

**No.1/7/11-Coord.
Government of India
National Commission for Scheduled Tribes**

**6th Floor, 'B' Wing,
Loknayak Bhawan,
Khan Market,
New Delhi – 110003
Dated: 12-09-2011**

To

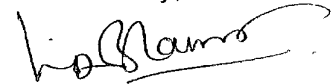
- 1) Dr. Rameshwar Oraon, Chairperson
- 2) Smt. K. Kamala Kumari, Member
- 3) Shri Bheru Lal Meena, Member

Sub:- Summary record of the 27th Meeting of the Commission was held at 11:30 hours on 8th September, 2011.

Sir,

I am directed to refer to the above subject and to say that 27th Meeting of the National Commission for Scheduled Tribes was held at 11:30 Hrs. on 8th September, 2011 in the Conference Room of the Commission at Lok Nayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Chairperson of the National Commission for Scheduled Tribes. A copy of the Summary Record of the meeting is enclosed for information and record.

Yours faithfully,



(K.D. Bhansor) Mrs.
Dy. Director

Copy with a copy of the Summary Record of the meeting forwarded to the following officers with the request that information about action taken on the decision taken in the meeting concerning each Unit / Office may be furnished to Coordination Unit by **30th September, 2011** positively.

- (i) Dy. Secretary, (RU-I & RU-II)
- (ii) Dy. Director (RU-III, RU-IV & Coord.)
- (iii) Under Secretary, (Admn.)
- (iv) AD/RO In-charge – RU-I/RU-II/RU-III/RU-IV/Coord./ AD/OL

Copy with a copy of the Summary Record of the meeting forwarded for information to:

1. Sr. PPS to Secretary/ PPS to Joint Secretary,
2. Assistant Director/ Research Officer in Regional offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi and Shillong.
3. Sr. System Analyst (NIC Cell, NCST) for uploading on the website.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the 27th meeting of the Commission held at 11.30 AM on 08-09-2011.

The 27th meeting of the Commission was held at 11.30 AM on 08-09-2011 in the Conference Room of the Commission in Lok Nayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Chairperson, NCST. List of participants is enclosed at Annexure. Three Agenda Items were circulated for discussion in the meeting. All items were discussed.

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

Agenda Item - I	Draft Land Acquisition and Rehabilitation & Resettlement Bill, 2011
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3. Secretary, NCST apprised the Commission that the Government had since introduced the revised draft Bill in the Lok Sabha on 07/09/2011 which contains significant variations from the draft published on their website earlier. Therefore, it may not be useful to discuss the comments prepared on the basis of contents of the earlier draft Bill; and the Commission may now discuss its views/comments on the basis of the contents of the Bill, as introduced in the Lok Sabha. It was decided that the comments on the revised draft Bill, as introduced in the Lok Sabha, may be prepared and discussed in the next meeting of the Commission, which may be held on 16/9/2011.

4. The Commission took serious note of the fact that the Ministry of Rural Development had not consulted the NCST on the final draft before placing the Bill for consideration by the Cabinet. Secretary, NCST recalled that the representatives of the MoRD had informed in an earlier meeting taken by the Chairperson, NCST on the subject that the views of the Ministry of Law would be sought on the Commission's stand that, for meaningful consultation with the NCST as envisaged under Article 338 A(9) of the Constitution, the draft Bill finalized in the Ministry should be referred to the

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Rameshwar Oraon

डा० रामेश्वर उराँन / Dr. RAMESHWAR ORAON
अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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Commission before its submission to the Cabinet. However, the MoRD had not apprised the Commission of their reference to the Ministry of Law in the matter and the views of the Ministry of Law, if received. Similarly, the Ministry of Mines had informed that the views of the Ministry of Law were being sought in the matter in relation to the draft MMDR Bill, 2010 finalized by the Group of Ministers. The Commission noted that both the Land Acquisition, Rehabilitation & Resettlement Bill and the MMDR Bill 2010 are important legislation vitally affecting the STs; and, it would be appropriate to bring the issue to the notice of the Prime Minister so that these Ministries could be advised suitably. Therefore, MoRD and Ministry of Mines should be expedited to forward the views of the Ministry of Law in the matter immediately; and, if necessary, a sitting may also be arranged with the Secretary, MoRD as well as with the Secretary, Ministry of Mines.

Agenda Item - II	Comments/ Views on the 11 th report of Parliamentary Committee on SCs and STs (15th Lok Sabha).
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5. Secretary, NCST informed the Commission that the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes in its 33rd Report (14th Lok Sabha) had given various recommendations relating to the mandate and performance of the National Commission for Scheduled Tribes. The Comments of the Commission on the recommendations, which were related to the Commission, were forwarded to the Ministry of Tribal Affairs for onward transmission to the Lok Sabha Secretariat. Secretary, NCST had also made a presentation, along with the Secretary, Ministry of Tribal Affairs in the oral evidence before the Committee held on 26/10/2009. Action taken report/ comments of the Commission on the list of points arising out of the oral evidence were also sent to the Ministry of Tribal Affairs for onward transmission to the Lok Sabha Secretariat. Finally, a report on the basis of Action taken report (on 33rd Report and list of points arising out of the oral evidence) submitted by the Ministry of Tribal Affairs to the Lok Sabha Sectt., has been presented by the Parliamentary Committee. This report is 11th Report of the Committee (15th Lok Sabha).

6. The Commission was further informed that the 11th Report thoroughly examined the earlier recommendations and action taken report submitted to the Committee by the Government. Thereafter, those recommendations, which need reiteration or further comments, have been highlighted in the Report. While forwarding a copy of the Report

2
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अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
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to the Ministry of Tribal Affairs, a copy of the same has also been sent to this Commission for submitting comments/views of the NCST on those recommendations. The Committee is already apprised of the issues and problems before the NCST and the recommendations re-iterated by the Committee are crucial to the functioning of the Commission, particularly strengthening of the Commission and augmentation of its regional offices. Therefore, it has been stated in the draft comments that the Commission generally agrees with all the recommendations about the working of the NCST and those which the Committee expects the NCST to take up, but the NCST will not be able to take up new activities until NCST it is duly strengthened. The Commission was further informed that a detailed proposal for strengthening of the Commission and augmentation of the Regional Offices was sent to the Ministry of Tribal Affairs on 21/10/2009 and a final decision on the proposal is yet to be taken by the Government.

7. Secretary, NCST referred to a recommendation made in the report about increasing the number of members of the NCST and stated that the stand taken by the Commission on the earlier occasion was proposed to be reiterated. It was mentioned earlier that increasing the members of the Commission would be effective only if requisite staff support to them is also available. Therefore, Government may consider increasing the number of members of the Commission after suitably strengthening the Commission. The Commission approved the draft comments submitted for consideration, suggesting that the NCST may also clarify the observations of the Ministry of Tribal Welfare regarding various matters before the same are forwarded in stipulated time. The Commission also decided that the MTA should be regularly reminded of pending issues through a monthly letter from the Joint Secretary, quarterly reminder from the Secretary, NCST and an annual missive from the Chairperson, which would be highlighted in the Annual Report of the Commission to the President.

Agenda Item - III	Comments/views of the Commission on S.B. Civil (W.P.)No.3119/2011 submitted in the High Court of Judicature for Rajasthan, Jodhpur filed by Mohan Lal V/s Nagar Palika, Falodi and others in the matter of the Rajasthan Municipalities (Disposal of Urban Land) Rules, 1974.
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8. The Commission observed that the moot issue in the WP was related to absence of requisite provision in the Rajasthan Municipalities (Disposal of Urban Land Rules, 1974) to ensure allotment of residential plots in favour of STs as per their population,

3

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which currently make combined provision of allotment of 15% plots by lottery to the SCs and STs. The amalgamation of SCs and STs in a single list for allotment by lottery may not ensure allotment of plots in favour of STs as per their population based share. The Commission, therefore, favoured necessary amendments in these Rules to provide separate reservation in allotment of residential plots in favour of SCs and STs as per their population (in place of the present combined provision of reservation of 15% for SCs and STs) to ensure due share in allotments to both. The draft comments/views of the Commission on the WP for preparing Counter Affidavit on behalf of the Commission to be sent to the Standing Counsel should be finalized accordingly.

9. The Meeting ended with vote of thanks to the Chair.

Rameshwar Oraon

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अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
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National Commission for Scheduled Tribes

Meeting of the Commission held on 08-09-2011 at 11.30AM in the Conference Room of the Commission.

S. No.	Name and Designation
1.	Dr. Rameshwar Oraon, Chairperson (In Chair)
2.	Smt. K. Kamala Kumari, Member
3.	Shri Bheru Lal Meena, Member
4.	Shri Raghuvendra Singh Sirohi, Secretary
5.	Shri Aditya Mishra, Joint Secretary
6.	Smt. Harinder Kaur, Deputy Secretary
7.	Smt. K.D. Bhansor, Deputy Director
8.	Shri S.P. Meena, Assistant Director
9.	Shri R.C. Durga, Consultant