



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

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.)

संख्या / **No: Policy-4-Delhi-2012-RU-I.**

दिनांक / **Date: 19/10/2012**

To

- (1) Shri P. K. Tripathi,
The Chief Secretary,
Government of National Capital Territory of Delhi,
Delhi Sachivalaya, IP Estate, New Delhi- 110002
- (2) Shri R. K. Singh,
The Secretary,
Ministry of Home Affairs,
North Block, New Delhi-110001
- (3) Smt. Vibha Puri Das
The Secretary,
Ministry of Tribal Affairs,
Shastri Bhawan, New Delhi-110001

Sub: Views/ comments of the National Commission for Scheduled Tribes on the Delhi Commission for Scheduled Castes and Scheduled Tribes Bill, 2012

Sir/ Madam,

I am directed to refer to the Sitting held in this Commission on the above subject at 11:30 Hrs. on 18/10/2012 (Thursday) in this Commission and to enclose herewith the proceedings of the Sitting for further necessary action in the matter.

2. It is requested that the suggestions made by the Commission may be incorporated in the proposed Delhi Commission for Scheduled Castes and Scheduled Tribes Bill, 2012 and a copy of the revised Bill, alongwith information about the nature of acceptance or reasons for non-acceptance of each of the suggestion, if any, made by the Commission may be forwarded to this Commission through Ministry of Home Affairs, as per the instructions dated 16/02/2012 of the Cabinet Secretariat in policy matters affecting Scheduled Tribes. Information about action taken in the matter may be forwarded to this Commission within 30 days for incorporating the same in the Annual Report of the Commission.

Yours faithfully,


(Mrs. K.D. Bhansor)
Deputy Director

Copy for information to:

- (i) PS to Chairperson/ PS to Member (KKK)/ PS to Member (BLM), NCST
- (ii) PPS to Joint Secretary, NCST
- (iii) AD (Coord.), NCST
- (iv) SSA (NIC), NCST (for uploading on the website of the Commission)

Copy also for information to the representatives of Government of NCT of Delhi, MHA and MTA present in the Sitting.


Deputy Director

National Commission for Scheduled Tribes

Proceedings of the Sitting held in the NCST on 18.10.2012 at 11.30 A.M to discuss the proposal of the Government of NCT of Delhi for introduction of Delhi Commission for Scheduled Castes & Scheduled Tribes Bill, 2012 in the Legislative Assembly of Delhi.

The following were present:

NCST

1. Dr. Rameshwar Oraon, Chairperson (in chair)
2. Smt. K. Kamla Kumari, Member
3. Shri Aditya Mishra, Joint Secretary
4. Smt. K.D. Bhansor, Deputy Director
5. Shri S. P. Meena, Assistant Director
6. Shri B. Ram, Research Officer
7. Shri R. C. Durga, Consultant

Government of NCT of Delhi

1. Shri P.K. Tripathi, Chief Secretary
2. Shri Prakash Chandra, Joint Director, Department of Welfare of SCs and ST's.
3. Shri B. Sivam, DKVIB

Ministry of Home Affairs

1. Shri M. Ganapathy, Joint Secretary (NM)
2. Shri T. Narasimhan, Under Secretary (UTL)
3. Shri Bikramjit Chaudhary, S. O. (SC/ST)

Ministry of Tribal Affairs

1. Ms. Namita Priyadarshree, Director

Background

2. The proposal relating to introducing Delhi Commission for Scheduled Castes and Scheduled Tribes Bill, 2012 in the Legislative Assembly of Delhi received in the Ministry of Home Affairs for prior approval of the Government of India, was received in this Commission through the Ministry of Tribal Affairs for comments of the National Commission for Scheduled Tribes. The Bill was discussed in the meeting of the National Commission for Scheduled Tribes held on 10th October, 2012 in the Chamber of the Chairperson, National Commission for Scheduled Tribes. The Commission had noted that various provisions in the Bill were not in consonance with

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Chairman
National Commission for Scheduled Tribes
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the spirit of the Constitution in respect of safeguarding the rights of Scheduled Tribes (residing in Delhi) and required discussions with the Government of NCT of Delhi, the Ministry of Home Affairs and the Ministry of Tribal Affairs. After detailed discussions, it was decided that the Chief Secretary, Government of National Capital Territory of Delhi, representatives of Ministry of Home Affairs and Ministry of Tribal Affairs may be called for a Sitting on 16th October, 2012. The Sitting was postponed for 18th October, 2012 at the request received from the office of Chief Secretary.

Discussion

3. The Sitting was chaired by Dr. Rameshwar Oraon, Chairperson, National Commission for Scheduled Tribes. Each Clause and Sub-clause of the proposed Bill was discussed and the views of the Commission on each of them were placed for the response by the Chief Secretary, Delhi and Officers from Ministry of Home Affairs and Ministry of Tribal Affairs. The suggestions for amendment in the proposed Bill, made by the Commission, aimed at making the proposed Delhi Commission for SCs and STs to be more effective and also in meeting the objective of the Government of NCT of Delhi for setting up the Commission were accepted in principle. It was agreed that the Clause/ Sub-clause wise suggestions may be formally forwarded by NCST to both the Ministries and the Government of NCT of Delhi for making suitable amendments in the proposed Bill. Accordingly, a statement indicating Clause/ Sub-clause wise suggestions for amendment in the Delhi Commission for Scheduled Castes and Scheduled Tribes Bill, 2012 is attached as ANNEXURE.

4. The Government of NCT of Delhi may incorporate the suggestions made by the Commission in the proposed Bill and a copy of the revised Bill, along with information about the nature of acceptance or reasons for non-acceptance of each of the suggestion, if any, made by the Commission may be forwarded to this Commission through Ministry of Home Affairs, as per the instructions dated 16/02/2012 of the Cabinet Secretariat in policy matters affecting Scheduled Tribes. Information about action taken in the matter may be forwarded to this Commission within 30 days for incorporating the same in the Annual Report of the Commission.

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National Commission for Scheduled Tribes

**Delhi Commission for Scheduled Castes and Scheduled Tribes- Comments of
NCST**

<u>S.No.</u>	<u>Clause</u>	<u>Comments</u>
1.	In Ch I, Clause 2	Under the title <u>Definitions</u> add the following definition: Assembly means the Legislative Assembly of Delhi
2.	In Ch I, Clause 2(f)	Before the word " Commission" add "Delhi"
3.	In Ch I Clause 2(h) line 3	Replace the words "have been ordinarily" by the word "be"
4.	In Ch I Clause 2(h) line 4	Delete the words "for not less than five years"
5.	In Ch II Clause 3(2) line 1	For the words "Chairperson and two full time Members" write "Chairperson, Vice-Chairperson and three Members"
6.	In Ch II Clause 3(2) line 4	Delete the words "of Delhi" after the words "communities". Thereafter add the words "Out of total of five Members at least two will be from amongst Scheduled Castes and one will be from amongst Scheduled Tribes and posts of Chairperson and Vice- Chairperson shall be filled from amongst Scheduled Castes and Scheduled Tribes respectively in rotation and one out of other three Members may be from amongst non-SCs/STs. Similarly at least one out of five Members will be from amongst women" OR In case it is decided to have three Member Commission only, add the words "Out of total three Members at least one Member will be from amongst Scheduled Castes and one will be from amongst Scheduled Tribes and posts of Chairperson and Vice-Chairperson shall be filled from amongst Scheduled Castes and Scheduled Tribes respectively in rotation and at least one out of three Members will be from amongst women."
7.	In Ch II Clause 4(5) line 2	Replace the words "may be by the Government" by the words "possible by the Government." and delete all the words after the words "Government" as this provision is contradictory to the provision under Clause 4(1)
8.	In Ch II Clause 4(6)	Keeping in view the provision in Clause 1 of the Financial Memorandum attached to the Bill, replace the contents in Clause (6) by the following:

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		"The Chairperson, Vice-Chairperson and Members of the Commission will be in the rank and salary of the Chief Secretary of Delhi, Principal Secretary and Secretary respectively in the Government of NCT of Delhi."
9.	In Ch II Clause 6 (1) line 2	Replace the words "Government" by the words "Commission"
10.	In Ch II Clause 6 (2) line 1	Replace the words "The administrative" by the words "All" and delete the words "including the salaries, allowances, pensions, and other amounts payable to the Secretary, officers and staff of the Commission" in line 1,2 and 3
11.	In Ch II Clause 9	Replace the contents by the following: " Meeting of the Commission Quorum for the meeting of the full Commission shall be three. However, in case of a vacancy in the Commission, the quorum will be two. The meeting of the Commission will be held at the pleasure of and presided by the Chairperson. The meeting may be called and presided by the Vice-Chairperson on the authority by the Chairperson or in the event of vacancy in the post of Chairperson as the case may be."
12.	In Ch III Clause 10 (1)(b) line 2	Add the words "residing in Delhi" at the end of the Clause.
13.	In Ch III Clause 10(1)(d)	Delete the Clause.
14.	In Ch III Clause 10(1)(e) line 3 to 5	Delete the contents at (iii) .
15.	In Ch III Clause 10(1)(f) line 3	Add the words "in Delhi" at the end of the Clause.
16.	In Ch III Clause 10(1)(h) line 3	After the words "Government Undertakings" add the words "as prescribed under the instructions of the Government of India".
17.	In Ch III Clause 10(1)(i) line 1	After the words "welfare" add the words "and development"
18.	In Ch III Clause 10(2)(i)	The contents may be replaced by the following words: "(i) The Commission shall prepare every year an Annual Report upon the working of the safeguards provided for the Scheduled Castes and Scheduled Tribes and also about its activities during the report period, along with its recommendations, and shall forward it to the Government."
19.	In Ch III Clause 10(2)(ii)	The contents may be replaced by the following words: "(ii) The Government shall, without delay, cause the same to be laid on the Table of the House of the Legislative Assembly of Delhi. A Memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for the non-

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		acceptance, if any, of such recommendations shall also be caused to be laid by the Government in the Legislative Assembly of Delhi within one year of laying of the report in the Assembly, for discussion in the Assembly.
20.	In Ch III Clause 10(4)	Delete the sub-Clause.
21.	In Financial Memorandum Clause 1 and the statement of expenditure Part A	<p>The contents may be amended keeping in view the amendment suggested with reference to Clause 4(6) in Chapter-II and the following suggestions.</p> <p>There is a need to suitably strengthen the Commission by creating the posts of Assistant Directors and Investigators and other support staff for the purpose of examination and conduct of investigation /inquiry into the grievances/ complaints/ issues relating to violation of rights and safeguards provided for the Scheduled Castes and Scheduled Tribes, entrusted to the Commission.</p> <p>After accepting the recommendations of the Sixth Pay Commission, there is no Class-IV staff. The proposal against item 13 may be re-designated as Multi-task Staff to be filled on regular basis so that proper reservation may be implemented while filling these posts also.</p>
22.	Part B	The infrastructure for the Commission may be proposed keeping in view the modern technology and machinery and computerization of the Grievance Management System and File Tracking System which will help the Commission in prompt and online tracking and disposal of the grievances received in the Commission.
23.	Memorandum regarding Delegated Legislation	The references and the contents may be amended keeping in view the suggestions made with reference to various Clauses of the main Bill.

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