

मो.स कुजुर

MAURICE KUJUR
VICE-CHAIRMAN
(Rank: Union Minister of State)



भारत सरकार
राष्ट्रीय अनुसूचित जनजाति आयोग
GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR
SCHEDULED TRIBES

छठी मंजिल, लोकनायक भवन,
खान मार्केट, नई दिल्ली - 110003
6TH FLOOR, LOK NAYAK BHAWAN,
KHAN MARKET, NEW DELHI - 110003
Tel.: 24657272 Fax: 24657474

D.O. No.4/5/2010-Coord

Dated : 9th September, 2010

Respected Pradhanmantri Ji,

BY SPECIAL MESSENGER

Please refer to my D.O. letter No. 4/12/09-Coord. dated 31st March, 2010 forwarding a copy of the 3rd Report of the National Commission for Scheduled Tribes for the year 2007-08 and highlighting the problems which were seriously affecting the functioning and performance of the Commission, and the inordinate delay in laying of the Reports of the Commission in both Houses of the Parliament. However, the First Report of the Commission for the period 2004-05 and 2005-06 submitted to the Hon'ble President on 8th August, 2006 is yet to be laid in the Parliament; and little action has been taken by the Ministry of Tribal Affairs for providing adequate staff to the Commission.

2. In the meanwhile, the National Commission for Scheduled Tribes has presented its 4th Report upon the working of safeguards for Scheduled Tribes during the year 2008-09 to the Hon'ble President on 27/08/2010, a copy of which is enclosed for your information. During the presentation of this Report, the Hon'ble President, after being informed about the important issues highlighted by the National Commission for Scheduled Tribes, had desired that a separate note may be sent to her on the recommendations relating to the Land Acquisition (Amendment) Bill, 2007, Rehabilitation & Resettlement Bill, 2007, and the amendment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Notwithstanding the constitutional mandate that "the Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes", the National Commission for Scheduled Tribes was not consulted on the Rehabilitation and Resettlement Bill, 2007 and Land Acquisition (Amendment) Bill, 2007 before introducing the same in Parliament; and the Commission recommends that the Cabinet Secretariat and the Ministry of Law and Legal Affairs should be tasked with the responsibility of ensuring consultations with the Commission before such legislative proposals with significant implications for Scheduled Tribes are placed before the Council of Ministers. Observing that rehabilitation and resettlement of displaced persons is an inseparable part of land acquisition for public or private projects, the Commission has noticed that, even though both the Bills involved inter-dependent processes, critical event-relationships appeared to have been overlooked, especially with regard to commencement of the rehabilitation programme and its completion. It is, therefore, necessary to harmonize key stages of the processes involved with the various provisions of the draft National Tribal Policy, 2006 whenever future legislation is

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enacted. As regards the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Commission noted that the objective of enacting the Special Law is being defeated as the designated Special Courts under the Act were taking abnormally long time in disposing the cases registered under the Act. There is, therefore, an imperative need to incorporate provision for time-bound disposal of the cases registered under the PoA Act, on the lines of the provision for disposal (within 3 to 5 months) of cases registered under the Consumer Protection Act, 1986.

4. As desired by the Hon'ble President, I have forwarded to her a note on the above mentioned important issues requiring urgent attention vide my D.O. letter dated 07/09/2010. A copy of my letter alongwith enclosures is enclosed as **ANNEXURE-I** for your information.

5. I shall be grateful for your personal intervention in the matter to bring the Commission's concerns to the attention of the concerned Ministries for resolving the issues on priority, so that the National Commission for Scheduled Tribes can adequately discharge its constitutional responsibility for safeguarding the rights of Scheduled Tribes. I shall be extremely grateful, if the Commission is also apprised by your office about the directions issued in the matter.

With regards,

Dr Manmohan Singh,
Hon'ble Prime Minister of India,
South Block, New Delhi-110011.

Yours sincerely,

Maurice Kujur
(Maurice Kujur)

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