



GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED TRIBES  
(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

File No. Policy/09/Service/Panchayatiraj/2012//RU-I

Dated 08/01/2013

To

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

**Sub: Draft Note for the Cabinet for amendments in the Sixth Schedule to the Constitution of India for implementation of MOS signed with United Peoples Democratic Solidarity (UPDS) and Factions of Dima Halam Daogah (DHD) in Assam and also extension of certain features of Panchayati Raj System to the Sixth Schedule Area for ensuring democracy at the grass root level and smooth functioning of the councils.**

Sir,

1. I am directed to refer to your letter F.No.18014/1/2012-C&LM-II dated 20/12/2012 forwarding Draft Note for the Cabinet for amendments in the Sixth Schedule to the Constitution of India for implementation of MOS signed with United Peoples Democratic Solidarity (UPDS) and Factions of Dima Halam Daogah (DHD) in Assam and also extension of certain features of Panchayati Raj System to the Sixth Schedule Area for ensuring democracy at the grass root level and smooth functioning of the councils seeking comments of the Commission and to say that the matter was discussed in the 41<sup>st</sup> meeting of the Commission, held on 04/01/2013 as agenda item No. IV.

2. Relevant Extracts from the Summary Record of the meeting of the Commission are enclosed for information and further necessary action. It is requested that information about action taken on the views and observations of National Commission for Scheduled Tribes on the subject matter, and the nature and the manner in which those views have been incorporated, may be forwarded to this Commission urgently for including the same in the Annual Report of the Commission.

Yours faithfully,

(M.S. Chopra)  
Director

Copy with enclosure forwarded for information to:-

1. SSA (NIC) for uploading on the Website of NCS
2. Assistant Director (Coordination)

(M.S. Chopra)  
Director

## NATIONAL COMMISSION FOR SCHEDULED TRIBES

**Subject: Summary record of the 41st meeting of the Commission held at 12:00 Hrs. on 04-01-2013**

The 41<sup>st</sup> meeting of the Commission was held at 12:00 Hrs. on 04-01-2013 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 seven Agenda Items for discussion in the meeting. All the Agenda Items were discussed in the meeting.

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

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<b>Agenda Item IV</b>	<b>Draft Note for the Cabinet for amendments in the Sixth Schedule to the Constitution of India for implementation of MOS signed with United Peoples Democratic Solidarity (UPDS) and Factions of Dima Haram Daogah (DHD) in Assam and also extension of certain features of Panchayati Raj System to the Sixth Schedule Area for ensuring democracy at the grass root level and smooth functioning of the councils</b>
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11. Ministry of Tribal Affairs, vide letter No.18014/1/2012-C&LM-II dated 20/12/2012, have sought the comments on the Draft Note with reference to MHA D.O. No. 11012/120/2009-NE-IV dated 06/12/2012 addressed to Secretary, MTA.

12. Joint Secretary, NCST informed the Commission that the Ministry of Tribal Affairs has forwarded a Draft Cabinet Note for amendments in the Sixth Schedule to the Constitution of India for implementation of Memorandum of Settlements (MOS) signed with United Peoples Democratic Solidarity (UPDS) and Factions of

Dima Haram Daogah (DHD) in Assam and also for extension of certain features of Panchayati Raj system to the Sixth Schedule Area for ensuring democracy at the grass root level and smooth functioning of the Councils.

13. The Commission observed that after the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional amendments large scale administrative and financial powers have been delegated to local bodies constituted all over the country except the Sixth Schedule areas. It has also been noticed that financial and administrative autonomy to the local bodies/Panchayati Raj institutions in other parts of the country have become much greater than those in the Sixth Schedule areas. The Commission also observed that Ministry of Home Affairs, have proposed the Bill for amending the Sixth Schedule and also the Article 280(bb)(c) of the Constitution for strengthening of democratic process in the Sixth Schedule areas at par with the Panchayati Raj Institutions and keeping in view the powers devolved to them (Panchayati Raj Institutions) after 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendments and recommendations made by National Commission to Review the Working of Constitution (NCRWC) and 2nd Administrative Reforms Commission (ARC) in its 7<sup>th</sup> Report (February,2008), titled 'Capacity Building for Conflict resolution' and 15th Report titled 'STATE AND DISTRICT ADMINISTRATION' (April, 2009).

14. The Commission agreed to the proposal contained in the draft Cabinet Note for amendments in the Sixth Schedule to the Constitution of India for strengthening the councils set up in the states of Assam, Meghalaya, Mizoram and Tripura. The Commission was however of the view that on the lines of the provisions under Fifth Schedule to the Constitution, the Governors of the Sixth Schedule Areas States may also be mandated to submit Annually to the President of India, a Report on the working of the Provisions of the Sixth Schedule in the Scheduled Areas under their jurisdiction. For this purpose Government of India in the Ministry of Home Affairs in consultation with the Ministry of Tribal Affairs, Ministry of Panchayati Raj and the National Commission for Scheduled Tribes may design a standard format for the Report so that implementation activity in one State is comparable with that in the other State having Scheduled Areas under Sixth Schedule.