulation. The provisions of Regulation are very stringent but on the part of its implementation are so weak. The authorities acting under the Regulation have not acted accordingly due the scarcity of vacancies, regularity and lack of proper training etc.

Earlier the then Project Officer, I.T.D.A., Utnoor has replied this Para negatively. His reply is that "there are no tribal Acts being violated in the tribal villages of the notified areas. If any incident shall occur the matter will be brought to the notice of the Government".

In my opinion regarding the issue of acquired the lands of M/s. Orient Cement Factory, Devapur have prima facie violated the provisions of Regulation of 1959 read with Regulation 1/70 as the Factory under Land Acquisition Act of the lands from the tribals as well as the Government after the Regulation came into force i.e., in the year 1981. M/s. Orient Cement

Factory, Devapur is a Private Company which does not come under the meaning of Society established for the welfare of the tribals as stated in Section 3(1)(a) of the A.P.(SA) Land Transfer Regulation, 1959. The acts of Project Officer, ITDA, Utnoor as well as the District Collector on alienation of Government to this Orient Cement Factory is fully void according to the provisions of the Regulation 1 of 1970.

In "Samatha Vs. State of Andhra Pradesh AIR 1997 SC 3316" popularly known as Samatha Judgment, the Supreme Court held in detail the expression of term 'person' which includes the Government. Any transfer of immovable property to the non-tribals or its firms by the Government even of a Government land situated in Scheduled Areas is in violation of Section 3 of Regulation 1 of 1970 and so is void.

The following lands are under the possession of the M/s. Orient Cement Factory, Devapur is as follows:-

District	Mandal	Village	Sy.No.	Nature of Land	Classification	Area (Acs-gts)
1	2	3	4	5	6	7
Adilabad	Kasipet	Devapur	50	Patta	dry	0.28
Adilabad	Kasipet	Devapur	51	Patta	dry	15.19
Adilabad	Kasipet	Devapur	54	Patta	dry	9.03
Adilabad	Kasipet	Devapur	55	Patta	dry	1.02
Adilabad	Kasipet	Devapur	56	Patta	dry	6.28
Adilabad	Kasipet	Devapur	57	Patta	dry	4.12
Adilabad	Kasipet	Devapur	58	Patta	dry	10.12
Adilabad	Kasipet	Devapur	59	Patta	dry	8.32
Adilabad	Kasipet	Devapur	60	Patta	dry	2.15
Adilabad	Kasipet	Devapur	61	Patta	dry	10.20
Adilabad	Kasipet	Devapur	62	Patta	dry	10.23
Adilabad	Kasipet	Devapur	63	Patta	dry	10.25
Adilabad	Kasipet	Devapur	64	Patta	dry	5.35
Adilabad	Kasipet	Devapur	65	Patta	dry	13.23
Adilabad	Kasipet	Devapur	66	Patta	dry	9.05
Adilabad	Kasipet	Devapur	67	Patta	dry	2.32
Adilabad	Kasipet	Devapur	72	Patta	dry	5.02
				Total		126.35
Adilabad	Kasipet	Devapur	84	Assigned Land	dry	334.39
				Grand Total		461.34

Accordingly, the M/s. Orient Cement Factory, Devapur has violated the provisions of the Regulation 1 of 1950.

(b) Whether the Government are aware the Management of the Orient Cement Factory violating the orders of the Collector and Regulation 1/70 in Devapur Village of Adilabad District.

Reply:- I submit that no cases were booked from the Office of the Special Deputy Collector (TW), Utnoor or from Agency Divisional Officer of Mancherial or Agent or Additional Agent to Government of Adilabad District against the M/s. Orient Cement Factory, Devapur and though he is ignoring the Government as well as the District Collector requested to provide employment to the dispossessed tribals.

I further submit that the District Collect, Adilabad had passed orders vide Proceedings No.B6/6619/99, dated:03-03-2000 to provide the jobs to the nominees of the tribal dispossessed families, but the Management of M/s. Orient Cement Factor, Devapur deaf heir the orders and got stay orders from the Hon'ble High Court of Andhra Pradesh vide W.P.M.P.No.8113/2000 in W.P.No.6145/2000. The Petition is pending with Hon'ble High Court even though the Counter has been filed by the District Collector, Adilabad in this matter.

(c) Whether it has been brought to the notice of the Government that the Cement Factory Management has taken the possession of the lands belonging to Tribals and has neither paid compensation nor provided rehabilitation to the effected tribals

Reply:- I is fact that submit the facts stated in second para of (b) as stated above is related to reply this para. Further submitted that the surrounding Gedems are suffering due to hazardous affluents drawn from this factory. And it is also submitted that since inception of the Factory,

the Factory could not take up any developmental activities in Devapur or its surrounding villages with the Government or in any other manner.

(d) If so, the action to be taken by the Government to protect the rights of the tribals.

Reply:- So far no action was taken to protect the interest of the tribal dispossessed families. The facts stated in para(a) and (b) are applicable here to answer this question. It is further submitted that the action can be taken by the Government immediately after the disposal of the case by the Hon'ble High Court in W.P.No.6145/2000.

It is further submitted that at this juncture there is no way and no bar to take action against the M/s. Orient Cement Factory, Devapur under provisions of the Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959 r/w amended Regulation 1/1970. And we cannot beg for providing Employment and health provisions to the poor Tribals from the violated Orient Cement Factory.

In this regard, I have forced to initiate action under the Regulation 1 of 1970.

Yours faithfully.

(Signature)
Addl. Agent to Government &
Project Officer, ITDA,
Adilabad Hqrs: Utnoor.

Copy submitted to the Principal Secretary (TW), Hyderabad for favour kind information.
Copy submitted to the District Collector, Adilabad for favour of kind information.