

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

T.W.D. – Appeal Petition filed by Sri Turpati Madaru S/o Chandraiah and 12 others of Chandraiah Nagar, Quthbullapur (M), Ranga Reddy District, against the orders of Collector, Khammam District, dated 25.4.2002, filed U/S 7(2) of Act 16 of 1993 – Appeal Rejected – Orders – Issued.

SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No. 82

Dated: 6 -11-2006

Read the following:

1. Proceedings of the Collector, Khammam District No:D3-914-2000, dated:25.04.2002.
2. Appeal petition filed by Turpati Madaru, S/o Chadraiah and 12 others all R/o Chandraiah Nagar, Quthbullapur Mandal,Ranga Reddy District, Dated:02.07.2002.
- 3.Govt.Memo No. 10028/CV.2/2002, dated 10.7.2002.
- 4.From the District Collector, Khammam, Lr.Rc.No.D3-914-2000,dated 17.2.2003.
- 5.Govt.Memo No. 10028/CV.2/2002-13, dated 3.11.2005.

ORDER:

S/Sri Turupati Madaru S/o Chandraiah and 12 others, have filed appeal petition before Govt. against the Proceedings of the District Collector, Khammam, canceling ST caste certificate issued to them, with following grounds:

- (i) The Proceedings of the District Collector, Khammam, dated 25.4.2002, are contrary to the facts.
 - (ii) The enquiries conducted behind the back of the appellants. The statements recorded by the Revenue peoples without giving opportunity to the appellants.
 - (iii) Copy of the Proceedings of the District Level Scrutiny Committee has not been furnished to the appellant.
 - (iv) There is no finding that any certificate is obtained by the appellants fraudulently.
2. The District Collector, Khammam, vide reference 4th read above, has submitted statement of defence with following points:
- (i) The appellants have obtained the Migration-cum-caste certificates fraudulently by misconceiving the facts. The respondent followed due procedure and offered enough opportunities to the appellants as required under the Act 16 of 1993. The appellants did not make any attempt to prove their nativity in Bodu (V) of Tekulapally Mandal, or of their ancestors.
 - (ii) The attitude of enquiry was substantiated in the Final Show Cause Notice along with copies of the record of enquiry were served on appellants in D3/914/2000, dated 29.10.2001. In spite of serving final notice, the appellants have failed to produce any basic proof of their or their ancestor's existence in Bodu Village of Tekulapally Mandal. The burden of furnishing evidence of nativity and their social status is lies with the appellants only.
 - (iii) The appellants were served with the notices to attend before the DLSC. and they have attended and deposed regarding their culture and family customs before DLSC., Khammam on 28.9.2000. Hence, the argument of appellants is baseless.

::2::

- (iv) The subject matter was thoroughly enquired into by following the provisions of A.P. (SC/ST/BCs) Regulation of issue of community certificates Act No. 16 of 1993 & Rules, 1997.
- (v) The DLSC. is constituted under rule 8 of A.P.(SC,ST &BC) Regulation community certificates Rules, 1997 and shall enquire the cases referred by the competent authority by following process and examining the anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, and method of burial of dead bodies and shall send the recommendations of the Committee to the Competent Authority stating clearly whether the community claim of the person in question or his or her children, is genuine or false with reasons thereof and the copy of such resolution need not be supplied to the appellants. The relevant copies of the reports were furnished to the appellants along with the final show cause notice served on them. The appellants did not contend any more than submitted earlier. Hence the contentions of the appellants is baseless and vogue.
3. The case posted for hearing on 28.11.2005 at 5.00 p.m. The appellants have attended the personal hearing before the appellate authority, and submitted their claim and material papers.
4. Govt. after careful examination of the grounds and defense of the Collector, Khammam, and available records before Govt., observed the following facts:
- (a) The appellants and claimants of Lingadhari Koya community living in Rangareddy District and Lingadhari Koyas inhabiting the Scheduled Areas of Khammam District differ in many aspects of socio cultural economic and religious practices from one another and therefore they are two distinct communities. The ethnographic characteristics, of Lingadhari Koyas inhabiting the Scheduled Areas of Khammam District are similar to those of Koyas, the main tribe, while the claimants of Lingadhari Koyas of Rangareddy District belong to an independent community without having any relationship with Koyas of Khammam District.
- (b) Lingadhari Koya community is not listed as Scheduled Tribe separately but placed at Sl.No.18 along with the main tribe Koya and its other subgroups as per the Scheduled Castes and Scheduled Tribes orders Act, 1976 and 2002. The Supreme Court in Dadaji Alias Dina Vs. Sukhdev Babu (AIR, 1980 SC 150) case, after referring to the statement of objects and reasons of the Amendment Act 108 of 1976 and also report of Jt.Committee of Parliament held as follows:
- “In certain entries, only one community is mentioned and in certain others, two or more communities are mentioned. It is obvious that certain communities have been grouped together under a single entry in the light of Article 342 of the Constitution which requires parts or groups within a tribal community also to be specified in the order issued there under. It is, therefore, reasonable to hold that the communities mentioned against any specific entry are those which have mutual affinity amongst them”
- (c) The ethnographic and other details furnished by the appellants and the claimants of Lingadhari Koyas residing in Ranga Reddy District can be examined in the light of increasing false ST status claims as belonging to Lingadhari Koyas/ Koyas from a group of caste people called Balasanthus who are also called Bahurupi or Pagativeshagallu or Budigi Jangalu, residing in certain areas of Rangareddy District. This community is divided into a number of

::3::

divisions/sub caste each following a distinct occupation. It is a nomadic group of traditional entertainers and caricaturists. They are experts in playing different roles. One of the sections of which has been specialized in donning the role of Koya /Lingadhari Koya. These persons donning as Koyas roam around the towns and villages by styling themselves as Koyas. They are endowed with certain talents in palmistry, astrology and face reading. These pseudo koyas, in course of time, succeeded in convincing the gullible villagers and officers that they are the real koyas though they have no relationship of any kind with the genuine Koyas /Lingadhari Koyas inhabiting their traditional habitat. Various sub castes of this community registered associations under the name “Lingadhari Koya Sangham” and trying to avail the benefits meant for STs on the name of Lingadhari Koya tribe.

- (d) Most of the exogamous steps or surnames mentioned by the claimants of Lingadhari Koyas are not existing among Lingadhari Koyas of Khammam District but, at the same time, they are existing in Balasanthu community. The surnames like Thurpati, Dokka, Noone/Noonegondi of the appellants are found among Balasanthus and above surnames are uncommon among the Lingadhari Koyas of Khammam District.
- (e) The details of documentary evidences submitted by the appellants, observed that the appellants have obtained caste certificates from the MRO., Quthubullapur and Medchal Mandal of Ranga Reddy District either as Koya or Lingadhari Koya according to their convenience. Further observed that the full form of the surname was not mentioned in the said certificates and only the first letter of the surname was mentioned. By taking advantage of this, some appellants have taken the surname of Koya / Lingadhari Koya tribe with the same initial and prefixed to their names. For Instance, three appellants viz., Veeram Kistaiah, Veeram Yadagiri and Veeram Laxman have obtained caste certificates from the MRO., as V.Kistaiah, V.Yadagiri and V.Laxman respectively. Therefore, they have taken the surname of “Veeram” prefixed to their names which is common among Koya /Lingadhari Koya community. On verification of other documents produced by the Election Commission, their original surname is found to be “Vibudi” which is one of the surnames commonly found among Balasanthu/Budigi Jangam community. In the written statement obtained by the appellants, their surname is mentioned as “Veeram Vibudi” by adding “Veeram” to their original surname “Vibudi”.

5. In view of the above, it is observed that the ethnographic study makes it clear that the appellants Sri Turpati Madaru and 12 others, do not belong to “Lingadhari Koya” a Scheduled Tribe and it is concluded that they have obtained false certificates by following fraudulent practice. In views of the above, the orders of the District Collector, Khammam, dated :25.4.2002 are holds good.

6. Therefore, after through verification of the records and in exercise of the powers conferred under section 8(1) of (SCs, ST and BCs) Regulation of issue of community certificates Act 16 of 1993, the appeal petition filed by Sri Turpati Madaru and 12 others, Quthubullapur (M), Ranga Reddy District is hereby dismissed duly vacating the stay issued vide Memo No. 10028/CV.2/2002, dated 19.12.2002. The orders issued by the Dist.Collector, Khammam, in Proceedings No.D3-914-2000, dated 25.4.2002 are hereby confirmed.

::4::

7. The records received from the District Collector, Khammam, through the reference 4th read above, in original are returned herewith to the District Collector, Khammam, and he is requested to acknowledge receipt of the same immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY,
SECRETARY TO GOVERNMENT

To

The District Collector, Khammam (WE) Original Recrods,
file bearing No. D3-914-2000 containing 424 cf .
Sri Turpati Madaru S/o Chandraiah and 12 others,
H.No.4-39, Chandraiah Nagar,
Quthubullapur (V) & (M),
Ranga Reddy District.
Mr. M.Siva Kumar & Mr.Deepak Misra, Advocates,
2, Law Chambers, High Court Buildings, Hyderabad.

Copy to:

The Addl.Director General of Police,
Cirime Investigation Department,
Andhra Pradesh, Hyderabad.
The Administrative Officer,
Govt.of India, Nuclear Fuel Complex,
E.C.I.L. (P.O), Hyderabad 500 062.

The PS to M(SW &TW)/PS to Secretary (TW)
SF/SCs.

//Forwarded::By Order//

SECTION OFFICER