S.No.19(I)

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सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No.NKG/2/2009/MTAF1/SEOTH/RU-II

छठी मंजिल, 'बी' विंग, लोक नायक भवन
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Dated .....01.12.2009.....

To
The Secretary,
Ministry of tribal Affairs,
(C & LM Division)
Shastri Bhawan,
New Delhi- 115.

[Kind Attn : Dr. N. K. Ghatak, Jt. Dir]

Sub: Comments on the Draft of a 'Bill to regulate the issue of Community Certificate to persons belonging to SCs/STs/OBCs'

Sir,

I am to refer to your letter No. 12014/1/08-C&LM-I dated 19.02.2009 vide which the subject draft bill was forwarded for comments of the Commission on the subject matter. The Commission deliberated on the subject in its meeting held on 17.11.2009 and recommended as follows:-

"Secretary, NCST apprised the Members that though the title of the draft Bill included regulation of issue of community certificates, the Clauses of the Bill largely deal with verification of certificates and the action to be taken in the cases of fraud against those involved. Some clarificatory drafting also seems to be required. After discussion, the Commission recommended that

(i) Eligibility criteria for issue of Community Certificate should also be included in the Bill so that the same is not dependent on understanding of instructions issued from time to time/ legal pronouncements (Section- 4);

(ii) In the interest of transparency and to facilitate verification of genuineness of certificates issued, a proper registration mechanism should also be conceived in collaboration with Unique ID/ other identity – verification systems for citizens (Section – 4);

(iii) In some of the States, like Maharashtra, all the caste certificates have to be compulsorily verified and validated by the Scrutiny Committee before any benefit can be claimed by the Certificate holder. It is, however, practically not possible for any body/ committee to verify and validate all issued certificates without inflicting harassment on the certificate holders besides causing undue delays; and, therefore, no general revision exercise should be contemplated.

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(iv) The power to grant stay should not be conferred to the Committee as it often leads to arbitrary actions and delay in disposal of cases, besides diluting the accountability of the concerned authorities to take timely and reasoned decision [Section – 9(2)]. On the contrary, a time limit of 3 months should be stipulated for disposal of cases.

(v) In some of the Clauses in the Bill, the word 'Government' is used, which possibly refers to the State Government since the Bill does not contemplate Central authorities for issue/ verification of certificates. To avoid ambiguity the appropriate Government should be clearly specified.

(vi) Ordering of Sections of the Bill should be systematic. For instance functions & powers of the Scrutiny Committee are mentioned in Sections 6 & 7 before its composition is explained in Section 8(A). The authorities subordinate to it have also not been defined [Section 9(1)]. "

2. You are requested to kindly intimate the final outcome of the draft bill w.r.t. the recommendations of the Commission.

Yours faithfully,

(Vinod Aggarwal)
Director