

मौरिस कुजुर
 MAURICE KUJUR
 VICE-CHAIRMAN
 (Rank: Union Minister of State)



भारत सरकार
 राष्ट्रीय अनुसूचित जनजाति आयोग
 GOVERNMENT OF INDIA
 NATIONAL COMMISSION FOR
 SCHEDULED TRIBES

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D.O. No.4/5/2010-Coord.

Dated : 7th September, 2010

Respected Rashtrapati Ji,

While expressing our deep gratitude for the interest you had shown in the Commission's recommendations during the presentation of the 4th Report of the National Commission for Scheduled Tribes on the working of safeguards for Scheduled Tribes during 2008-2009, I take this opportunity to highlight the views of the Commission on the subject of the Land Acquisition (Amendment) Bill, 2007, Rehabilitation & Resettlement Bill, 2007, and amendment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as desired.

2. While, the Constitution of India mandates that "The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes, the National Commission for Scheduled Tribes was not consulted on the Rehabilitation and Resettlement Bill, 2007 and Land Acquisition (Amendment) Bill, 2007 before introducing the same in Parliament. These Bills were passed by the Lok Sabha, but could not be tabled in the Rajya Sabha. However, considering the imperative need for normative definition/implementation of rehabilitation and resettlement measures through law, the Commission conveyed detailed comments on the proposed legislation to the Ministry of Rural Development and Ministry of Tribal Affairs vide my d.o. letter No. NCST/2008/REHAB/01 dated 06 August 2010 and 25 August, 2010 respectively. Observing that rehabilitation and resettlement of displaced persons is an inseparable part of land acquisition for public or private projects, the Commission has, however, noticed that, even though both the Bills involved inter-dependent processes, critical event-relationships appeared to have been overlooked- especially with regard to commencement of the rehabilitation programme and its completion. It is, therefore, necessary to harmonize key stages of the processes involved in line with the various provisions of the draft national tribal policy, 2006 whenever future legislation is enacted, besides re-considering some of the provisions as suggested in the Note enclosed at ANNEXURE-I.

3. The Commission has also noted that despite provisions in Section 14 of the SCs and STs (POA) Act, 1989 provide for setting up Special Courts for trial of offences to ensure speedy justice to the SC/ST victims of atrocities, the courts are

taking a long time to dispose of the atrocity cases, which possibly leads to acquittal of the accused persons in a large number of cases. The Commission is, therefore, of the view that the Act needs to be amended to provide for (i) setting up exclusive Special Courts instead of designated Special courts, and (ii) time bound disposal of the atrocity cases within six months, in line with the similar provisions under sub-Section 3A of section 13 of the Consumer Protection Act, 1986. The above views of the Commission were communicated to the Ministry of Social Justice & Empowerment, the Nodal Ministry for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 vide letter No. 06/03/2006/Atrocity/ RU-II dated 16/07/2009. A copy of the said letter is enclosed as ANNEXURE-II

4 I request your esteemed favour to have the suggestions of the Commission regarding the draft Land Acquisition (Amendment) Bill, 2007 and draft Rehabilitation & Resettlement Bill, 2007 and to the proposed amendment of the SCs & STs (PoA) Act, 1989 considered by the concerned Ministries in expeditious fashion.

With kind regards,

Yours sincerely,

Maurice Kujur
(Maurice Kujur)

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