



सत्यमेव जयते

SPEED POST

भारत सरकार
Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(A Constitutional Body under Article 338A of the Constitution of India)

Case File No. EASS/20/2017/STGAP/DEOTH/RU-IV

29.01.2018

To,

1. The Secretary,
Ministry of Mines,
Government of Andhra Pradesh,
New Secretariat,
Velagapudi, Thullur,
Guntur District
(Andhra Pradesh)
2. The Principal Secretary,
Industries & Mines Department,
Government of Andhra Pradesh,
New Secretariat,
Velagapudi, Thullur,
Guntur District
(Andhra Pradesh)

Sub: Laterite mining in 35.84 Hectares by Smt. Singam Bhavani in Asanagiri Village, Hamlet of Sarugudu Panchayat, Nathavaram Mandal, Visakhapatnam District – request for cancellation of mining leases and environment clearance – an online representation dated 11.12.2017 of Shri E A S Sarma, Visakhapatnam (Andhra Pradesh).

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held on 26.12.2017 under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject.

It is requested that action taken report in the matter may please be intimated to the Commission, at an early date.

Yours faithfully,

D.S. Kumbhare
29.1.2018
(D.S. Kumbhare)
Under Secretary

Copy for information and necessary action to:

The Chief Secretary,
Government of Andhra Pradesh,
New Secretariat,
Velagapudi, Thullur,
Guntur District
(Andhra Pradesh)

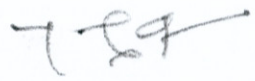
Minutes of the meeting held on 26.12.2017 under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes regarding laterite mining in 35.84 Hectares by Smt. Singam Bhavani in Asanagiri Village, Hamlet of Sarugudu Panchayat, Nathavaram Mandal, Visakhapatnam District – request for cancellation of mining leases and environment clearance – an online representation dated 11.12.2017 of Shri E A S Sarma, Visakhapatnam.

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As per constitutional mandate and powers conferred upon it under Article 338 A of Constitution of India, the NCST decided to examine the aforementioned representation with the Principal Secretary, Industries and Mines Departments, Govt. of Andhra Pradesh. Accordingly, discussion with officials of Govt. of Andhra Pradesh was held on 26.12.2017 at 3.00 P.M. under the Chairmanship of Hon'ble Chairperson, NCST. A list of participants is annexed.

2. At the outset Secretary, NCST welcomed the officials of Govt. of Andhra Pradesh and requested to explain the facts and present position of the action taken by the Govt. of Andhra Pradesh in the matter. Secretary, NCST also asked whether Sarugudu Panchayat comes under Scheduled Area of Visakhapatnam District?

3. Secretary, Mines, Govt. of Andhra Pradesh informed that the Sarugudu Panchayat comes under Scheduled Area of the State. The lease for Laterite mining has been granted in favour of Smt. Singam Bhavani by the Mines and Geology Department, Govt. of Andhra Pradesh but the lease has not been Executed. On the basis of report of Collector, District Visakhapatnam, the Mines and Geology Department had revoked grant of lease of Laterite mining. Smt. Singam Bhavani filed W.P. No. 16947 of 2017 before the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh against the order revoking grant for lease of Laterite mining. At present the matter is sub-judice. It was also informed that the Govt. of Andhra Pradesh follows rules of Provision of Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) and the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) during award of mining leases in the Scheduled Areas of the State.


Nand Kumar Sai
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi

4. Secretary, NCST enquired from Secretary, Mines, Govt. of Andhra Pradesh whether the action taken by the Govt. of Andhra Pradesh has been communicated to Shri EAS Sarma, a representationist. Secretary, Mines Department, Govt. of Andhra Pradesh informed that facts in the matter had been communicated by the Collector, Visakhapatnam District to Shri EAS Sarma.

5. Commission asked to Secretary, Mines Department, Govt. of Andhra Pradesh to send the present position of the case filed by Smt. Singam Bhavani. In addition to that, the following information with the approval of Chief Secretary be submit to the Commission and points given below should be considered during award of mining lease in the Scheduled Areas in the State:

A. Information required:

- (1) Number of mining leases granted by the Govt. of Andhra Pradesh in Scheduled Areas of the State.
- (2) Number of mining leases, where PESA has not been complied.
- (3) How many mining leases renewed in consultation with Gram Panchayat?
- (4) What is the status of District Mineral Funds?

B. Points for consideration:

- (1) Scheduled Tribes land for industries should be acquired by following the rules of PESA.
- (2) Directions/provisions in Samatha Judgment should also be taken care during award of mining lease in the Scheduled Areas of the State.

6. Meeting ended with vote of thanks to the Chair.



(Nand Kumar Sai)
Chairperson,
National Commission for Scheduled Tribes,
Government of India,
New Delhi.

Nand Kumar Sai
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi

List of participants who attended the meeting held on 26.12.2017 under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes regarding laterite mining in 35.84 Hectares by Smt. Singam Bhavani in Asanagiri Village, Hamlet of Sarugudu Panchayat, Nathavaram Mandal, Visakhapatnam District – request for cancellation of mining leases and environment clearance – online representation dated 11.12.2017 of Shri E A S Sarma, Visakhapatnam.

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National Commission for Scheduled Tribes

1. Shri Raghav Chandra, Secretary
2. Shri S.K. Ratho, Joint Secretary
3. Shri R.K. Dubey, Assistant Director
4. Shri R. S. Misra, Sr. Investigator

Officers of Government of Andhra Pradesh

1. Shri T.S. Sreedhar, Secretary, Mines Department
2. Shri W. Balachandra Sekhar, Joint Director, Mines and Geology Department



Nand Kumar Sai
Chairperson
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