

**Proceedings of the sitting on 23-12-2008 of Hon'ble Member  
Shri Tsering Samphel with Secretary, SWD, UP and DM, Ajamgarh**

A list of officers present in the sitting is at Annexure.

**ISSUE**

Issue of 'Gond' ST certificate in illegal manner to backward community (Kahar) people by the district administration of Ajamgarh.

**BACKGROUND**

A representation dated 29/06/2006 was received in the Commission on 27/11/2006 from Shri Shankar Prasad Gond, General Secretary, Prantiy Gond/Kahar Vikas Samiti (Regd.), Vill – Bhaduli, P.O. Mohamdalla, Ajamgarh, U.P. regarding illegally issue of 'Gond' ST certificate to backward community (Kahar) people by district administration of Ajamgarh.

He has mentioned that since last 30 years, the people of Kahar community have been issued Gond ST certificate illegally by manipulation of records by district administration. He had written letters to District and State Govt., but no action taken. Then he filed a petition in the Hon'ble High Court, Allahabad. DM, Ajamgarh had filed a reply in the Hon'ble Court, in which he has mentioned vide para 8 that Gond community is not found in the District Ajamgarh. On the other hand, he has accepted in para 10 that approx. 800 Gond ST certificates have been issued.

Shri Shankar Prasad has mentioned that district administration of Ajamgarh have issued different certificates to two sons of the same family. One has been issue Gond ST certificate and other is issued OBC(Kahar) certificate. On complaint of this anomaly, Shri Shanka Prasad Gond has been threatened of his life. DM, Ajamgarh, in his rely to Hon'ble High Court has mentioned that he Samiti has not mentioned any specific case, so that it can be enquired into. He has further mentioned that issue of different certificates to two brothers could be the result of change of religion by one of them.

The Commission took this matter with D.M. Ajamgarh vide its letter dated 29.11.2006. Reminders dated 24.01.2007, 09.08.2007, 04.11.2008 and 05.12.2008 were issued, but no communication received from DM, Ajamgarh.

In view of the above, Shri Tsering Samphel, Hon'ble Member decided to have a discussion with Secretary, Social Welfare Department, Uttar Pradesh and D.M. Ajamgarh, U.P. on 23.12.2008 at 11.00 am in the Commission.

## **ANALYSIS**

Explanation by the DM, Ajamgarh that different certificates to two brothers can be issued in case one of them changes his religion, does not hold good, as ST certificate is not issued based on the religion.

Govt. of India has notified the SC/ST amendment order 2002 in 2003, according to which, Gond community in some of the districts of Uttar Pradesh is declared as ST and Ajamgarh is one in the list. In light of this, statement of DM, Ajamgarh that the Gond Community is not found in the district is not tenable.

## **DISCUSSION**

It was explained by DM Ajamgarh that in their district mostly Kahar, Bharbhujia and Mallah backward community people are there, who are writing Gond in their names. Earlier they were demanding SC certificate, now they are demanding ST certificate. He further mentioned that petitioner has met him a number of times, who himself is a Gond with background of Kahar Community. Shri Shankar Prasad knows the background of these people that is why, he is fighting for the right cause. He intimated that Tehsildar had cancelled one such ST certificate, after that applicant took stay from Civil Judge. District administration has gone to High Court against this judgment, where stay has been granted by the Hon'ble High Court of Uttar Pradesh. Due to this District administration is not able to cancel any issued ST certificate, till such time the case is finalized.

Another writ petition no 24245/08 dated 06.06.08 has been filed by All India Gond Maha sabha in High Court, Allahabad for issue of ST certificate. Pending decision in this case district administration is not in a position to issue new ST certificate to avoid litigation. DM, Ajamgarh submitted a detailed report on the issue.

Shri Shankar Prasad expressed his satisfaction over the explanation by the DM, Ajamgarh and offer to withdraw this representation in the Commission. He submitted a letter of withdrawal also.

Secretary, SWD, UP mentioned that in case of any genuine case, Commission can approach him for any support.

## **RECOMMENDATION**

In view of the satisfaction of the petitioner with the explanation by DM, Ajamgarh and withdrawal of his representation from the Commission, this case is closed in the Commission.

## **ANNEXURE**

The following were present in the sitting on 23.12.2008 :

### **NCST**

1. Shri Tsering Samphel, Hon'ble Member .....In Chair
2. Shri Vinod Aggarwal, Director

### **Govt. of Uttar Pradesh**

1. Shri K.A. Singh Dev, Secretary, SWD
2. Shri G.S. Priyadarshi, DM, Ajamgarh

### **Petitioner**

1. Shri Shankar Prasad Yogacharya.