



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. 16/Court Case-5/Mah./2008/RU-IV

Most immediate/Court case

छठी मंजिल, 'बी' विंग, लोक नायक भवन
खान मार्केट, नई दिल्ली-110003
6th Floor, 'B' Wing, Lok Nayak Bhawan
Khan Market, New Delhi - 110 003

Dated ...01.10.2008.....

OFFICE MEMORANDUM

Subj: Meeting of the NCST on 03.10.2008 at 3.00 PM.

This Commission has received a copy of Writ Petition No. 4860 of 2008 filed in the High Court of Judicature of Bombay bench at Aurangabad in the matter of Vikramsing and Another (Petitioners) Vs. The State of Maharashtra and Others regarding non-implementation of the provisions of the Panchayats (Extension to Scheduled Areas) (PESA) Act, 1996 in elections to Zilla Parishads and Panchayat Samitis in the Scheduled Areas of the State of Maharashtra.

2. A copy of the above mentioned writ petition in which the State of Maharashtra is Respondent No. 1, the State Election Commission, Maharashtra is Respondent No.2, Ministry of Panchayati Raj is Respondent No.3 and the Ministry of Tribal Affairs is Respondent No. 4. This Commission, through its Regional Office at Bhopal, has been included as Respondent No. 5 in the Writ Petition.

3. The subject matter of the WP relates to the enactment of legislation by the State Government of Maharashtra in conformity with the provisions of PESA Act, 1996. The issue has been raised with reference to the amendment effected by the Govt. of Maharashtra through Section 3 of the Maharashtra Zila Parishads and Panchayat Samitis (Extension of Scheduled Areas and Amendment) Ordinance, 1997, which according to the petition, is not in consonance with the PESA Act, 1996. In this context, Chairperson, NCST had addressed a d.c. letter, dated 11.07.2008 to the Chief Minister, Maharashtra in response to a letter received from Shri Bapur Hari Chaura, MP from Maharashtra.

4. The Commission addressed a letter, dated 09.09.08 to the Secretary, Ministry of Panchayati Raj detailing the view of the Commission requesting them to watch the interests of the Commission also while filing reply to the W.P. in the Hon'ble High Court. The matter was subsequently discussed in a meeting in the Ministry of Panchayati Raj. As per the discussions, the Commission is to send parawise comments on the WP to the Ministry of Panchayati Raj who are to file a reply in the High Court by 09.10.2008 as the hearing of the case is scheduled on 10.10.2008. Parawise comments on the WP have accordingly been prepared and circulated herewith for consideration and approval of the Commission before the same are sent to Ministry of Panchayati Raj.


(R.P. Vasishtha)
Deputy Secretary

To

- 1. PS to Hon'ble Chairperson, NCST
- 2. PS to Hon'ble Vice-Chairperson, NCST
- 3. PS to Hon'ble Member (TS)
- 4. PS to Hon'ble Member (OSM)

Copy for information to:-

- 1. PPS to Secretary
- 2. PS to Joint Secretary
- ✓ 3. Dire (RCD)/Dir (VA)/DS (RU-IV).