

S.No. 25(I)

Speed Post

215



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. Sikkim-2/Inclusion/Service/2006/RU-II

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

Dated

01.12.2009

To
The Secretary,
Ministry of Home Affairs,
North Block,
New Delhi

[Kind Attn : Shri J. K. Chattopadhyay, US]

Sub: Comments of the Commission on Proportionate increase in the total number of the Bhutia Lepcha seats in the event of the total strength of Sikkim Legislative Assembly being increased.

Sir,

I am to refer to your letter No. IV/11015/2/2008-CSR.II dated 23.02.2009 and this Commission letter of even number dated 29.01.2009 on the subject matter. The Commission deliberated on the subject in its meeting held on 17.11.2009 and recommended as follows:-

The Commission noted the constitutional provisions regarding the number of seats in State legislatures (Art.170), and the special provisions relating to the State of Sikkim in Article 371F of the Constitution which have been upheld by the Supreme Court as being such as not to negate the fundamental principles of democracy/ not unconstitutional given the situation and permissible latitude. The Commission was of the view that keeping in mind the provisions of Article 332(3) of the Constitution, it would be appropriate that:-

- (i) The number of seats in the State Legislature should be increased from 32 to 40 to provide fair share to all the Scheduled Tribes in the State.
- (ii) The increased seats (8) in the Sikkim Legislative Assembly should firstly be reserved for Scheduled Tribes according to their population, in order to safeguard the political rights of all the Scheduled Tribe Communities, (including Bhutia-Lepcha).

Contd...2

216

2. You are requested to kindly intimate the final decision taken by the Government in the matter w.r.t. the recommendations of the Commission.

Yours faithfully,


(Vinod Aggarwal)
Director

Copy to :

1. Secretary,
Ministry of Tribal Affairs,
Shastri Bhawan,
New Delhi.
2. Chief Secretary,
Govt. of Sikkim,
Gangtok, Sikkim.
3. Shri Tseten Tashi Bhutia, Convenor,
Sikkim Bhutia Lepcha Apex Committee,
Upper Syari, P.O. Deorali,
Gangtok-East, Sikkim.
4. Resident Commissioner,
Sikkim House,
12, Panchsheel Marg,
Chanakyapuri,
New Delhi.