



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. CC/1/2009/STGMH/DEOTH/RU-IV

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
18.03.2010

To

The Secretary,
Ministry of Tribal Affairs,
Shastri Bhawan,
New Delhi.

The Secretary,
Ministry of Law and Justice,
Shastri Bhawan,
New Delhi.

Sub: Writ Petition No. 3528 of 2009 filed by Shri Purushottam Vs Delimitation Commission, New Delhi and others in the High Court of Bombay, Nagpur Bench challenging the list of Assembly constituencies reserved for STs in the Maharashtra Legislative Assembly.

Sir,

I am directed to refer to W.P. No. 3528 of 2009 in the High Court Judicature at Bombay (Nagpur Bench), Nagpur (listing NCST, Ministry of Law & Justice and Ministry of Tribal Affairs as Respondent Nos. 7,8 and 9 respectively) on the subject mentioned above and to say that the issue raised in the WP was discussed in this Commission's meeting held on 22.02.2010. The Commission noted that a representation, dated 08.05.2006 was received in this Commission from the petitioner regarding reconstitution of Assembly segments of Maharashtra Legislative Assembly under the Delimitation Act, which had been forwarded to the Delimitation (Election) Commission of India for necessary action. In response, the Election Commission sent a list of constituencies of Maharashtra Legislative Assembly to this Commission vide their letter dated 09.03.2009, which was forwarded to the petitioner on 20.03.2009. The petitioner has made a mention of this correspondence in para 16 of Writ Petition; and has opposed to the procedure adopted by the Delimitation Commission in identifying the Assembly constituencies reserved for the Scheduled Tribes in Maharashtra State Assembly.

2. The Commission expressed the following view:-

"The contention of the petitioner in challenging the list of assembly constituencies reserved for STs is not clear. The procedure adopted by the Delimitation Commission seems to be in order because the highest proportion of tribal population as well as its absolute number would tantamount to the same in the case of single-member constituencies when they are of uniform size. Besides, the subject matter of the Writ Petition is primarily the concern of the Delimitation Commission and the Ministry of Law and Justice. (The Ministry of Tribal Affairs and the Registrar General of India are also concerned with the issue). The Commission may, therefore, not intervene in the case and leave the matter for decision by the Hon'ble High court".

3. As decided by the Commission, the view of the Commission as given in para 2 above is communicated to the Ministry of Law & Justice and the Ministry of Tribal Affairs.

Yours faithfully



(Mrs. K.D. Bhansor)
Deputy Director

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