

Summary record of the proceedings of the meeting taken by Dr. Rameshwar Oraon, Chairman, NCST on 02/11/2012 at 1200 hrs. in connection with the issue of Constitutional amendment to facilitate exemption from disqualification in respect of Chairperson, NCST from contesting Parliamentary and Assembly elections

List of the officials present in the meeting is annexed.

2. Initiating the discussion, Joint Secretary, NCST mentioned that in accordance with the Clause (1) of the Article 338 of the Constitution applicable for the erstwhile National Commission for Scheduled Castes and Scheduled Tribes (NCSCST), the office of Chairperson of NCSCST has been declared not to be disqualified from the chosen as, or for being, a Member of Parliament, under sub-clause (ii) of clause (ba) of Section 3 of the Parliament (Prevention of Disqualification Act, 1959). However, consequent to the bifurcation of the erstwhile NCSCST into two separate Commissions viz. National Commission for Scheduled Castes (NCSC) under Article 338 and the NCST under Article 338A, the matter was referred to Ministry of Tribal Affairs and Ministry of Law for providing the exemption to the Office of Chairperson, NCST. He emphasized that the matter requires to be processed speedily as it is awaiting consideration of the Ministry of Law since 2009.

3. The officials of the Ministry of Law & Justice submitted that the exemption is already available under the Act for the office of the Chairperson of the combined Commission (NCSCST), constituted under Article 338. The Commission was also informed that the issue involves suitable constitutional amendment in the Act by inserting specifically the office of Chairperson, NCST with reference to Article 338A.

4. Chairman, NCST observed that necessary Constitutional amendment in the Act should have been followed consequent to the bifurcation of the erstwhile NCSCST into two separate Commissions viz. National Commission for Scheduled Castes (NCSC) under Article 338 and the NCST under Article 338A. As considerable time has already lapsed, the Ministry of Law & Justice should take urgent action to issue suitable constitutional amendment in the Act in the matter. The officials of the Ministry of Law and Justice assured the Commission that necessary action would be taken on priority.

The meeting ended with a vote of thanks to the Chair.

Rameshwar Oraon

डा० रामेश्वर उरांव / Dr. RAMESHWAR ORAON
अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

List of the officials present in the meeting.

NCST

1. Dr. Rameshwar Oraon, Chairman
2. Mrs. K. Kamala Kumari, Member
3. Shri Aditya Mishra, Joint Secretary
4. Shri M.S.Chopra, Director
5. Mrs. K.D. Bhansor, Dy. Director
6. Sh. T.D. Kukreja, PS to Chairman

Ministry of Law & Justice

1. Dr. G. Narayana Raju, Joint Secretary & Legislative Counsel
2. Shri K.R. Saji Kumar, Addl. Legislative Counsel
3. Shri R.S. Jayakrishnan, Asstt. Legislative Counsel