



No.1/10/2019-Coord.  
Government of India  
National Commission for Scheduled Tribes  
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6<sup>th</sup> Floor, 'B' Wing, Lok Nayak Bhawan,  
Khan Market, New Delhi -110003  
Dated: 18<sup>th</sup> September, 2019

To,

1. Shri Nand Kumar Sai, Hon'ble Chairperson
2. Shri Hari Krishna Damor, Hon'ble Member
3. Shri Harshadbhai Chunilal Vasava, Hon'ble Member
4. Smt. Maya Chintamn Ivnate, Hon'ble Member

**Subject: Summary Record of discussions of 119<sup>th</sup> Meeting of National Commission for Scheduled Tribes (NCST) held on 11.09.2019 at 12:30 P.M.**

Sir/Madam,

I am directed to refer to the above subject and to say that 119<sup>th</sup> meeting of the National Commission for Scheduled Tribes was held on 11.09.2019 at 12:30 P.M. in the Conference Room of NCST at Lok Nayak Bhawan, New Delhi. The Meeting was presided over by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes. A copy of the Summary Record of discussions of meeting is enclosed for information and record.

Yours faithfully,

(S.P. Meena)

Assistant Director

Copy for necessary action, a copy of the Summary Record of discussions of 119<sup>th</sup> meeting of NCST is enclosed. The action taken report in the matter may be intimated to Coord. Section by 30-09-2019.

- (i) Director
- (ii) Assistant Director (RU-I, Estt.&OL)
- (iii) Assistant Director (RU-II & Coord)
- (iii) Assistant Director (RU-III & Admn)
- (iv) Research Officer (RU-IV)

Copy for information of the Summary Record of discussion of 119<sup>th</sup> Meeting of NCST:

1. PS to Hon'ble Chairman, NCST
2. PA to Hon'ble Member(HKD), NCST
3. PS to Hon'ble Member(HCV), NCST
4. PS to Hon'ble Member(MCI), NCST
5. Sr.PPS to Secretary, NCST
6. PA to Joint Secretary, NCST
7. Secretary, MoTA, Shastri Bhawan, New Delhi.
8. Director/Assistant Director/Research Officer in Regional Office of NCST at Bhopal/Bhubaneshwar/Jaipur/ Raipur/ Ranchi/Shillong
9. NIC, NCST for uploading on the website.



National Commission for Scheduled Tribes  
Minutes of the 119<sup>th</sup> Meeting held on 11-09-2019

Item No.119.1	Declaring Ladakh as Tribal Area for protection of Scheduled Tribes.
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A news item has appeared in the Statesman, Delhi dated 19<sup>th</sup> August, 2019, under the caption "Ladakh leaders seek tribal-area status to protect ethnic identity". According to this news item, a memorandum has been submitted to the Minister of Tribal Affairs by Ladakh MP, Shri Jamyang Tsering Namgyal stating that Ladakh region is a predominantly tribal area with more than 90 per cent of tribal population. It has been urged that Tribal Area status be accorded to Ladakh UT under Sixth Schedule of the Constitution with a view to protect their ethnic identity.

The erstwhile State of Jammu and Kashmir has been bifurcated into two Union Territories viz. UT of Jammu and Kashmir and UT of Ladakh vide Jammu & Kashmir Reorganization Act, 2019. While the UT of Jammu and Kashmir will have a Legislative Assembly like Delhi, UT of Ladakh will have no Legislative Assembly.


The Ladakh region comprises of two districts namely Leh and Kargil. Kargil is mostly dominated by Muslims, whereas Leh has majority of Buddhists. The total population of the Ladakh region is 2,74,289 as per 2011 Census.

The following communities have been notified as Scheduled Tribes w.r.t the erstwhile State of Jammu and Kashmir.

1. Balti
2. Beda
3. Bot, Boto
4. Brokpa, Drokpa, Dard, Shin.
5. Changpa
6. Garra,
7. Mon,
8. Purigpa,
9. Gujjar
10. Bakarwal,
11. Gaddi,
12. Sippi.

The Commission has taken suo-moto notice of the news item and the issue was discussed at length in the 118<sup>th</sup> meeting of the Commission held on 27.08.2019. Thereafter, on the basis of decision taken in the above meeting, a meeting was convened with Ministries of Tribal Affairs, Home Affairs and Law and Justice to discuss the demand of Scheduling Union Territory of Ladakh on 04.09.2019 wherein after deliberations, these Ministries were of the opinion that they have no objection in case the Commission recommends for granting Tribal area status to the UT of Ladakh in the sixth schedule of the Constitution.

In the above background, the matter was again discussed in this meeting. The Commission also noted that prior to creation of Union Territory of Ladakh, people in Ladakh region had certain agrarian rights including right on land which restricted people from other parts of the country areas to purchase or acquire land in Ladakh region. Similarly, the Ladakh

  
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अध्यक्ष/Chairperson  
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नई दिल्ली/New Delhi



National Commission for Scheduled Tribes  
Minutes of the 119<sup>th</sup> Meeting held on 11-09-2019

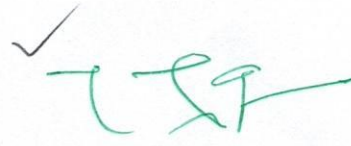
region has several distinct cultural identities by communities such as Drokpa, Balti and Changpa, among others, which needs to be preserved and promoted.

Besides above, the Commission was also informed that in the constitutional scheme of things, the States includes Union Territories in many parts of the constitution. The provisions under paragraph (1) of the Sixth Schedule regarding Autonomous districts and autonomous regions states "subject to the provisions of this paragraph, the tribal areas in each item of Parts I, II and II(A) and in Part III of the table appended to paragraph 20 of this Schedule shall be an autonomous district". Similarly, the Article 336 (26B) mentions that "State" with reference to articles 246A, 268, 269, 269A and article 278A includes a Union Territory with Legislature. Similarly, Clause 3(58)(b) of the General Clauses Act 1897 defines State shall mean a State specified in the First Schedule to the Constitution and shall include a Union Territory.

In view of this, the Commission after careful consideration recommended that the UT of Ladakh be brought under the Sixth Schedule of the Constitution. The Commission feels that this will help in:

- (i) Democratic devolution of powers;
- (ii) Preserve and promote distinct culture of the region.
- (iii) Protect agrarian rights including rights on land
- (iv) Enhance devolution of funds for speedy development of Ladakh region.

It was also decided to send D.O. letters from Hon'ble Chairperson, NCST to Hon'ble Ministers of Home Affairs and Tribal Affairs Ministries in this regard.

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डॉ. नन्द कुमार साय/DR. Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
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Minutes of the 119<sup>th</sup> Meeting held on 11-09-2019

Additional Item No.119.2	Observance of "National Tribal Day".
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The matter of observance of National Tribal Day and fixing a date for the same was discussed in detail in the meeting. It was observed by the Commission that there is a need for observation of National Tribal Day in the country to foster National integration, showcase and acknowledge contribution of tribals in nation building, to mainstream the sacrifice made by the tribal leaders during freedom struggle and to develop a socially inclusive India. This will not only bring the tribal issues in the focus but also is likely to attract the attention of policy makers and intellectuals for more concentrated deliberations on solutions to the problems being faced by the scheduled tribes of the country.

The Commission was informed that the key stakeholders in the matter were Ministry of Tribal Affairs, NCST, State Governments (Tribal Welfare, Home, Revenue and Forest Departments among others), State Commission for Scheduled Tribes, District Administrations, NGOs and Civil Societies, Ashram Schools and ST Employees Associations in central Government Ministries/Departments/State Government Departments/CPSUs/Banks/Educational Institutions/ State PSUs/State Educational Institutions etc.

The Commission was of the view that the main activities that could be taken up during the observance of National Tribal Day can include Awards/Certificate to achievers and icons from STs, Sports event, Tribal Cultural Programme, Tribal arts and craft exhibitions and training camps, Tribal jewellery exhibition, Tribal Textiles exhibition, Tribal Haats, Tribal medicine exhibition, Special tribal cuisine in restaurants and hotels, Nature Camps, Health Camps for Tribal hamlets, Forestry activities, Environmental activities, Social Service Camps, Seminars, Debate, Painting Competitions etc.

The Commission decided to propose 19<sup>th</sup> February as a day for observance of "National Tribal Day" and to convey this recommendation to the concerned Ministries for further needful action in the matter.

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Minutes of the 119<sup>th</sup> Meeting held on 11-09-2019

Item No.119.3	Participation as intervener in the case of Shri Ajit P. K. Jogi, Ex-CM of Chhattisgarh in the matter of Fake caste certificate in Hon'ble High Court of Chhattisgarh, Bilaspur and engagement of two Private Advocates for this case.
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The Commission has taken cognizance of a News Item appearing in the Raipur Edition of "The Times of India" Newspaper regarding booking of former Chief Minister of Chhattisgarh, Shri Ajit P.K. Jogi in the fake caste certificate case. It was informed that the State Level Caste Certificate Scrutiny Committee has invalidated the ST caste certificate of Shri Ajit P.K. Jogi and the Police have booked FIR against him under section 420, 461 and 471 of IPC. As it is a matter of grabbing the rights of the Scheduled Tribes by a non scheduled tribe person thereby depriving the scheduled tribes and the State Level Caste Certificate Scrutiny Committee has also decided that he is not a member of Scheduled Tribe community, the Commission has taken it on record and observed that he has approached the High Court of Chhattisgarh at Bilaspur against the decision of above committee and action taken by Police against him.

The Commission decided to become an intervening party in the case and engage two reputed Private Advocates practicing in the High Court of Chhattisgarh at Bilaspur to take up this matter on behalf of NCST and file IA there.

The meeting ended with a vote of thanks to the chair.

✓  
TSJ  
15.09.019

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