



भारत सरकार

राष्ट्रीय अनुसूचित जन जाति आयोग

छठा तल, 'बी' विंग, लोक नायक भवन,
खान मार्किट, नई दिल्ली-110003
दिनांक:-27.03.2019

सेवा में,

1. श्री नन्द कुमार साय, माननीय अध्यक्ष,
2. सुश्री अनुसुईया उइके, माननीय उपाध्यक्ष,
3. श्री हरिकृष्ण डामोर, माननीय सदस्य,
4. श्री हर्षदभाई चुन्नीलाल वसावा, माननीय सदस्य,
5. श्रीमती माया चिंतामण ईवनाते, माननीय सदस्य,

विषय: राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 27.02.2019 को दोपहर बाद 4:30 बजे संपन्न 113वीं बैठक में हुई चर्चा का कार्यवृत्त।

महोदय/महोदया,

मुझे उपर्युक्त विषय का उल्लेख करते हुए यह कहने का निदेश हुआ है कि आयोग की 113वीं बैठक आयोग के सम्मेलन कक्ष, लोकनायक भवन, नई दिल्ली में दिनांक 27.02.2019 को दोपहर बाद 4:30 बजे संपन्न हुई थी। बैठक की अध्यक्षता श्री नन्द कुमार साय, अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग द्वारा की गई। बैठक में हुई चर्चा का कार्यवृत्त की एक प्रति सूचनार्थ एवं अभिलेख हेतु संलग्न है।

भवदीय

(एस.पी.मिश्रा)

सहायक निदेशक (समन्वय एकक)

113वीं बैठक की कार्यवृत्त की एक प्रति निम्नलिखित अधिकारियों को इस अनुरोध के साथ अग्रेषित है कि बैठक में लिए गए निर्णयों पर की गई कार्रवाई के संबंध में जानकारी, प्रत्येक संबंधित एकक/कार्यालय द्वारा दिनांक 15.04.2019 तक अवश्य ही समन्वय एकक को भेज दी जाए।

1. निदेशक (अनुसंधान एकक- II और III)
2. उप सचिव (अनुसंधान एकक- I&II)
3. अवर सचिव (स्थापना)
4. सहायक निदेशक, (अनुसंधान एकक- II)
5. सहायक निदेशक, (राजभाषा एवं अनुसंधान एकक- I)
6. अनुसंधान अधिकारी (अनुसंधान एकक- IV)

प्रतिलिपि, 101वीं बैठक के कार्यवृत्त की प्रति सूचनार्थ अग्रेषित:

1. माननीय अध्यक्ष के निजी सचिव
2. माननीय उपाध्यक्ष के निजी सचिव
3. माननीय सदस्य (श्री एच.के.डी) के निजी सहायक
4. माननीय सदस्य (श्री एच.सी.वी) के निजी सचिव
5. माननीय सदस्य (श्रीमती एम.सी.आई) के निजी सहायक
6. सचिव के वरिष्ठ प्रधान निजी सचिव
7. संयुक्त सचिव के निजी सहायक
8. निदेशक/सहायक निदेशक/अनुसंधान अधिकारी, राष्ट्रीय अनुसूचित जनजाति आयोग के क्षेत्रीय कार्यालय, भोपाल/भुवनेश्वर/जयपुर/रायपुर/रांची/शिलांग।
9. सचिव, जनजातीय कार्य मंत्रालय, शास्त्री भवन, नई दिल्ली।
10. आयोग की एनआईसी वेबसाइट पर डालने हेतु।



No.1/4/2019-Coord.
Government of India
National Commission for Scheduled Tribes

6th Floor, 'B' Wing, Lok Nayak Bhawan,
Khan Market, New Delhi -110003
Dated: 27th March, 2019

To,

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

Subject: Summary Record of discussions of 113th Meeting of National Commission for Scheduled Tribes (NCST) held on 27.02.2019 at 4:30 P.M.

Sir/Madam,

I am directed to refer to the above subject and to say that 108th meeting of the National Commission for Scheduled Tribes was held on 27.02.2019 at 4:30 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 113th meeting of NCST is enclosed. The action taken report in the matter may be intimated to Coord. Section by 15.04.2019.

- (i) Director (RU-II & III)
- (ii) Deputy Secretary (RU-I & IV)
- (iii) Under Secretary (Estt.)
- (iv) Assistant Director (RU-II)
- (v) Assistant Director (RU-I & OL)
- (vi) Research Officer (RU-IV)

Copy for information of the Summary Record of discussion of 113th Meeting of NCST:

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



National Commission for Scheduled Tribes
Minutes of the 113th Meeting held on 27.02.2019

राष्ट्रीय अनुसूचित जनजाति आयोग (एन.सी.एस.टी) की 113वीं बैठक में हुई चर्चा का कार्यवृत्त

(फाईल सं. 1/4/2019-समन्वय)

दिनांक : 27.02.2019

समय : 04.30 बजे

स्थान : सम्मलेन कक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग, छठा तल, लोकनायक भवन,
नई दिल्ली-110003.

अध्यक्षता : श्री नन्द कुमार साय, माननीय अध्यक्ष।

प्रतिभागियों की सूची :

1. सुश्री अनुसुईया उइके, माननीय उपाध्यक्ष
2. श्री हरिकृष्ण डामोर, माननीय सदस्य
3. श्रीमती माया चिंतामण ईवनाते, माननीय सदस्या
4. श्री ए.के.सिंह, सचिव
5. श्री एस.के.रथ, संयुक्त सचिव
6. डॉ. ललित लट्टा, निदेशक
7. श्री पी.टी. जेम्सकुट्टी, उप सचिव
8. श्री एस.पी.मीना, सहायक निदेशक
9. श्री राजेश्वर कुमार, सहायक निदेशक (राजभाषा)
10. श्री राकेश कुमार दूबे, सहायक निदेशक (प्रशासन)
11. श्री वाई.के.बंसल, अनुसंधान अधिकारी
12. श्री आर एस मिश्रा, वरिष्ठ अन्वेषक
13. श्री विकास कुमार शर्मा, कानूनी सलाहकार

बैठक के लिए निर्धारित कार्य सूची मंदों पर चर्चा की गई और निम्नलिखित निर्णय लिया गए:



National Commission for Scheduled Tribes
Minutes of the 113th Meeting held on 27.02.2019

Agenda Item No.1	Supreme Court Writ Petition (s)(Civil) No.(s)109/2008 regarding eviction of tribal and other forest dwellers after rejection of their claim under FRA.
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The Supreme Court in its order dated 13.02.2019 WP© No.109/2008 Wildlife First & Ors. Vs. Ministry of Forest and Environment; has ordered for eviction of more than 10,00,000/- tribal and other forest-dwelling households from forestlands across 16 states after the State Governments filed reply affidavits in the Supreme Court furnishing information of number of forest Rights claims received by them, number of rejected cases, number of eviction notices issued and number of pending eviction notices. The Hon'ble Court directed the Chief Secretaries of all the 16 States to :

“ensure that where the rejection orders have been passed, eviction will be carried out on or before the next date of hearing. In case the eviction is not carried out, as aforesaid, the matter would be viewed seriously by this Court.”

It also asked the Chief Secretaries *to indicate, by way of an affidavit, as to why after the rejection of the claims, which have attained finality, eviction has not been made.* The next date of hearing is set for July 24, 2019.

The Court's orders came in a case filed by wildlife groups on the subject of implementation of Forest Rights Act. The petitioners had also demanded that all those whose claims over traditional forestlands are rejected under the law should be evicted. The Tribal groups contended that their claims in most cases have been rejected without proper justification/hearing and therefore, rejection needs to be reviewed by the State Governments.

The issue was discussed in detail in the Commissions' meeting and it was observed that claims have been rejected without hearing /giving opportunities to affected persons since, most of Scheduled Tribes are illiterate and not aware of provisions of the FRA. During visits to various states for review meetings and field visits, the Commission has been informed by various tribal representatives that their claims have been kept pending, rejected on flimsy grounds, the area of FRA pattas provided are very less in measurement in comparison to the forest land occupied by them and improper evaluation of documents/evidences produced by them to the FRA Committees, resulting in rejection of claims.

In the affidavits furnished by the State Governments, these issues have not found space resulting in the conclusion of Court to evict such persons whose FRA claims have been rejected. Thus, this will be a gross injustice towards the STs and other forest dwellers to evict them without hearing them. It was also informed to the Commission that MoTA has filed I.A. before the Hon'ble Supreme Court requesting for modification of Order dated 13.02.2019.

The NCST recommended that the affected ST persons whose claims have been rejected by the States should be heard and given proper opportunities. State Level Committees should be constituted to review the rejected cases. Therefore, it was of the view that all the States who are the respondent in the W.P. may be advised to follow the due procedure for rejection of the claims under FRA. The Ministry of Tribal Affairs may be asked to hold a meeting of the Tribal Secretaries of the States/UTs for implementation of FRA in letter and spirit and in pursuance of the directions of Hon'ble Supreme Court for filing the affidavit before the Court in the next date of the case.