



**Government of India**  
**National Commission for Scheduled Tribes**

6<sup>th</sup> floor, 'B' Wing,  
Loknaya Bhawan  
Khan market,  
New Delhi-110 003.  
Dated: 30/07/2013

**File No. 15/1/MHA/2013/RU-III**

To

The Secretary,  
Ministry of Tribal Affairs,  
Shastri Bhawan,  
New Delhi-110001

**Sub: The Orissa Scheduled Caste, Scheduled Tribes and Backward Classes  
(Regulation of Issuance and Verification) of caste certificate Bill, 2012.**

Sir,

I am directed to refer to your letter No. 12026/41/2012-C&LM dated 22/05/2013 addressed to Joint Secretary, MHA and copy endorsed to National Commission for Scheduled Tribes on the above subject and to say that the matter under reference was discussed as Agenda Item No. XVII in the 48<sup>th</sup> Meeting of the Commission held on 09/07/2013.

2. The relevant extracts from the Summary Record of the meeting of the Commission containing views/comments of the Commission in the matter are enclosed. It is requested that the unbridged/unedited views of the Commission alongwith the views of Ministry of Home Affairs be included with the Caste Certificate Bill 2012 in accordance with the directions contained in Cabinet Secretariat letter No. 1/3/2012-CAB dated 16/02/2012.

3. It is also requested that action on the recommendations of the Commission in the matter may please be advised urgently for incorporating in Annual Report of the Commission to be presented to His Excellency President of India.

Yours faithfully,

(S.P. Meena)  
Asstt. Director

**Copy with copies of enclosures forwarded  
for information and necessary action to:-**

**1. The Joint Secretary,**  
Judl. & PP Division,  
Ministry of Home Affairs,  
NDCC-II, 4<sup>th</sup> floor, Jai Singh Road,  
New Delhi-110001 w.r.t. MTA letter  
No. 12026/41/2012-C&LM dated  
22/05/2013.

✓ **2. SSA (NIC)**

  
**(S.P. Meena)**  
**Asstt. Director**

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Subject: Summary record of the 48<sup>th</sup> meeting of the National Commission for Scheduled Tribes held at 15:30 HRS on 09/07/2013.**

The 48<sup>th</sup> meeting of the Commission was held at 15:30 hrs on 09/07/2013 in the Conference Room of the Commission in Loknayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST. List of the participants is enclosed at **ANNEXURE**. There were eighteen Agenda Items for discussion in the meeting. All the Agenda Items were discussed in the meeting. In addition, Four additional agenda items were taken for discussion with the approval of the Commission.

2. The decisions taken and the action points that emerged out of the discussions held in the meeting are given below:

<b>Agenda Item XVII</b>	<b>The Orissa Scheduled Castes, Scheduled Tribes and Backward Classes, (Regulation of issuance verification of) Castes Certificates Bill, 2012</b>
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66. Ministry of Tribal Affairs vide O.M. No. 12026/41/2012-C&LM dated 20/12/2012 have sought the comments of the Commission with reference to the MHA O.M.No. 17/44/2012-Judl.&PP dated 29/11/2012 relating to the Orissa Scheduled Castes, Scheduled Tribes and Backward Classes, (Regulation of issuance verification of) Castes Certificates Bill.

67. The Commission noted that the Commission's views/ comments on the Bill were forwarded to the MTA vide letter No. 15/1/MHA/2013/RU-III dated 18/01/2013, advising that the following issues, pertaining to the Bill were required to be examined in consultation with the Ministry of Law and Justice:

- i) Whether the proposed legislation is Constitutionally valid; or
- ii) Whether there is any conflict with an existing Central Law, and, if so, whether the conflict may be consciously permitted; or

- iii) Whether the proposed State enactment involves any deviation from existing national or Central Policy to its detriment, or would be a hindrance to enactment of uniform laws for the country.

68. Subsequently, MTA vide letter No. 12026/41/2012-C&LM dated 22/05/2013, addressed to the Joint Secretary, Judl. & PP Division, Ministry of Home Affairs with a copy to the Joint Secretary, NCST communicated that on the receipt of the views/ comments on the Bill from the different Ministries/ Departments, Deptt. of Legal Affairs is consulted by the Ministry of Home Affairs. Therefore, it would not be appropriate to refer the matter to the Deptt. of Legal Affairs for opinion in the said matter, as advised by the Commission.

69. The Commission noted that MTA in the aforesaid letter had not communicated the views of the Commission to the MHA and rather forwarded their comments to MHA mentioning that the matter was examined in the MTA in consultation with the National Commission for Scheduled Tribes. In this connection, the Commission, desired that attention of the MTA should be drawn to the instructions issued by the Cabinet Sectt., vide O.M. dt. 16/02/2012 regarding mandatory consultation with NCST etc., on policy related issues concerning STs wherein it is clearly mentioned that the unbridged/ unedited views of the Commission along with the views of the Ministry/ Department administratively concerned with the Commission were required to be included in such matters. The Commission, therefore, desired that MTA should be advised to strictly adhere to the instructions contained in the aforesaid O.M. dt. 16/02/2012.

70. The Commission also noted that it was mentioned in the Bill that the State Govt. shall constitute by notification in the Official Gazette, one or more Scrutiny Committee for verification of caste certificates issued by the Competent Authority under subsection (1) of section 4 specifying in the said notification the functions and the area of jurisdiction of each of such Scrutiny Committees. The Commission, however, observed that the interaction held with the State Govts. and also field visits had revealed that a large number of cases were pending with the Scrutiny Committees in many States for a considerable period and, therefore, the functioning of the Scrutiny Committee was required to be streamlined. The Commission further observed that the

Scrutiny Committee in the State should be constituted consistent with the directions contained in the Judgment of the Supreme Court of India in the case of Kumari Madhuri Patil vs. Addl. Commissioner (1994) and the procedure set out therein for the applicant for social status certificate and governing the disposal of verification cases within the indicated time-frame (not exceeding 2 months), and to that effect, necessary provisions should be made in the Bill. The Commission also desired that the views of the Commission in the matter should be urgently communicated to the Ministry of Home Affairs.

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