



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. 21/4/2014/RU-II

Dated 30/12/2014

To

Shri Neeraj Mandloi,
Joint Secretary,
Ministry of Urban Development
Nirman Bhawan,
New Delhi- 110008

Sub: Draft Note for Cabinet- Amendment to Article 243ZC(2) of Part IX-A of the constitution, consequent upon the enactment of Gorkhaland Territorial Administration Act, 2011

Sir,

I am directed to refer to your letter No. N-11025/95/2012-UCD dated 08/12/2014 forwarding therewith the Draft Note for Cabinet-Amendment to Article 243ZC(2) of Part IX-A of the constitution, consequent upon the enactment of Gorkhaland Territorial Administration Act, 2011 and to say that the subject matter was discussed as Agenda Item No- II in the 66th Meeting of the Commission held on 19/12/2014.

2. The Relevant Extracts from the Summary Record of the meeting of the Commission are enclosed for information and necessary action.

Yours faithfully,


(K. D. Bhansor) Mrs.
Director

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

1. The Secretary, Ministry of Tribal Affairs, Shastri Bhawan, New Delhi-110001
2. SSA (NIC) for uploading on the Website of NCST
3. Assistant Director (Coordination)


(K. D. Bhansor) Mrs.
Director

66TH MEETING
OF THE
NATIONAL COMMISSION FOR SCHEDULED TRIBES
SUMMARY RECORD OF DISCUSSIONS

Date: 19th December, 2014 **Time:** 12:00 hours

Venue: Conference Room, NCST, 6th Floor, Lok Nayak Bhawan, New Delhi.

In the Chair: Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST

List of Participants: Annexed as Annexure-I.

The scheduled Agenda Item for meeting and one additional item was discussed and decided as below:

Agenda Item II	Draft Note for Cabinet- Amendment to Article 243ZC(2) of Part IX-A of the constitution, consequent upon the enactment of Gorkhaland Territorial Administration Act, 2011
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3. Ministry of Urban Development (LSG Division) forwarded the draft note on the above subject for seeking views/comments of the Commission on the proposal for amendment of Article 243ZC(2) of the Constitution, consequent upon the enactment of Gorkhaland Territorial Administration Act, 2011. The Commission was informed that consequent upon the repealing of Darjeeling Gorkha Hill Council Act, 1988 the immunity/exemption from the ambit of Part IX-A of the Constitution under Clause 2 of Article 243 ZC of 74th Constitutional Amendment Act, for the areas mentioned therein has been affected. This amendment seeks to restore the immunity to such areas now covered by the Gorkhaland Territorial Administration Act, 2011. Accordingly, proposal has been made to replace the words "Darjeeling Gorkha Hill Council" with the words "Gorkhaland Territorial Administration or any other such entity". Considering the objective of the amendment, Commission agreed to the proposal.

4. The Commission directed that above views of the Commission on each agenda item may be promptly forwarded to the concerned Ministry with the request to inform the Commission regarding the nature of acceptance of the views and incorporating the same in the draft Cabinet Note as per instructions dated 16/2/2012 of the Cabinet Secretariat.