



No.1/12/2019-Coord.
Government of India
National Commission for Scheduled Tribes

6th Floor, 'B' Wing, LokNayakBhawan,
Khan Market, New Delhi -110003
Dated:17th October, 2019

To,

1. Dr. 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 121st Meeting of National Commission for Scheduled Tribes (NCST) held on 16.10.2019 at 17:00 P.M.

Sir/Madam,

I am directed to refer to the above subject and to say that 121st meeting of the National Commission for Scheduled Tribes was held on 16.10.2019 at 17:00 P.M. in the Conference Room of NCST at Lok Nayak Bhawan, New Delhi. The Meeting was presided over by Dr. 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 121st meeting of NCST is enclosed. The action taken report in the matter may be intimated to Coord. Section by 31.10.2019.

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

Copy for information of the Summary Record of discussion of 121st Meeting of NCST:

1. Sr.PPS to Secretary, NCST
2. PS to Joint Secretary, NCST
3. Secretary, MoTA, Shastri Bhawan, New Delhi.
4. Director/Assistant Director/Research Officer in Regional Office of NCST at Bhopal/Bhubaneswar/Jaipur/ Raipur/ Ranchi/Shillong
5. NIC, NCST for uploading on the website.

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ISSUED



National Commission for Scheduled Tribes

Minutes of the 121st Meeting held on 16-10-2019

Agenda Item No.121.1	Conversion of various Gram Panchayats into Janpad (Nagar) Panchayats in Vth Schedule areas of Chhattisgarh State in violation of provisions of Panchayats (Extension in Scheduled Areas), Act 1996
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A representation dated 14.10.2019 has been received in the Commission from Chairman, Chhattisgarh Sarv Adivasi Samaj (Youth Division), Raipur wherein it has been informed that the Government of Chhattisgarh is shortly going to conduct election for the Urban local bodies in violation of provisions of Article 243 of Constitution of India. It was also submitted that the 74th Constitution Amendment debars the government in the matter and till the Parliament makes law in accordance with the provisions of Vth Schedule, elections should not be conducted. It was requested to intervene in the matter and stop the election process, implement the provisions of PESA Act in the urban Municipalities till the Parliament makes law for these areas and to convert them in Gram Panchayats.

This issue was discussed in the meeting and it was brought to the notice of the Commission that in Vth Schedule areas of Chhattisgarh State, many Gram Panchayats have been converted into Janpad (Nagar) Panchayats by the State Government as a result of which, the posts of Chairman of the Janpad (Nagar) Panchayat are not exclusively reserved for scheduled tribes which otherwise would have been reserved had it been a Gram Panchayat as per the provisions of Panchayat (Extension in Scheduled Areas) Act, 1996.

During the discussion, it was informed that in the Gram Panchayats located in the scheduled areas, the tribal population is dominant whereas the demographic character of these Janpad (Nagar) Panchayats is different due to non-agricultural activities and the tribals loose majority. The posts of Chairman of Janpad (Nagar) Panchayats is not reserved for scheduled tribes despite the fact that they are located in scheduled areas of the State. It was also brought to the notice of the Commission that Municipalities (Extension in Scheduled Areas) Act (in short MESA Act) has not been so far passed by the Parliament and unless it is made applicable, the interests of scheduled tribes cannot be protected. It was also informed that the matter of reservation of posts of Chairman of urban local bodies for scheduled tribes located in scheduled areas is pending in Hon'ble Supreme Court.

The Commission observed that the decision of Government of Chhattisgarh to convert many Gram Panchayats located in Scheduled Areas into Janpad (Nagar) Panchayats is detrimental to the interests of scheduled tribes as the posts of Chairman in these Janpad Panchayats is not reserved exclusive for STs. Thus, the provisions of PESA Act have been violated which provides that the posts of Sarpanch of Gram Panchayats in Scheduled Areas is exclusively reserved for Scheduled Tribes.

The Commission decided to send a letter to the Government of Chhattisgarh and to recommend the State Government to reconvert these Janpad (Nagar) Panchayats into Gram Panchayats and ensure proper implementation of provisions of PESA Act in the State including these declared municipalities.

आयोग द्वारा राज्य सरकार को पत्र लिखकर जनपद (नगर) पंचायतों को पुनः ग्राम पंचायत बनाने तथा पंचायत (अनुसूचित क्षेत्रों में विस्तार) अधिनियम, 1996 के प्रावधानों का पूर्ण रूप से पालन करने की अनुशंसा करने का निर्णय लिया गया।


चन्द कुमार साय/ Chand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/ Govt. of India
नई दिल्ली/New Delhi



National Commission for Scheduled Tribes
Minutes of the 121st Meeting held on 16-10-2019

Agenda Item No.121.2	“Panel set to review cases against 23,000 tribals in Chhattisgarh Naxal belt” News items published in the “Indian Express” Delhi edition on 16.10.2019
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The Commission took cognizance of the above mentioned News items wherein it was informed that Government of Chhattisgarh has appointed a committee to review cases against scheduled tribes and other residents of the Naxal region in the State which is likely to begin its work this month. As per the published news article, this committee, headed by Justice A.K. Patnaik, a retired judge of the Supreme Court will hold its first meeting in Raipur on October, 30 and 31 as it starts looking at cases of over 16,475 tribals accused by the police in a range of cases and another 6,743 being held as under trails, mostly in Bijapur, Sukma and Bastar districts. The Committee will refer to the State Government, as per its terms of reference, cases that merit a relook or withdrawal of proceedings.

It has also been published in the Newspaper that the terms of reference of the Committee state that where it does not find material to continue matters against the accused, it would have the remit to recommend withdrawal of prosecution, dropping of cases in which police are yet to file a report before the court, or recommend appropriate plea bargaining as laid out in the Code of Criminal Procedure. The recommendations of this Committee will be the basis on which the state government will finally decide on the matter.

As per the news article, the Committee will review the cases of 4,007 accused in 1,141 cases under police investigation, in seven districts which involve Scheduled Tribes. These include 1,552 accused in 340 cases classified as “Naxal Cases”. The maximum cases of Naxal accused are Sukma district, followed by Bijapur while the maximum number of under trials under Naxal cases is in Bastar districts, followed by Sukma district. As of April 30, 2019, a total of 6,743 tribals are being held as under trials in jail, including 1,039 in Naxal cases. Another 16,475 tribals are being held as accused under a spectrum of cases the state, which include 5,239 held under Naxal matters. These also include tribals who have not appealed against their detention, either due to poverty or ignorance or lack of legal support. As on April 25, 2019 across seven jails in the state, 1,977 from scheduled tribes were being held as under trails, who have not appealed, while there are 589 tribals who have been convicted and have not appealed.

The terms of reference for the Committee were finalised on September, 11. These terms consist of examining all cases registered by the police and/or pending in different courts for offences under the Indian Penal Code, National Security Act, Unlawful Activities (Prevention) Act and other central Acts.

On the basis of information received from Government of Chhattisgarh, the Commission was informed that besides Justice A.K. Patnaik as Chairman, Advocate General/Additional Advocate General, High Court Bilaspur, Additional Chief Secretary

नन्द कुमार साह/Nand Kumar Sahi
अध्यक्ष/Chairman
राष्ट्रीय अनुसूचित जात आयोग
National Commission for Scheduled Tribes
भारत
नई दिल्ली




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Minutes of the 121st Meeting held on 16-10-2019

(Home), Government of Chhattisgarh, DGP, DG Jail (Naxal Operation In-charge) and Commissioner, Bastar Division are members of the Committee and Secretary, ST, SC Development Department, Government of Chhattisgarh will be Member Secretary of the Committee.

As the Commission has gone through a media reports about the alleged illegal detention of scheduled tribes in the prisons of Left Wing Extremist affected districts of the State and also that hundreds of such prisoners are detained without trial, the Commission expressed its satisfaction over setting up of the Committee and desired that an eminent member of Scheduled Tribe community with vast knowledge, experience and repute should also be associated with this Committee. It was decided that a letter in this regard should be sent to Government of Chhattisgarh.

चूँकि कई मीडिया रिपोर्टों में राज्य के वामपंथी उग्रवाद से प्रभावित जिलों में अनुसूचित जनजाति के लोगों के कथित रूप से जेलों में निरुद्ध किए जाने और बिना अभियोजन के सैकड़ों लोगों को बंदी रखे जाने की बात आयोग के ध्यान में लाई गई है, अतः आयोग ने इस समिति के गठन पर संतोष व्यक्त किया और मंशा व्यक्त की कि इस समिति में व्यापक जानकारी, अनुभव एवं प्रतिष्ठा वाले अनुसूचित जनजाति के सदस्य को भी सम्मिलित किया जाना चाहिए। यह निर्णय लिया गया कि इस संबंध में छत्तीसगढ़ शासन को पत्र भेजा जाए।


13/10/2019
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Covt. of India
नई दिल्ली/New Delhi



National Commission for Scheduled Tribes

Minutes of the 121st Meeting held on 16-10-2019

Agenda Item No.121.3	Further course of action after decision of High Power Caste Certificate Scrutiny Committee in the matter of false caste certificates of Shri Ajit P.K. Jogi, Ex-CM of Chhattisgarh.
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A decision was taken by the Commission in the 119th meeting of the Commission held on 11.09.2019 for participation as intervener in the case of Shri Ajit P. K. Jogi, Ex-CM of Chhattisgarh in the matter of Fake caste certificates in Hon'ble High Court of Chhattisgarh, Bilaspur after the decision of High Power Caste Certificate Scrutiny Committee of Chhattisgarh State vide order dated 23.08.2019. The Commission observed that he was elected MLA from Marwahi constituency (reserved for ST) of Chhattisgarh State and is continuing as a member of State Legislative Assembly despite the fact that he has failed to prove his social status as a member of scheduled tribe community and his ST caste certificates have been cancelled and confiscated by the above Committee of the State. No information about any relief granted to him from any competent Court in the matter is available so far in the Commission.

As scheduled tribe caste certificates of Shri Ajit P.K. Jogi have been cancelled and confiscated by the above Committee, he should not continue as a MLA from ST reserved seat. It was decided that a letter may be sent from the Commission to the Government of Chhattisgarh for taking further action for declaring the seat vacant after following due process of law.

चूँकि छत्तीसगढ़ राज्य की उच्च स्तरीय प्रमाणिकरण छानबीन समिति ने श्री अजीत पी.के. जोगी के अनुसूचित जनजाति के जाति प्रमाण-पत्रों को निरस्त और समपहृत कर दिया है, उन्हें अनुसूचित जनजाति हेतु आरक्षित सीट से विधान सभा सदस्य नहीं रहना चाहिए। आयोग द्वारा निर्णय लिया गया इस संबंध में छत्तीसगढ़ शासन को पत्र लिखकर इस सीट को रिक्त कराने के लिए विधिसम्मत कार्रवाई करने का अनुरोध किया जाए।

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

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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