



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. GR/8/2015/MCOL1/SEOTH/RU-IV

Dated: 19.02.2020

To,

- 1 **The Secretary,**
Ministry of Coal,
Shastri Bhawan,
New Delhi – 110 001.
- 2 **The Principal Secretary,**
Energy Department,
Government of Telangana,
Hyderabad – 500 063.
- 3 **The Chairman cum Managing Director,**
Singareni Collieries Company Ltd.,
Kothagudem Collieries – 507 101
Khammam District
(Andhra Pradesh).

Sub: Minutes of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 29.12.2019 in the matter of Dr. Narayana Rao, National President, Forum for Social Justice, Guntur (AP) regarding harassment, denial of appointment to displaced Scheduled Tribes in Singareni Collieries Company Limited (SCCL) and non implementation of NCST's recommendations.

Sir,

I am directed to enclose a copy of the Minutes of the Sitting held under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on 29.12.2019 on the above mentioned subject for perusal.

It is requested that action taken report in the matter may please be sent to the Commission within 15 days positively for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

(Dr. Lalit Latta)
Director

Copy to:-

Dr. Koduri Narayana Rao,
National President,
Forum for Social Justice,
Chamallamudi (Via) Etukur,
Guntur – 522 017, Amaravati
(Andhra Pradesh).

NATIONAL COMMISSION FOR SCHEDULED CASTES


Case File No.GR/8/2015/MCOL 1/SCOTH/RU-1V

Minutes of Sitting held on 29.12.2019 Chaired by Dr.Nand Kumar Sai, Hon'ble Chairperson, NCST in the case of Dr. Koduri Narayana Rao, National President , Form For Social Justice, regarding harassment, denial of appointment to displaced Scheduled Tribes in Singareni Collieries Company Limited (SCCL) and non implementation of NCST recommendations.

Date of Sitting: 29/12/2019


List of Officers present is annexed

1. Dr.. Koduri Narayana Rao, National President, Form For Social Justice, had submitted a rejoinder dated 09.12.2019 to the Commission, wherein he informed that proceedings of sitting taken by Hon'ble Chairperson, NCST on 07.06.2018 had not been implemented by the CMD, Singareni Collieries Company Limited. Therefore, the project displaced families of Scheduled Tribes are suffering and are being denied their lawful entitlements. He requested to the Commission for conducting a hearing with The Spl Chief Secretary, Energy Department, Government of Telangana, CMD, SCCL and for resolving the issue.
2. The Hon'ble Chairperson, NCST, decided to conduct a sitting, an official tour program to Hyderabad, Telangana, Scheduled on 29.12.2019 at 12.00pm at Dilkusha State Guest House,at Hyderabad, with Shri. Ajay Mishra, Special Chief Secretary, Govt of Telangana, Shri.N.Sridhar, CMD, Shri. S. Chandra Sekhar, Director Personal SCCL and Shri. N. Balaram, Director Finance are appeared before the Commission on 29.12.2019. The petitioners along with their Representative, were also present on the day of the sitting.
3. The Hon'ble Chairperson asked the SCCL authorities present to explain on the action taken as a follow up to the directions issued on the matter in the earlier sitting dt.03.06.2018, with regard to providing employment to all the **Scheduled tribes Project displaced familys (PDFs)**, as a priority.
4. The Special Chief Secretary, Govt. of Telangana, submitted that pursuant to the earlier Recommendations of the Commission, modalities were worked out for giving employment to eligible PDFs of eligible areas as per the provisions of GO.MS.No.34. Applications are being obtained from eligible candidates of ST PDFs and necessary action is under progress for providing employment accordingly.
5. The Special Chief Secretary further submitted that a total.No.of 340 ST PDFs are proposed from scheduled areas and out of them 336 ST families are eligible for providing employment. Offer letters were issued to 274 ST families after excluding 62 families who are ineligible because of exceeding the specified age criteria. However, he further submitted that the said age issue is being looked into in a sympathetic ground


Dr. Nand Kumar Sai/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जातों आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
New Delhi

and steps will be taken to accommodate such families also in providing employment. He further submitted that 46 applications were received from Yellandu area and the remaining applications received from BPA and MNG and were expected to be processed by the first week of January, 2020. He further submitted that the G.O.Ms. 34 is only applicable to Scheduled Areas and therefore the current special recruitment process is being limited to ST PDFs of Scheduled Areas only.

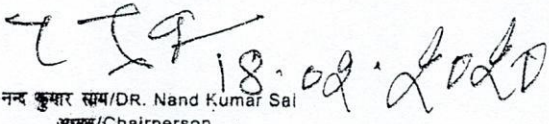
6. The Hon'ble Chairperson specifically asked the SCCL representatives to show him the specific provision in the said G.O.Ms. No.34 which specifically says that the policy is limited only to STs of Scheduled Areas of the State. The Director PA&W, SCCL, was present in the hearing, read out some portions in the policy. But in the said portions, there is no such specific bar, except that some of the aspects in the said section are related to scheduled areas.
7. Mr Ch Ravi Kumar appearing on behalf of complainants submitted that eligible scheduled tribe members from PDF families of Yellandu town (non-scheduled area) are being excluded from the current recruitment process and are being denied their rightful entitlement to employment as per the provisions of GO.Ms.No.34, dated 28/04/2010 as well as the orders of Hon'ble High Court of Telangana and Supreme Court of India. The SCCL and the Government are discriminating between the eligible Scheduled Tribes on the basis of their place of residence, which is against the provisions of the GO.Ms.No.34 and violate their rights under Article 14 and 15 of the Constitution of India. He further submitted that the said G.O, as a policy is applicable to all the Scheduled Tribes in Andhra Pradesh and Telangana States. This legal position was upheld by the single judge of High Court in W.P.No.32868 of 2017 and another, -by order dated 10/08/2018 and was further upheld by a division bench of the Hon'ble High Court of Telangana in W.A.No.1297and 1298 of 2018. The Special Leave Petition filed by SCCL in the Hon'ble Supreme Court challenging the judgment of Hon'ble High Court was also dismissed vide its order dated 11/03/2019. Therefore it is not true that the said issue is pending adjudication before the Hon'ble Courts.
8. In support of his contentions, he read out the portions from para 6 of the orders of Division bench of the Hon'ble High Court of Telangana and the preamble and objectives portion of the G.O. Therefore, he urged the Commission to take a serious view on this matter and direct the management of SCCL and the Government of Telangana to include all the ST PDFs of non-scheduled areas like the complainants belonging to Yellandu Town in the current special recruitment process being taken up for the posts of Badli workers by SCCL for the ST PDFs. He further submitted that the age limit of 18-35 fixed by the SCCL for providing employment to ST PDFs is also arbitrary and against the existing norms, which is 18-45 years. Further some of the ST PDFs have become ineligible not because of their fault but because of enormous delay by the SCCL in providing employment. Such PDF families are also to be considered by relaxing the age limit or by providing any other eligible member of that PDF.


डॉ. नंद कुमार साई/DR. Nand Kumar Sai
सचिव/Chairperson
राज्य संवर्धन आयोग
National Commission for Scheduled Tribes
राज्य सरकार, Govt. of India
नई दिल्ली/New Delhi

9. The Hon'ble Chairperson expressed hope that the CMD, SCCL would act upon the grievance of complainants to avoid any impression that the SCCL is acting against the interests and welfare of Scheduled Tribes, who are the most marginalized sections of the society. Process should be completed expeditiously without any further delay, as it amounts to denial of justice to the marginalized ST PDFs.

10. After detailed discussions from petitioners and concerned authorities i.e. The Spl Chief Secretary, Energy Department, Government of Telangana, CMD, Director (Personnel), Director (Finance) SCCL **Hon'ble NCST recommends that**, The Energy Department, Government of Telangana and Singareni Collieries Company Limited (SCCL) should take action on the following Points and Submit Action taken report on the recommendations of the Commission Within 15 days Positively,

- a. Employment should be provided by the SCCL to all eligible Scheduled Tribe PDFs in the State of Telangana that are displaced because of mining activities of SCCL, irrespective of whether they belong to Scheduled Area or not. especially to ST PDFS in JK-5 OCP Yellandu Town.
- b. SCCL also need to take steps to ensure employment to any Scheduled Tribes Project Displaced Family on account of age limit,
- c. SCCL running a scheme namely **Dependant employment scheme** for daughter, son-in-law and adopted son or daughter, The same scheme should also be extended to Scheduled Tribes Project displaced family Members.


18.02.2020
डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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नई दिल्ली/New Delhi

ANNEXURE

GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. GR/8/2015/MCOL 1/SCOTH/RU-IV

List of participants of the sitting held on 29.12.2019 at 18.00 hrs. at Dilkusha Guest House, Hyderabad under the Chairmanship of Dr. Nanda Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) in the case of Dr. Koduri Narayana Rao, National President, Forum For Social Justice, regarding harassment, denial of appointment to displaced Scheduled Tribes in Singareni Collieries Company Limited (SCCL) and non implementation of NCST recommendations.

I. National Commission for Scheduled Tribes:

1. Shri. Nanda Kumar Sai
In Chair Hon'ble Chairperson
2. Dr. Lalit Latta
Director, NCST
3. Shri. Rahul Mishra
Personal Assistant To The Hon'ble Chairperson

II. Officers of Government of Andhra Pradesh:

1. Shri. Ajay Mishra, Special Chief Secretary, Govt of Telangana,
2. Shri. N. Sridhar, Chairman-Cum_ Managing Director, SCCL
3. Shri. S. Chandra Sekhar, Director Personal SCCL
4. Shri. N. Balaram, Director Finance, SCCL

III. Petitioners:

1. Dr. Koduri Narayana Rao, National President, Forum For Social Justice
2. Shri. M. Dilip Kumar

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1. Dr. Koduri Narayana Rao, National President, Forum For Social Justice
2. Shri. M. Dilip Kumar