



No.1/9/13-Coord.
Government of India
National Commission for Scheduled Tribes

6th Floor, 'B' Wing,
Lok Nayak Bhawan,
Khan Market,
New Delhi 110003
Dated: 26/07/2013

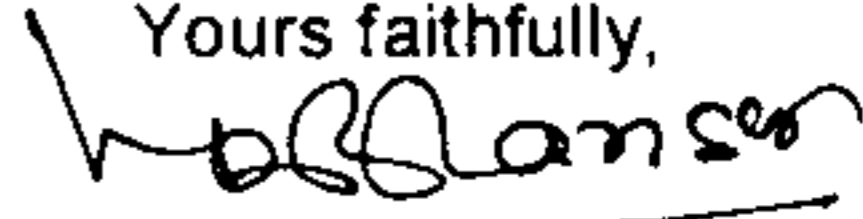
To,

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

Sub: - Summary record of the 48th Meeting of the Commission held at 15:30 hours on 09/07/2013.

Sir,

I am directed to refer to the above subject and to say that 48th Meeting of the National Commission for Scheduled Tribes was held at 15:30 Hrs. on 9th July, 2013 in the Chamber of Hon'ble Chairperson at Lok Nayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Chairperson, 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.
Deputy 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 02/08/ 2013 positively.

- (i) Director(RU-I & RU-II)
- (ii) Dy. Secretary (Admn.)
- (iii) Dy. Director (RU-III & RU-IV)
- (iv) Director (DK)
- (v) 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. PS to Chairperson,
2. Office of the Secretary,
3. PPS to Joint Secretary,
4. Assistant Director/ Research Officer in Regional offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi and Shillong.
5. Sr. System Analyst (NIC Cell, NCST) for uploading on the website.


(K.D. Bhansor) Mrs.
Deputy Director



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग
GOVERNMENT OF INDIA

NATIONAL COMMISSION SCHEDULED TRIBES

संख्या/No.-1/9/13-समन्वय

दिनांक/Date:26/07/2013

प्रति,

- 1) डा0 रामेश्वर उराँव, अध्यक्ष
- 2) श्रीमती के. कमला कुमारी, सदस्य
- 3) श्री भैरू लाल मीणा, सदस्य

विषय: राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 09-07-2013 को अपराह्न 15:30 बजे सम्पन्न 48वीं बैठक का संक्षिप्त अभिलेख।

महोदय,

मुझे उपर्युक्त विषय का उल्लेख करते हुए यह कहना है कि आयोग की 48वीं बैठक माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग, लोकनायक भवन, नई दिल्ली के कक्ष में दिनांक 9 जुलाई, 2013 को अपराह्न 15:30 बजे हुई थी। बैठक की अध्यक्षता डा0 रामेश्वर उराँव, अध्यक्ष, अनुसूचित जनजाति आयोग द्वारा की गई। बैठक के संक्षिप्त अभिलेख की एक प्रति सूचना एवं अभिलेख हेतु संलग्न है।

भवदीय,



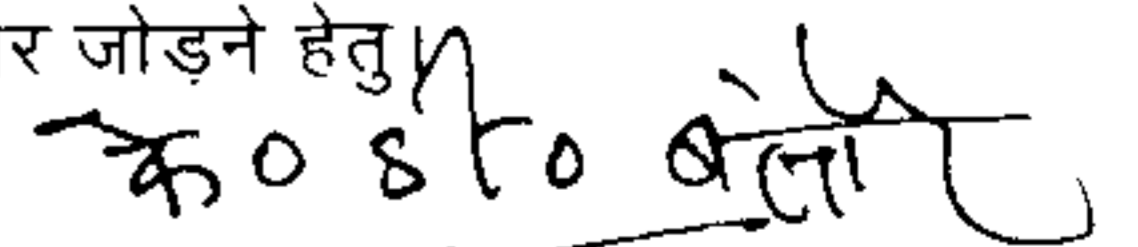
(के.डी. बन्सौर) श्रीमती
उप निदेशक

प्रतिलिपि : बैठक के संक्षिप्त अभिलेख की एक प्रति सहित, निम्नलिखित अधिकारियों को इस अनुरोध के साथ अग्रेषित है कि बैठक में लिए गए निर्णयों पर की गई कार्रवाई के संबंध में जानकारी प्रत्येक संबंधित एकक/ कार्यालय द्वारा 02-08-2013 तक अवश्य ही समन्वय एकक को भेज दी जाए।

- (i) निदेशक (आर0यू0-I एवं आर0यू0-II)
- (ii) उप सचिव (प्रशासन)
- (iii) उप निदेशक (आर0यू0-III और आर0यू0-IV)
- (iv) सहायक निदेशक/ अनुसंधान अधिकारी प्रभारी-आर0यू0-I/ आर0यू0-II/ आर0यू0-III/ आर0यू0-IV/ समन्वय/ सहायक निदेशक (राजभाषा)।

प्रतिलिपि: बैठक के संक्षिप्त अभिलेख की एक प्रति सहित, सूचनार्थ अग्रेषित:

1. अध्यक्ष के निजी सचिव।
2. सचिव के कार्यालय।
3. संयुक्त सचिव के प्रधान निजी सचिव।
4. सहायक निदेशक/ अनुसंधान अधिकारी, राष्ट्रीय अनुसूचित जनजाति आयोग के भोपाल/ भुवनेश्वर/ जयपुर/ रायपुर/ रांची/ शिलांग स्थित क्षेत्रीय कार्यालय।
5. वरिष्ठ सिस्टम विश्लेषक (NIC Cell, NCST) - आयोग की वेबसाइट पर जोड़ने हेतु।



(के.डी. बन्सौर) श्रीमती
उप निदेशक

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the 48th meeting of the National Commission for Scheduled Tribes held at 15:30 HRS on 09/07/2013.

The 48th meeting of the Commission was held at 15:30 hrs on 09/07/2013 in the Conference Room of the Commission in Loknayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST. List of the participants is enclosed at **ANNEXURE**. There were eighteen Agenda Items for discussion in the meeting. All the Agenda Items were discussed in the meeting. In addition, Four additional agenda items were taken for discussion with the approval of the Commission.

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 EFC note on restructuring of District Rural Development Agencies
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3. Ministry of Tribal Affairs vide letter No. 17014/07/2013-SG-II dated 12/06/2013 with reference to Ministry of Rural Development letter No. R-20015/48/2012-13/DRDA dated 04/06/2013 have sought comments of the Commission on Draft EFC Note on restructuring of District Rural Development Agencies.

4. The Commission noted that the Ministry of Rural Development has forwarded a proposal on restructuring of District Rural Development Agencies leading to the establishment of District Plan Support Unit (DPSU) and State Rural Development Agencies (SRDAs). The District Rural Development Agencies (DRDAs) were constituted in 1980 as registered societies to serve as the principal organ at District level to oversee the implementation of different anti-poverty programmes of the Ministry of Rural Development. DRDAs were assigned with the overall charge of planning, monitoring and evaluation of the programmes and also to coordinate with the different agencies.

Rameshwar Oraon
Dr. RAMESHWAR ORAON
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi

5. The Commission further observed that in order to strengthen and professionalize the DRDAs and address the challenges of development of rural areas, the Ministry of Rural Development had constituted a Committee on Restructuring of the DRDAs on 08/11/2010. The Committee, in its report, has recommended that the DRDA administration be restructured for strengthening the District Level Planning and oversight/monitoring/evaluation for Rural Poverty Eradication Programmes. The cost of the project for each of the remaining 4 years of the current plan period is projected to be Rs. 1227.25 crore per annum. The requirement of the 12th Five Year Plan period is estimated at Rs. 5297.53 crore.

6. The Commission, however notes that the proposals, although exhaustive, have not addressed adequately the existing needs of tribals areas including those falling under the Fifth and Sixth Schedules and the manner in which these needs are reflected in district plans and priorities and in the effectiveness of the implementation of programmes designed for the benefits of tribes- settled and nomadic including those who frequent urban areas for gaining livelihoods. In such cases/areas, it may be desirable to strengthen those DRDAs even at this juncture of countrywide transformation of all DRDAs so that tribals may gain centre stage at least in the districts where they reside.

7. The Commission directed that the sponsoring Ministry may be advised to incorporate the above views and recommendations of the NCST into the Scheme and also to the EFC Note.

Agenda Item II	Draft Note for the Cabinet on Hosting of Federation International de Football Association (FIFA) Under-17 Word Cup 2017 in India by All India Football Federation (AIFF)- Comments
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8. Ministry of Tribal Affairs vide O.M. No. 17014/5/2013-R&M dated 04/06/2013 (received on 10/6/2013) have sought the comments of the Commission on the Draft Note for the Cabinet on Hosting of Federation International de Football Association (FIFA) Under 17 Word Cup 2017 in India by All India Football Federation (AIFF) with reference to the Ministry of Youth Affairs and Sports letter No. 28-12/2012-SP.III dated 14/05/2013.

9. The Commission noted that the present proposal seeks approval of the Cabinet for agreeing to the Government of India submitting the guarantees sought by the All India

Football Federation (AIFF) for their bid to host Federation International de Football Association (FIFA) under-17 World Cup 2017 in India. The FIFA under-17 World Cup is a prestigious event and would be held for the first time in India. The proposed under-17 World Cup would encourage more youngsters to participate in sports and also help to develop the sport of football in the country. It will also promote tourism in the country. The event also has a lot of importance from the point of view of playing technique, training, coaching and competition exposure etc especially under-17 level and thus would be good for the future of football in India. The total approximate estimated cost of holding of the under-17 World Cup to the Government of India would be INR 120 Crores.

10. After discussion, the Commission decided to agree with the proposal.

Agenda Item III	EFC Memo for Central Sector scheme for development of AYUSH industry cluster
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11. Ministry of Tribal Affairs vide O.M. No. 17019/1/2013-R&M dated 29/05/2013 (received on 10/6/2013) have sought the comments of the Commission on the EFC Memo for Central Sector scheme for Development of AYUSH Industry Cluster- with reference to the Ministry of Health & Family Welfare letter dated 20/05/2013.

12. The Commission noted that the Scheme is proposed to be continued for the 12th Five Year Plan period. The objective of the Scheme, inter-alia, includes filling in the critical gaps in the sector especially related to standardization, quality assurance and control, productivity, marketing, infrastructure and capacity building through a cluster based approach. The grant-in-aid component for each AYUSH industry cluster will be 60% of the total cost of the cluster or Rs.15.00 crore whichever is less. The remaining cost will be arranged by the SPV members. The Scheme has covered 08 States and 9 AYUSH clusters in the 11th Plan. However, a study conducted by the Ministry of Health & Family Welfare has revealed that there are around 26 AYUSH clusters and approximately 9,500 manufacturing units in the country in the AYUSH sector. However, at present, the Scheme covers around 300 MSME units only. The Scheme in its second phase is planned to cover units which are located in clusters and have the need to strengthen their production facilities with common support facilities. The Commission directed that the sponsoring Ministry may be advised to incorporate the above recommendation into the Scheme and also to the EFC Note.

13. After detailed discussions, the Commission, while agreeing to the proposal recommended for further processing of the proposal by the sponsoring Ministry.

Agenda Item IV	Draft SFC Memo for Central Sector Grant-in-aid scheme for Upgradation to Centres of Excellence (COE)
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14. Ministry of Tribal Affairs vide O.M. No. 17019/1/2013-R&M dated 29/05/2013 (received on 10/6/2013) have sought the comments of the Commission on the Draft SFC Memo for Central Sector Grant-in-aid scheme for Upgradation to Centres of Excellence (COE) with reference to the Ministry of Health & Family Welfare letter No. Z.15014/02/2007-E&C dated 20/05/2013.

15. The Commission noted that the scheme was implemented during 11th Five Year Plan and has been approved for 12th Five Year Plan. During 11th Plan, total 30 projects with outlay of Rs.106.67 crore were approved/ supported in different states and Rs.57.83 crores had been released. The sanctioned projects were supported mainly for AYUSH research and development of AYUSH Health Care facilities to the public and also specifically providing the health care facilities to public below poverty line. The main objectives of the scheme are to support creative and innovative proposals for upgrading both functions and facilities of AYUSH institutes engaged in AYUSH education specialized health care, inter-disciplinary research for scientific validation of AYUSH systems, drug standardization and clinical research to the level of excellence. It also includes support for human resources who will be attached to the new functions. Upgrading facilities implies infrastructure, equipments that will result in a qualitative improvement.

16. After detailed discussions, the Commission, while agreeing to the proposal recommended for further processing of the proposal by the sponsoring Ministry.

Agenda Item V	Expenditure Finance Committee for 'Enhancing Skill Development Infrastructure in North Eastern States & Sikkim'
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17. Ministry of Tribal Affairs vide O.M. No. 17014/05/2013-SG-II dated 07/06/2013 (received on 12/06/2013) have sought the comments of the Commission on the proposal for the Expenditure Finance Committee for 'Enhancing Skill Development Infrastructure

in North Eastern States & Sikkim' with reference to the Ministry of Labour & Employment letter No. DGET-35/02/2012-PCT/ESDI dated 17/05/2013.

18. The Commission noted that the Scheme "Enhancing Skill Development Infrastructure in NE States and Sikkim" was formulated with 100% central funding at a cost of Rs.57.39 crore and was operational from FY 2010-11 to 31st March 2013. The Scheme is proposed to be continued with 100% central funding till 31st March 2017 at a revised cost of Rs.291.17 crore with the following components.

- A. Existing component – Upgradation of 21 ITIs at a total cost of Rs.30.18 crore.
- B. Existing component – Supplementing deficient infrastructure in 28 ITIs at a total cost of Rs.24.24 crore.
- C. Existing component – Establishment of Project Management Unit at Central and eight State headquarters at a total revised cost of Rs.8.06 crore.
- D. New component – Construction of retaining wall around new hostel and building of 3 new trades in covered 20 ITIs under existing Scheme at a total cost of Rs.8.40 crore.
- E. New component- Establishment of 21 new it is at a total cost of Rs.220.29 crore.

19. After detailed discussions, considering the need for skill upgradation of the STs in the NE States and that the North Eastern States have large tribal concentration, the proposal would largely benefit the tribal youth in those States, the Commission decided to recommend approval to the EFC memo. The Commission directed that the sponsoring Ministry may be advised to incorporate the above recommendation into the Scheme and also to the EFC Note.

Agenda Item VI	Extension of Rashtriya Swasthya Bima Yojana (RSBY) to other occupational Groups
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20. Ministry of Tribal Affairs vide O.M. No. 17019/07/2013-SG-I dated 07/06/2013 (received on 17/06/2013) have sought the comments of the Commission on the extension of Rashtriya Swasthya Bima Yojana (RSBY) to other occupational groups with

reference to the Ministry of Labour & Employment letter No. M-21015/1/2012-RW dated 15/05/2013.

21. The Commission noted that the health insurance cover is presently applicable for BPL workers, building & other construction workers, street vendors, MGNREGA workers, beedi workers and domestic workers. The Scheme now proposes its extension to cycle rickshaw drivers/ rickshaw pullers, rag pickers, sanitation workers, mine workers and auto rickshaw drivers & taxi drivers.

22. After detailed discussions, the Commission, while agreeing to the proposal, desired that the MTA should examine the need of specific categories/occupational groups in relation to Scheduled Tribes for coverage under the Scheme and project it for inclusion in the Scheme in due course.

Agenda VII	Item	Proposal for Expenditure Finance Committee for continuation of the Centrally Sponsored Scheme of "Vocationalisation of Secondary & Higher Secondary Education"
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23. Ministry of Tribal Affairs vide O.M. No. 19012/01/2013-Education dated 03/06/2013 (received on 09/06/2013) have sought the comments of the Commission on the proposal for Expenditure Finance Committee for continuation of the Centrally Sponsored Scheme of "Vocationalization of Secondary & Higher Secondary Education" with reference to the Ministry of Human Resource Development letter No. 10-4/2012-VE(pt) dated 20/03/2013.

24. The Commission noted that the major aim of the Scheme is to prepare educated, employable and competent human resource for various sectors of the economy and the global market. The development output of the Scheme, inter-alia, targets larger percentage of girls, SC/ST/Minorities/BPL becoming educated skilled persons. The Commission observed that provision of 25% of the seats for vocational courses for the children of socio-economically weaker sections (SC/ST/OBC/Minorities/children with special needs/children below poverty line out of which 50% would be girls) [Annexure-I, Para 4.3.6, Page 34] dilutes even the fundamental right of the STs to have access to the Scheme in proportion to their population and also doesn't address the imperative need

to provide vocational training at a larger scale to STs, compared to others, especially considering poor socio-economic conditions and lack of employment opportunities among STs. The Commission, therefore, desired that in order to bridge the gap of skill deficit among STs, MoHRD should make a specific provision in the Scheme to ensure coverage of all needy STs and also provide reservation to STs under the Scheme for each district at least in proportion to their population recorded by the Census, 2011 so as to accommodate the disinclination of STs to move from their homes and also to ensure achievement of state level reservation goals.

25. The Commission directed that the sponsoring Ministry may be advised to incorporate the above recommendation into the Scheme and also to the EFC Note.

Agenda VIII	Item	Draft EFC note on the World Bank supported project for Rural Drinking Water Supply and Sanitation in four low income States
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26. Ministry of Tribal Affairs vide letter No. 170/14/06/2013-SG-II dated 10/06/2013 with reference to the Ministry of Drinking Water and Sanitation letter No. 11031/03/2011/W II dated 15/05/2013 have sought comments of the Commission on Draft EFC Note on the World Bank supported project for Rural Drinking Water Supply and Sanitation in four Low Income States i.e. Uttar Pradesh, Bihar, Jharkhand and Assam.

27. The Commission noted that the Ministry of Drinking Water and Sanitation proposes to launch a World Bank (IDA) supported project for Rural Drinking Water Supply and Sanitation for Four States i.e. Uttar Pradesh, Bihar, Jharkhand and Assam. The proposed project cost is US \$ One billion (Rs 5,500 Crore) with the project cost being shared equally between the Government of India and the World Bank. The project is proposed to be executed for a period of 6 years. It is a new plan scheme included in the current plan period. The objective of the scheme is to improve piped water supply and sanitation services for selected rural communities in the targeted States through decentralized delivery system.


28. The Commission observed that there was an imperative need to have targeted focus under the Project on Scheduled and Tribal Areas, taking into account their extent

of deprivation, the backwardness/ negligence experienced over the years and the dire need for protected water supply for better health outcomes among STs. The Commission, therefore, desired that the Ministry of Drinking Water and Sanitation should include a special component for the ST habitants under the Project. The Commission directed that the sponsoring Ministry may be advised to incorporate the above recommendation into the Scheme and also to the EFC Note.

Agenda Item IX	Note for Standing Finance Committee (SFC)-Continuation and revision of Scheme of National Overseas Scholarship for ST candidates of the 12th Five Year Plan period from 2012-13 to 2016-17 onwards
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29. Ministry of Tribal Affairs vide letter No. 11016/01/2011-Education dated 07/07/2013 have sought comments of the Commission on Note for Standing Finance Committee (SFC) for continuation and revision of scheme of National Overseas Scholarship for ST Candidates for the 12th Five Year Plan period (from 2012-13 to 2016-17).

30. The Commission noted that the scheme of National Overseas Scholarship for STs provides financial assistance to students selected for pursuing higher studies abroad in certain subjects at the Masters Level, and for Ph.D and Post Doctoral Research Programmes. During the 11th Plan Period, a target of 75 scholarships were proposed to be awarded to ST students to undertake studies in various Post Doctoral, Ph.D, Master Degree abroad covered by scheme. Against this target of 75 students, 34 candidates could be selected for award for scholarships as per the criteria laid down in the scheme. However, only 15 candidates could be finally awarded scholarship as the rest of the candidates were not found successful in getting admission abroad within the stipulated period of three years for various reasons. Based on the performance review of the scheme by the National Institute of Rural Development (NIRD), Hyderabad during 11th Five Year Plan, payment of T.A to the students, coaching facility for TOEFL and GRE, revision of scholarship amount etc. has been incorporated in the scheme guidelines. The total expenditure during the 11th Plan Period was Rs. 1.54 crore against the allocation of Rs. 5.50 crore. The projected cost of the scheme in the 12th Plan is Rs. 20 crore.


Dr. RAMESHWAR ORAON
Chairperson
National Commission for Scheduled Tribes
India

31. The Commission noted that as per the modified scheme the number of awards will be increased to 15 to 20 to expand the scope of field of study. The income limit of the candidate or his/her parents/guardians is proposed to be raised from Rs. 25000/- per month to Rs. 5 lakh per annum.

32. After detailed discussion, the Commission agreed to the proposed EFC Note and recommended further processing of the proposal by the Sponsoring Ministry.

Agenda Item X	Memorandum for the Standing Finance Committee (SFC) for the approval of the scheme, 'Market Development of Tribal Product/Produce'
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33. The Ministry of Tribal Affairs vide letter No. 3/23/2012-CP&R dated 12/06/2013 have sought comments of the Commission on Memorandum for the Standing Finance Committee (SFC) for approval of the scheme, "Market Development of Tribal Product / Produce" during the 12th Five Year Plan.

34. The Commission noted that Market Development of Tribal Products/Produce is an ongoing Central Sector Scheme. The scheme will be continued in the current plan period from the 11th Plan in which an amount of Rs. 69.59 crore was earmarked by the Planning Commission for the scheme. Now Rs. 186.55 crore has been year marked for the 12th Plan Period for continuing with four activities already covered under 11th Five Year Plan. These include (i) Retail Marketing Development Activity, (ii) MFP Development Activity, (iii) Skill Up-gradation & Capacity Building of ST Artisans (iv) R&D/IPR Activity.

35. The Commission noted that TRIFED has recorded growth rate of 32.94% in purchase, 104% in sales and 49.68% in the number of beneficiaries trained during the last five years. TRIFED had made a substantial headway in raising the socio-economic standards of STs through this scheme during the 11th Plan Period. An independent evaluation of the performance of the scheme, undertaken by the Council for Social Development(CSD), New Delhi, has highlighted the programmes undertaken by TRIFED in the field of training of Tribals, marketing of tribal products and research and

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development activities. The study conducted has also revealed that many families had benefited from the schemes.

36. After detailed discussion, the Commission agreed to the SFC Memorandum and recommended further processing of the proposal by the Sponsoring Ministry.

Agenda Item XI	Proposal for release of Equity Support to the National Scheduled Tribes Finance and Development Corporation (NSTFDC) and to the State Scheduled Tribes Finance and Development Corporations(STFDCs) during XII Plan-Note for the Expenditure Finance Committee(EFC)
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37. Ministry of Tribal Affairs vide letter No. 20025/9/2012-SG-II dated 23/05/2013 have sought comments of the Commission on the proposal for release of equity support to the National Scheduled Tribes Finance and Development Corporation (NSTFDC) and to the State Scheduled Tribes Finance and Development Corporations (STFDCs) during 12th Five Year Plan.

38. The Commission noted that the proposal is for release of equity support to the National/State Scheduled Tribe Finance and Development Corporations which is a continuing centrally sponsored scheme under which Central Government provides equity support to the National Scheduled Tribe Finance and Development Corporations (NSTFDC) under the Ministry of Tribal Affairs and State Scheduled Tribes Finance and Development Corporations (STFDCs) of various State Governments. State Scheduled Tribes Finance and Development Corporations catering to STs in various States are provided assistance towards their share capital under the centrally sponsored scheme. The ratio of the share capital contribution between the Central and States Governments is 49:51. NSTFDC is providing concessional financial assistance to STs having annual family income upto double of poverty line. This limit at present is Rs. 81000/- for Rural Areas and Rs.1,04000/- per annum for Urban Areas based on the norms of the poverty line estimates of the Planning Commission for the Assessment Year 2009-10. The contribution from the Government has strengthened the equity base of NSTFDC and had a multiplier effect for furthering economic growth of the poor STs. NSTFDC has disbursed Rs. 896.42 crores in its 12 year operations up to 31/03/2013. In order to cover projected 2.85 lakh beneficiaries, the total fund requirement with an average loan size of

around Rs. 30000/- per beneficiary, works out to Rs. 873 crore. The fund requirement is proposed to be met out of both internal resources as well as equity support from Ministry of Tribal Affairs.

39. At para 4.3 of the EFC proposal, NSTFDC is envisaging to receive Rs.530.00 crore (para 1.4 of proposal) from the MTA as Equity Support whereas total Gross Budgetary Support (GBS) approved for the 12th Plan period is Rs. 360.00 crore. The total GBS is Rs. 360.00 crore which is to be provided to NSTFDC as well as State Finance Development Corporations. Further vide para 1.4 of the EFC proposal, Rs.203.10 crore are projected to be released. Resource gap need between the project disbursement of Rs.733.10 crore and Gross Budget approved need to be first addressed.

40. Further, higher projected disbursements of Rs.150.00 crore for the year 2013-14 and Rs.175.00 crore and 2014-15 are indicated for receiving the Equity Support from the Ministry. PSU's are having annual MOUs entered with their respective Ministry. These projection for the year for disbursement need to be aligned with the MOU signed for the 2013-14.

41. Vide para 4.3, NSTFDC has reported recovery of Rs.80.51 crore during the year 2012-13 but in the next two years recovery projections are indicated on the lower side (i.e. Rs.66.00 crore and Rs.72.00 crore) and no reasons have been indicated. Rather with higher disbursals, recovery amount should be higher. MTA to check up the facts on the issue and record the reasons for such situation.

42. After detailed discussion, the Commission recommended further processing of the proposal by the MTA subject to the above observations of NCST.

Agenda Item XII	Proposal for appraisal of SFC Memo for Tagore Cultural Complexes Scheme (TCC) during 12th Plan period
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43. Ministry of Tribal Affairs vide O.M. No. 17019/01/2013-R&M dated 20/06/2013 (received on 24/6/2013) have sought the comments of the Commission on the proposal for appraisal of SFC Memo for Tagore Cultural Complexes Scheme (TCC) during 12th

Plan period with reference to the Ministry of Culture letter No. 20-17/2012-P.Arts dated 07/06/2013.

44. The Commission noted that the objective of the Scheme is to foster activities in States in different cultural fields (such as music, drama, dance, literature, fine arts, etc.) and promote through them the cultural unity of the country and provide avenues for creative expression and learning to the younger generation. These multi-purpose cultural complexes will work as centers of excellence in all form of art and culture, with facilities and infrastructure (dance, drama and music), exhibitions, seminars, literary activities, film shows, etc. They are intended, therefore, to go beyond the objectives of the earlier/ original scheme and foster a multi-dimensional interest in creativity and cultural expressions. An amount of Rs.80.00 crore has been allocated for the Scheme during the XIIth Five Year Plan period.

45. The Commission observed from the minutes of the 2nd meeting of National Appraisal Committee-II under the Scheme of Tagore Cultural Complexes (TCCs) held on 28th February, 2012 (enclosed with the proposal) that certain States, predominantly inhabited by STs like Jharkhand, Chhattisgarh etc. were not having any TCC. Therefore, there was an imperative need to inject due funding through the Scheme in such States for propagation and promotion of performing arts, in particular, folk and tribal arts. While agreeing to the proposal, the Commission, therefore, desired that the Ministry of Culture should accord priority to such States under the Scheme and also take pro-active approach in soliciting their proposals for setting up of TCCs in States having sizable tribal population.

Agenda Item XIII	Proposal for appraisal of EFC Memo for the Scheme for Financial Assistance for Promotion of Art & Culture during 12th Plan period
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46. Ministry of Tribal Affairs vide O.M. No. 17019/01/2013-R&M dated 20/06/2013 (received on 24/6/2013) have sought the comments of the Commission on the proposal for appraisal of EFC Memo for the Scheme for financial assistance for promotion of art & culture during 12th Plan period with reference to the Ministry of Culture O.M. No. 2-29/2008-P.A. dated 12/06/2013.


Dr. RAMESHWAR ORAON
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National Commission for Scheduled Tribes
Govt. of India
New Delhi

47. The Commission noted that the Scheme had included following components:
- I. Financial assistance for professional group & individuals for specified performing art projects (proposed Title: Performing Arts Grant Scheme)
 - II. Financial assistance to cultural organizations with national presence
 - III. Financial assistance to research support to voluntary organizations engaged in cultural development (Short Title: Cultural Functions Grant Scheme)
 - IV. Financial assistance for preservation & development of cultural heritage of himalayas
 - V. Financial assistance for promotion & dissemination of tribal/folk art
 - VI. Scheme of MIS for automation of grants-in-aid schemes

48. However, the Scheme under Component V has been discontinued w.e.f 1.4.2008. A review Committee to review and make recommendations on various grants-in-aid Scheme implemented by Ministry of Culture was constituted by the Ministry of Culture in January, 2008 under the Chairmanship of Shri Bhaskar Ghose which studied various schemes of Ministry of Culture including the 'Scheme of Financial Assistance for Promotion and Dissemination of Tribal Folk Art & Culture' (referred as 'Component V') and recommended discontinuance of this Scheme on the grounds that (i) the extant scheme of the Ministry already being implemented in the tribal areas and the 'Scheme' in many ways is a duplication of these efforts and (ii) Specific schemes directed at the tribal areas are already being implemented by the Ministry of Tribal Affairs. The recommendations of the Committee was accepted by the competent authority. However, some budgetary provision is being made under the Scheme for release of funds to old cases.

49. The Commission noted that the Committee constituted under the Chairmanship of Shri Bhaskar Ghose had observed as under:

"At present, the remuneration being paid to folk and tribal artists is so low that it disempowers them vis-à-vis junior officials of the ZCCs with whom they are in continuous interaction (also thereby opening up the scope for nepotism and corruption, regarding which the Committee have heard sotto voce complaints).

Moreover, low remuneration lowers the personal dignity and social status of the artists, discriminates against the folk and tribal arts as compared to the classical arts, and acts as a disincentive to the artistes' children as well as other youth from taking up these art forms as a profession, thereby endangering their very survival. The honoraria for folk and tribal artistes, therefore, need to be raised so that these art forms are viewed with the same respect and regard as the classical art forms".

49. The Commission observed that considering the observations of the Committee and the fact that the Ministry of Culture has now discontinued component V of the Scheme pertaining to financial assistance for promotion & dissemination of tribal/folk art. After detailed discussion, the Commission, while agreeing to the proposal, desired that MTA should separately assess the sufficiency of its own schemes, and based thereon, the need to have additional allocation under the Scheme of the Ministry of Culture for tribal/folk art and its projection to the Ministry of Culture. The Commission directed that the sponsoring Ministry may be advised to incorporate the above recommendation into the Scheme and also to the EFC Note.

Agenda Item	XIV	Note for Expenditure Finance Committee (EFC)-Centrally Sponsored Umbrella Scheme for Education of ST Children proposed to be implemented in the 12th Five Year Plan period from 2013-14 to 2016-17 and beyond
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50. Ministry of Tribal Affairs vide O.M. No. 19012/16/2012-Education dated 21/06/2013 (received on 24/6/2013) have sought the comments of the Commission on the Note for Expenditure Finance Committee (EFC)-Centrally Sponsored Umbrella Scheme for Education of ST Children proposed to be implemented in the 12th Five Year Plan period from 2013-14 to 2016-17 and beyond.

51. The Commission noted that the MTA has proposed to introduce the Umbrella Scheme for bridging the critical gaps in the existing efforts for education of ST children. For this purpose, the MTA has been implementing the following ten education related schemes for supporting creation of infrastructure, vocational training and providing scholarship/fellowship:

- (a) Establishment of Ashram Schools in TSP areas
- (b) Hostels for ST girls and boys

- (c) Vocational Training in Tribal areas
- (d) Strengthening education among ST girls in low literary districts
- (e) Grant-in-aid to voluntary organization working for the welfare of ST
- (f) Pre Matric Scholarship for needy ST students studying in classes XI & X
- (g) Post Matric Scholarships to the students belonging to ST for studies in India
- (h) Upgradation of Merit of ST students
- (i) Top Class Education for ST students
- (j) Rajiv Gandhi National Fellowship for ST students
- (k) National Overseas Scholarships for ST candidates

52. The Commission noted that the current proposal is for merger of the existing schemes under an Umbrella Scheme except the scheme for grant-in-aid to voluntary organizations working for the welfare of ST, Rajiv Gandhi Fellowship for ST students and the scheme of National Overseas Scholarships for ST candidates. The merger and reorientation of the existing schemes is expected to expand the scope, and flexibility of interventions that are presently available under these individual stand-alone schemes formulated at different points of time. This will facilitate the State/UTs to choose what they really need from the items available under the Umbrella Scheme. This will also enable the Ministry to implement the DBT Scheme as advised by the Planning Commission.

53. The Commission observed that the basic problem of tribal schools is similar to other govt. rural schools but problems and outcomes are only accentuated in terms of teachers, teaching quality, students' capacity and confidence, students' self-assessment of weak areas and growth. The integration does not solve any of these problems in any manner but constitutes a wish list where outcomes are unknown. Technologies, education/subject/chapter modules, laboratory demos and greater CCE with individualized attention is necessary in relation to education of tribals. As schools become better source of quality education, the enrolment and attainment rate will increase. The Commission further noted that the outlined objectives of the Umbrella Scheme are achievable through augmentation and strengthening of the existing schemes with efficiency in their delivery front, which are likely to result in optimal utilization of resources and economize the projected expenditure including cost of establishing the Project Monitoring Cell, both at national and state level under the

proposed Umbrella Scheme. The Commission, therefore, desired that considering the observations of the Commission mentioned above, MTA needs to review the proposed Umbrella Scheme, and overhaul the existing schemes, addressing the core issues/deficient areas on delivery front resulting in lack of educational development amongst Scheduled Tribes. The Commission directed that the sponsoring Ministry may be advised to incorporate the above recommendation into the Scheme and also to the EFC Note.

Agenda Item XV	Proposal for formulation and introduction of New Plan Scheme viz. National Youth Development Fund (NYDF) by the Department of Youth Affairs
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54. Ministry of Youth Affairs and Sports (Department of Youth Affairs) vide letter F.No. 1-5/2013-Policy dated 20/06/2013 have sought comments of the Commission on Proposal for formulation and introduction of New Plan Scheme viz. National Youth Development Fund (NYDF) by the Department of Youth Affairs.

55. The Commission noted that the Ministry of Youth Affairs and Sports has proposed to introduce the NYDF (a new plan scheme) during the current financial year 2013-14. The said scheme has been prepared on the lines of the National Sports Development Fund (NSDF) being implemented by the Department of Sports since 1998 onward. NYDF has an estimated budget outlay of Rs. 20 crore for a period of five years with an initial annual budget provision of Rs.2 crore.

56. The object of the fund is as under:

- (a) to administer and apply the moneys of the fund for promotion of all around development of youth of India.
- (b) to impart special training and coaching in skill development employable and entrepreneurial skills.
- (c) to construct and maintain infrastructure as may be required for promotion of youth development activities.
- (d) to supply equipment to government and non government organizations and individuals with a view to promote self employment and innovative entrepreneurial skills.
- (e) to identify problems of different youth target groups and take up research and development studies for addressing the same.

- (f) to promote international cooperation in particular exchanges which may promote the development of youth as also the activities which are in the ambit of exchange programmes entered into between India and other Countries.
- (g) to provide low interest or interest free loans for the projects and activities related to any of the aforesaid objectives.

57. After detailed discussion, the Commission agreed to the proposal subject to the condition that the scheme will give due allocation for tribal youth from the specified areas of tribal concentration under TSP, Fifth and Sixth Schedule respectively to the Constitution of India in the country.

Agenda Item XVI	Letter dated 18/12/2012 from Shri Harishchandra Chavan, Hon'ble Member of Parliament, Lok Sabha, Dindori, Dist - Nasik -(Maha) for enquiry under Article 338A. (5) (a) (b) (c) (f) and instructing DOPT to cancel OM No. 36011/2/10-Estt.(Res.) dated 10th August, 2010 regarding appointment of candidates belonging to Halba Koshti/ Halbi Koshti/Koshti caste against vacancies reserved for the STs
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58. Shri Harishchandra Chavan, Hon'ble MP(Lok Sabha) sent a letter dated 18/12/2012 to the Commission enclosing representations from various Adivasi Associations for cancellation of the DoPT OM No. 36011/2/10-Estt Res dated 10/08/2010 regarding appointment of candidates belonging to Halba Koshti/Halbi Koshti/Koshti caste against the vacancies reserved for the STs in pursuance of the implementation of Judgement of the Supreme Court in the State of Maharashtra vs Milind & Ors.

59. The Commission noted that NCST, vide letter dated 28/03/2013, had sought comments in the matter from the Secretary, DoPT, the MTA and the Govt. of Maharashtra. DoPT informed the Commission vide letter dated 22/04/2013 that the matter was examined and the Hon'ble Member was informed at the level of the MoS (PP) vide D.O. letter 30/01/2013, clarifying that specific relief was provided to the Halba Koshti/Halbi Koshti/Koshti caste, whose appointment had become final on or before 28/11/2000 in consonance with the Judgment of the Apex Court in the matter of State of Maharashtra vs Milind & Ors and Punjab National Bank & Anr. vs Vilas after obtaining the opinion of the Department of Legal Affairs.


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60. In the aforesaid letter, MoS (PP) mentioned that in the matter of State of Maharashtra vs Milind and others, respondents had been given the benefit of protection of appointments of the candidates belonging to Halba Koshti/Koshti caste whose appointment had become final on or before 28/11/2000 in the circumstances of the case. Subsequently, the Apex Court in its Judgment in Civil Appeal No. 1547 of 2007 (Punjab National Bank & Anr vs Vilas, S/o Govindrao Bokade) and some other cases observed that the protection in Milind's case was provided in no uncertain terms to such admissions and appointments that had become final. The Apex Court is stated to have held that such candidates belonging to Halba Koshti/Koshti caste whose appointment had become final on or before 28/11/2000, the date on which the Supreme Court had decided the Civil Appeal No.2294/1986 (State of Maharashtra v/s. Milind & Ors), shall not be affected. It was further mentioned that the aforesaid Judgment was examined in consultation with the Department of Legal Affairs, and the aforesaid OM was issued to the effect that the persons belonging to the Halba Koshti/Koshti caste who got appointment against vacancies reserved for the Scheduled Tribes on the basis of Scheduled Tribe certificates, issued to them by the competent authority, under the Constitution (Scheduled Tribes) Order, 1950 (as amended from time to time) relating to the State of Maharashtra and whose appointments had become final on or before 28/11/2000, shall not be affected.

61. The Commission noted that it transpires that the crux of DoPT No 42011/22/2006-Estt.(Res) dated 29/03/2007 was that the relief accorded by the Supreme Court was specific relief provided only to the candidates who were party in the petition. Therefore, the cases other than those protected by the specific order of the Apex court should have been dealt in accordance with the instructions contained in DoPT OM dated 19/5/1993 which, inter-alia, provides as follows:

"Wherever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules etc, for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service. If, he is a probationer or a temporary Government servant, he should be discharged or his services should be terminated. If he has become a permanent Government servant, an inquiry as prescribed in Rule 14 of CCS(CCA)


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Govt. of India
New Delhi

Rules, 1965 may be held and if the charges are proved, the Government servant should be removed or dismissed from service. In no circumstances should any penalty be imposed."

62. The aforesaid OM also mentions that the above referred instructions are strengthened by the observations of the Supreme Court in Milind Kumar's case (SUPRA) to the effect that if the benefits of reservation are taken away by those for whom they are not meant, the people for whom they are really meant or intended will be deprived of the same and their suffering will continue. Allowing the candidates not belonging to the reserved categories to have the benefit of reservation either in admissions or appointments would lead to making a mockery of the very reservation against the mandate and scheme of Constitution.

63. The Commission also noted that while disposing Civil Appeal 231 of 2007, the Supreme Court held against respondents in the State of Maharashtra & Ors v/s Sanjay K. Nimje, that the 14 days delay from cut-off date of 15/06/1995 even though he was selected on 15.06.1995 went against the case of the respondents since he joined only on 29/06/1995. In the Civil Appeal No. 2294 of 1986 (State of Maharashtra v/s Milind & ORS), the Supreme Court also held to the cut-off date of 15/06/1995. However, DoPT by its OM dated 10/08/2010 appears to have declared, without any evident basis in logic or legal precedent, that in respect of the persons, whose appointments/admissions had become final on or before 28/11/2000, their appointments shall not be affected.

64. The order of the DoPT appears, therefore, to be not in consonance with law or logic or even the extended cut-off date of 15/06/95 apparently decided by the Legislature of the State of Maharashtra. As a result of this order, many more non-tribals appear to have received benefits intended for Scheduled Tribes and have deprived them of their rights in consequence.

65. In view of above, Commission decided to call for a detailed report from DoPT with justification along with relevant records/files for further examination and thereafter hold a ^{to} Sitting in the matter.

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Agenda XVII	Item	The Orissa Scheduled Castes, Scheduled Tribes and Backward Classes, (Regulation of issuance verification of) Castes Certificates Bill, 2012
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66. Ministry of Tribal Affairs vide O.M. No. 12026/41/2012-C&LM dated 20/12/2012 have sought the comments of the Commission with reference to the MHA O.M.No. 17/44/2012-Judl.&PP dated 29/11/2012 relating to the Orissa Scheduled Castes, Scheduled Tribes and Backward Classes, (Regulation of issuance verification of) Castes Certificates Bill.

67. The Commission noted that the Commission's views/ comments on the Bill were forwarded to the MTA vide letter No. 15/1/MHA/2013/RU-III dated 18/01/2013, advising that the following issues, pertaining to the Bill were required to be examined in consultation with the Ministry of Law and Justice:

- i) Whether the proposed legislation is Constitutionally valid; or
- ii) Whether there is any conflict with an existing Central Law, and, if so, whether the conflict may be consciously permitted; or
- iii) Whether the proposed State enactment involves any deviation from existing national or Central Policy to its detriment, or would be a hindrance to enactment of uniform laws for the country.

68. Subsequently, MTA vide letter No. 12026/41/2012-C&LM dated 22/05/2013, addressed to the Joint Secretary, Judl. & PP Division, Ministry of Home Affairs with a copy to the Joint Secretary, NCST communicated that on the receipt of the views/ comments on the Bill from the different Ministries/ Departments, Deptt. of Legal Affairs is consulted by the Ministry of Home Affairs. Therefore, it would not be appropriate to refer the matter to the Deptt. of Legal Affairs for opinion in the said matter, as advised by the Commission.

69. The Commission noted that MTA in the aforesaid letter had not communicated the views of the Commission to the MHA and rather forwarded their comments to MHA mentioning that the matter was examined in the MTA in consultation with the National Commission for Scheduled Tribes. In this connection, the Commission, desired that attention of the MTA should be drawn to the instructions issued by the Cabinet Sectt.,

vide O.M. dt. 16/02/2012 regarding mandatory consultation with NCST etc., on policy related issues concerning STs wherein it is clearly mentioned that the unbridged/ unedited views of the Commission along with the views of the Ministry/ Department administratively concerned with the Commission were required to be included in such matters. The Commission, therefore, desired that MTA should be advised to strictly adhere to the instructions contained in the aforesaid O.M. dt. 16/02/2012.

70. The Commission also noted that it was mentioned in the Bill that the State Govt. shall constitute by notification in the Official Gazette, one or more Scrutiny Committee for verification of caste certificates issued by the Competent Authority under sub-section (1) of section 4 specifying in the said notification the functions and the area of jurisdiction of each of such Scrutiny Committees. The Commission, however, observed that the interaction held with the State Govts. and also field visits had revealed that a large number of cases were pending with the Scrutiny Committees in many States for a considerable period and, therefore, the functioning of the Scrutiny Committee was required to be streamlined. The Commission further observed that the Scrutiny Committee in the State should be constituted consistent with the directions contained in the Judgment of the Supreme Court of India in the case of Kumari Madhuri Patil vs. Addl. Commissioner (1994) and the procedure set out therein for the applicant for social status certificate and governing the disposal of verification cases within the indicated time-frame (not exceeding 2 months), and to that effect, necessary provisions should be made in the Bill. The Commission also desired that the views of the Commission in the matter should be urgently communicated to the Ministry of Home Affairs.

Agenda XVIII	Item	The Mines and Minerals (Development and Regulation) Bill 2011. Recommendations of the Standing Committee
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71. Ministry of Tribal Affairs vide O.M. No. 16015/01/2013-C&LM-II dated 28/06/2013 (received on 11/7/2013) have sought the comments of the Commission with reference to the Ministry of Mines O.M. No. 16/24/2013-M.VI dated 14/06/2013 on the recommendations of the Standing Committee on Coal and Steel, contained in its Thirty Sixth Report on the Mines and Minerals (Development and Regulation) Bill 2011.

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72. The Commission noted that The Mines and Minerals (Development and Regulation) Bill 2011 was introduced in the Lok Sabha on 12/12/2011. The Bill was referred to the Standing Committee on Coal and Steel for examination and report on 5/01/2012. The Standing Committee vide its Thirty Sixth Report has given its recommendations on the Bill on 7/05/2013.

73. After detailed discussion, the Commission finalized its views/ comments on the recommendations of the Standing Committee, as placed at **APPENDIX** and desired these to be urgently communicated to Ministry of Mines .

Additional Agenda Items:

Agenda Item XIX	National Land Reforms Policy, 2013
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74. Ministry of Tribal Affairs vide letter No. 4/1/2013-CP&R dated 02/07/2013 (received on 08/07/2013) have sought the comments of the Commission on the National Land Reforms Policy, 2013 with reference to the Ministry of Rural Development O.M. No. 21014/1/2013-LRD dated 26/06/2013.

75. The Commission noted that Deptt. of Land Resources, MoRD vide O.M. dated 26/06/2013 had sought the comments/ suggestions on the aforesaid policy from the MTA, also inviting them to attend the meeting of the Task Force on Land Reforms under the Chairmanship of Minister of Rural Development scheduled to be held on 17/07/2013.

76. The Commission observed that at this stage, the Ministry of Rural Development had not finalized their views on the policy. The Commission further noted that in accordance with the instructions issued by the Cabinet Sectt. Vide order dated 16/2/2012, the sponsoring Ministries/ Deptts. Were advised to ensure that the NCST and the NCSC as the case may be shall mandatorily be consulted by them before finalization of notes for consideration of the Cabinet/ Cabinet Committees. Therefore, at the intermittent stage, the views of the Commission are not required to be sought and the draft policy is required to be forwarded to the Commission after finalization by the MoRD. The Commission desired that the MTA may be informed accordingly. Alongside the

MoRD, Deptt. of Land Resources may also be requested to forward the draft notes on National Land Reforms Policy, 2013 before submission to the Cabinet.

Agenda Item XX	Amendment to Rules of Procedures regarding Quorum for holding meeting of the Commission
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77. The Commission noted that in accordance with the Rules of Procedures of the Commission (Chapter IV: Meetings of the Commission), presence of at least 3 members including the Chairperson and/or Vice-Chairperson shall constitute the quorum for holding meeting of the Commission. The Commission, in addition to the post of Chairperson, has one post of Vice Chairperson and 3 posts of Members. At present, the posts of Vice Chairperson and of one Member are vacant. Against the filled posts (2), the tenure of Smt. K. Kamala Kumari is ending on 21/07/2013, followed by Shri Bheru Lal Meena, Member on 28/10/2013. Under these circumstances, in case Members are not appointed against the existing/ ensuing vacancies, the quorum for holding meetings of the Commission will not be available. The Commission, therefore, desired that the Rules of Procedures should be suitably modified with regard to quorum for holding meetings of the Commission and approved amendment to the Rules of Procedure, as under:

Chapter IV: Meetings of the Commission

Quorum

<u>Existing entries</u>	<u>Approved amendment</u>
46. Presence of at least three members including the Chairperson and/or Vice Chairperson shall constitute the quorum for holding meeting of the Commission.	Presence of all the Members if total filled in posts are not more than three or presence of at least three members, if there is not more than one vacancy, shall constitute the quorum for holding meeting of the Commission. The term 'Member' include Chairperson and Vice Chairperson.

Agenda Item XXI	Note for Expenditure Finance Committee (EFC) – Central Sector Scheme of Rajiv Gandhi National Fellowship (RGNF) for Scheduled Tribes students proposed to be continued with some modification during 12th Plan Period – 2012 -13 to 2016-17
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78. Ministry of Tribal Affairs vide letter No. 19012/16/2012-Education dated 21/06/2013 have sought comments of the Commission on Note for Expenditure Finance Committee (EFC) for continuation of Rajiv Gandhi National Fellowship (RGNF) for Scheduled Tribes students with some modification during 12th Plan Period. (2012-13 to 2016-17). The Commission noted that objective of the RGNF is to provide opportunities of higher education to pursue M.Phil and Ph.D courses to students to Scheduled Tribes through provision of financial assistance to them in the form of fellowships. The Scheme was launched as plan scheme during 2005-06 during the 10th Five Year Plan. The total member of fellowships awarded during 2005-06 and 2006-07 was 776 and the total expenditure during that plan was Rs. 23.85 crore. The total cost for the implementation of the scheme during the 12th Five Year Plan has been estimated at Rs. 374.36 crore.

79. The Commission noted that at present University Grant Commission (UGC), Council for Scientific Research (CSIR), Indian Council of Social Science Research (ICSSR) are offering fellowships/scholarships but not exclusively to ST students. Similarly, the fellowships offered by the other Institutions, and Ministries are limited in number and not exclusively for STs. The Centrally sponsored scheme of post-matric Scholarship (PMS) of Ministry of Tribal Affairs for STs offers a monthly stipend of Rs. 1200 for hostellers and Rs. 550 for Day Scholars to pursue all programmes beyond matriculation, including M.Phil and Ph.D. The stipend offered under PMS is inadequate to ST students to pursue M.Phil and Ph.D programmes and do not provide enough incentive for the ST students to pursue these courses. Therefore, in addition to the facilities available under the general dispensation of UGC etc, the scheme of RGNF has been formulated as especially customized solution to address the needs of ST students.

80. The Commission noted that in the new Scheme, the payment of scholarship to ST students will be made by the Ministry of Tribal Affairs itself without routing it through UGC

although all other actions for selections for beneficiaries and preparation, maintenance and up-dation of beneficiary data in digitized forum will be taken by UGC.

81. After detailed discussions, the Commission, while agreeing to the proposal recommended for further processing of the proposal by the sponsoring Ministry.

Agenda Item XXII	Inclusion of 'Karbi (Mikir)' community residing in plain area of Assam at Sl.No. 11 in the list of Scheduled Tribes in Assam
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82. Ministry of Tribal Affairs vide letter No. 12016/3/2000-TA(R1)-C&LM(Pt-I) dated 27/28/2/2013 have sought comments of the Commission on inclusion of 'Karbi (Mikir)' community residing in plain area of Assam at Sl.No. 11 in the list of Scheduled Tribes in Assam. MTA has informed that the Registrar General of India vide DO Letter No. 8/1/2006-SS(Assam) Pt dated 11/09/2006 has supported the inclusion of 'Karbi (Mikir)' community residing in plain area of Assam in the lists of Scheduled Tribes in Assam.

83. The Commission observed that the proposal was discussed in the 45th Meeting of the Commission on 20/3/2013. Pursuant to the discussion, MTA was asked to explain the abnormal delay of about 6 years in processing the proposal and also forward the proposal of the State Govt., as required in terms of the modalities prescribed for inclusion in, exclusion from and other modifications in the orders specifying Scheduled Castes and Scheduled Tribes, as communicated vide Ministry of Social Justice & Empowerment letter dated 30/07/2012. Subsequently, MTA, vide letter dated 18/06/2013 informed the Commission that an authenticated copy of the RGI's d.o. letter dated 11/09/2006 had been received by them on 25/02/2013. A copy of the proposal of the State Govt. dated 3/05/2003 was also forwarded by the MTA to the Commission in their letter dated 18/06/2013 cited above.

84. The Commission noted with concern that the proposal submitted by the State Govt. in May, 2003 began to be processed by the MTA only by 2013. The case clearly reflects the imperative need for the MTA to streamline the existing procedure for speedy processing of proposals and also to review all pending cases, as also emphasized in the Sitting taken by the Chairman, NCST on 22/05/2013 with the officials of the MTA and the RGI and also in the d.o. letter dated 11/06/2013 from the Chairman, NCST to Minister

Pachayati Raj and Tribal Affairs. The Commission observed that MTA need to take an urgent action in the matter to avoid any criticism regarding the time being taken in examination of such cases.

85. Coming back to the proposal, the Commission noted that RGI vide their letter dated 11/09/2006, has observed as under:

As per The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, 'Mikir' was notified as a Scheduled Tribe in the Autonomous District of Assam. The name "Mikir" has been replaced by "Karbi" vide The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002. At present, "Karbi" is a notified ST in the Autonomous Districts of the State.

The replacement of the name 'Mikir' with 'Karbi' was perhaps the result of the decision of the then Ministry of Social Justice & Empowerment. The ORGI had not given any comment on replacement of 'Mikir' with 'Karbi'. In fact, in the year 1978, this office vide letter No. 8/1/78-SS (Assam) dt. 29.11.78 had stated that "The Mikir are returned in previous censuses from many areas which are located in plains areas of Assam. Therefore, there is some justification of Mikir being treated as a scheduled tribes in the plains areas as well. Since Karbi is not a distinct entity in the list of scheduled tribes it is suggested that the Mikir and Karbi may be grouped together and notified as scheduled tribe throughout Assam..." These comments were reiterated in the year 1981 and again in 1985 vide d.o. letter No. 8/2/81-SS dated 7th March, 1981 and letter No. 8/1/84-SS (Assam) dt. 31st May, 1985.

In the earlier comments, ORGI had agreed for inclusion of Mikir along with Karbi in the Plain areas of Assam. We reiterate the same in response to the present proposal. However, it is suggested that to maintain consistency in the list of STs in respect of the autonomous districts of Assam, the Ministry of Tribal Affairs may modify the entry at Sl.No. 11 of the STs list of Assam by grouping together Mikir and Karbi instead of only 'Mikir'.

86. The Commission further observed that the proposal of the State Govt. was recommended based on the field studies conducted by the Assam Institute of Tribal and Scheduled Castes as communicated vide Govt. of Assam letter No. TRI(RC-SC/ST)271/89/9018 dated 30/04/1992. It was noted that the report has not been supported by any data obtained from the field studies. The Commission also noted the disavowal of the office of RGI on the reasons for replacement of the term 'Mikir' by the term 'Karbi' in the amending Act of 2002 by the predecessor Ministry to the present MTA in 2002. These details will be available to the Ministry of Tribal Affairs including the views, if any, and recommendations of the State Govt.

87. Considering the position mentioned above, the Commission decided that Member (s) with the support of Regional Office, Shillong will visit the habitations of Karbi (Mikir) community to assess the socio-economic condition of the tribe with reference to the specified criteria for inclusion as STs. The Govt. of Assam will also be requested to provide all current updated data pertaining to socio-economic conditions with updated anthropological & ethnographic studies of the tribe to the visiting team. The recommendations of the Commission would be finalized after receipt of the report of the Inspecting Team.

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ATTENDENCE SHEET

NATIONAL COMMISSION FOR SCHEDULED TRIBES

48th Meeting of the Commission held on 09/07/2013 in the Conference Room of the Commission – List of participants.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Sl. No.	Name and Designation
1.	Dr. Rameshwar Oraon, Chairperson
2.	Smt. K. Kamala Kumari, Member
3.	Shri. Bheru Lal Meena, Member
4.	Shri R. Vijaykumar, Secretary
5.	Shri Aditya Mishra, Joint Secretary
6.	Shri M. S. Chopra, Director
7.	Smt. Saroj Jaisia, Deputy Secretary
8.	Smt. K. D. Bhansor, Deputy Director
9.	Shri Dwarka Karol , Director
10.	Shri T.D. Kukreja, PS to Chairperson

Comments on the Recommendations of the Standing Committee on the MMDR Bill**(A) General:**

1. The NCST appreciates the direction and content of the views of the Standing Committee on the proposed MMDR Bill.
2. The Commission has noted that R&R aspects arising out of mining activities have neither been addressed in the Land Acquisition, Rehabilitation and Resettlement Bill, 2011 (which addresses the R&R issues concerning land acquisition only) nor adequately in the MMDR Bill, 2011. Further, the Supreme Court in its recent Judgment (Civil Appeal Nos. 4540-4548 of 2000) has also observed that the State has no absolute right over sub-soil minerals and the ownership over minerals vest with land owner. Although it appears likely that Government would contest the decision of the Bench, the fact of acceptance in law and by Government of the claim of a land-owner under our laws for unlimited extraction of groundwater is a similarity that bears study. In these contexts, the Commission considers its necessary to propose consideration of the following:
 3. In keeping with the National Mineral Policy, 2008 where certain sensitivities of the inhabitants of areas where mining is likely to take place and the need for protection of their rights were contemplated, it is necessary to bear in mind the costs of relief, resettlement and rehabilitation, remediation for environmental damage including the costs of restoration of the ecology and the ecological balance to a level better than before and further, as a central aspect, the restoration and enhancement of livelihoods of the inhabitants on a Pareto-optimal basis. This would include, in relevant cases of tribals, as part of the general modernizing object of moving them toward settled cultivation, to provide them with cultivable agricultural land on a land-for-land basis since, in rural areas of India, land continues to be an asset for ensuring subsistence and while empowering the owner, confers status that would have been lost in the process of displacement and acquisition of the tribals' traditional cultivable land asset.
 4. Moreover, the assumption that Relief, Resettlement and Rehabilitation will be covered under a separate enactment is, to this Commission's best knowledge, completely unsubstantiated. The new Land Acquisition Bill only refers to owned land whereas the lands under tribal occupation or which support tribal livelihoods are not necessarily owned by tribals, partly because of the inherited colonial laws or because the Forest Rights Act has not been implemented properly. The Commission suggests that for ample precaution, there should be an express provision for issue of R&R guidelines. A

comprehensive document with detailed R&R and also a fully set out plan for remediation and restoration of ecology comprising all physical and financial aspects should be an inseparable and integral part of the Mining Plan and approved by the Gram Sabha and Tribal Council. It may be clearly borne in mind that these are actual costs of mining activity and not draw-downs from profits of business and therefore, they should be part and parcel of the Mining Lease Documents which will bind the miners and respective Governments to fulfill their responsibilities from reconnaissance to closure.

5. As a result of mining activities, the tribals undergo psychological, physiological, social and environmental consequences on the long-term and therefore, a meaningful CSR model should be created to mitigate these circumstances. As Niyamgiri has shown, quite a few of the traditions of tribals in terms of their holy places are shared by bordering non-tribals and contributes to their sense of 'place' – a significant need for human societies. Therefore, quite apart from the costs incurred or imputed on account of R&R, livelihood protection/improvement, remediation and ecology restoration, the sharing of profits at some reasonable level will ensure genuine and welcoming participation by the local community incorporating a significant part of retained profits comparable with the returns provided to shareholders and a participative mechanisms to monitor its implementation.

6. All aspects prior to lease, as part and parcel of lease agreements, should be approved by Gram Sabha and Tribal Councils.

7. The penalties and disabilities (ineligibility) for previous failures should also be accounted for while approving or for renewing lease agreements and failures to meet conditions of lease including R&R, livelihood protection, remediation and ecology restoration should be held against applications for lease or renewal by such applicants, firms, their sister/group firms and Directors or Promoters of such firms in whatever alternate forms they attempt to re-enter.

8. In Section 3, "Feasibility Study" should also include comprehensive Social Impact Assessment (SIA) in respect of mining projects in Scheduled Areas. The SIA should:

(i) be conducted by properly vetted multi-disciplinary teams that can consider the impact that the project will have in terms of Landlessness, Joblessness, homelessness, Marginalization, increased morbidity and mortality, food insecurity, loss of access to common resources and services and social disarticulation.

- (ii) identify affected areas (including contiguous forest lands wherein tribals have rights) and enumerate all affected (interested) persons to facilitate enquiry into objections and subsequent determination of 'public purpose' under concerned LA Act.
- (iii) focus first on measures to prevent the adverse social and environmental impacts of the project, then measures to minimize, mitigate or compensate for them.
- (iv) include action plan to implement mitigation measures, corrective actions and monitoring measures necessary to manage the identified impacts and risks of the project. This action plan should also integrate a closure plan and set out the entire financial costs involved.
- (v) incorporate views of the concerned elected local bodies in the Scheduled areas.

(B). Salient Features:

In reference to the Notes D-3, the Commission considers that the salient features omit a promise embodied in the National Mineral Policy, 2008 and which is crucial to tribals. Essentially, R&R, remediation, restoration of ecology, and provision or creation of livelihoods for the displaced population (mostly tribals) to Pareto-optimal levels better than before including the landless inhabitants who depend, in accordance with customary law and practice, on land owned by others in the village and community for gleaning, usufruct removal/access, post-harvest pasture, etc. The absence of their rights and claims in current law only serves to highlight the disjunction between customary or traditional practice and the laws that the country has inherited from the British colonial occupation. Notably, the Forest Act and the Land Acquisition Act have all come up for amendment to recognize the disjunction and the new Bill needs to similarly recognize the need for adequate recognition of such customary rights. Further, the Commission would emphasise that these responsibilities should apply in respect of all mining concessions, whether of small deposits or large ventures and whether these are carried out by PSUs, parastatals, private firms or by co-operatives since these represent the cost of doing mining business and are not to be relegated to below-the-line claims of profit sharing and in our democracy, should even precede the claims of centre or state or local governments to royalty or seigniorage fees.

(C). Clause by Clause Examination:

In spreadsheet on following pages:

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
Preamble	No comment of the Standing Committee	Since most of the valuable mining areas fall in areas of tribal habitation, as assurance to these citizens and protection of their rights should be affirmed by amending the preamble to read: ...of the Union while recognizing and nurturing the rights, social, ecological and livelihood needs of local, especially tribal, inhabitants of current and future generations.”
Definitions	No comment of the Standing Committee	The terms tribal (as in the list of Scheduled Tribes), R&R, livelihoods of landed and landless including rights to common areas owned by the community or where traditional rights subsist, remediation, restoration of ecology, and mine closure may be defined consistent with the need for the mining firm/person to fulfill their responsibilities. The term Gram Sabha as under Panchayati Raj may be defined and their role in furnishing consent mentioned in the definition of terms and the connected clauses for reconnaissance, prospecting, general exploration, detailed exploration, licence, mineral concession, and for mining lease.
Pr. No. 2.26 Cl. 13(10)	The Committee observe that the Ministry of Panchayati Raj have desired that the Gram Sabha be made the competent authority to preserve its traditions, customary rights and community resources and to ensure this, consultation has to be defined as 'consent'. While observing that under Panchayat (Extension to Schedule Areas (PESA), Act, 1996, one of the powers given to Gram Sabha is that prior recommendation of the Gram Sabha is required when a prospecting licence or licence for mine and mineral as well as concession for mine and mineral are given, the Committee have been given to understand that the Ministry of	In response to the suggestions of Ministry of Panchayati Raj and views of the Standing Committee which also refer to the provisions of Clause 13(10), the Commission considers the term “effective consultation” to be inadequate in the context of the tribal areas as in these cases, the country is dealing with people who have been disempowered for a long time and the processes of consultation may not lead to adequate publicity to the proposals for mining and its implications. The consultative process may interact with hierarchies within communities and

Para No./ Clause No	Views in 36 th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
	<p>Panchayati Raj have put up a Cabinet Note for amending the PESA Act itself to make the recommendation of the Gram Sabha as mandatory. Although, the Ministry of Mines have admitted that 'consultation' as defined in the PESA, Act, 1996 would be acceptable to them, the Committee desire that the term 'consultation' should be read as an effective consultation. The Committee desire that views of Gram Sabha should not be lightly ignored into. The Committee observe that strong valid reason should be given in case of ignoring the views of Gram Sabha and necessary amendment should be brought into the Act.</p>	<p>leave those who are most affected, high and dry and doomed to an existence more miserable than the present. The Commission is of the view that that for both new proposals for reconnaissance, prospecting and mining, effective consultation should mean 'consent' of the relevant Gram Sabhas, properly summoned and decided in public.</p> <p>(see also views under Cl. 13(10) para)</p>
Pr. No.3.35 Cl. 4(8)	<p>The Committee desire that to protect the interest of tribals living in Scheduled areas, be allowed to transport and store minerals for personal use but not for any commercial use as prescribed and notified, for the purpose, by the state Government. This clause may be amended suitably.</p>	<p>Non-commercial purposes may include roads, watershed protection structures. Further, the State Govt. may notify in consultation with the Gram Sabha.</p>
Pr. No.3.39 Cl. 4(10)	<p>Recommendation of the Committee</p> <p>The Committee also desire that the data for prospecting or mining need not be published in official website only. In order to disseminate the information widely, the Committee recommend that besides being publishing in official website, it may also be published in local/ Vernacular Print Media of mass circulation.</p>	<p>The data for prospecting or mining should also be notified to the Gram Sabha and Tribal Councils.</p>
Cl. 6(1-3)	<p>Clause 6(1),(2) and (3) of the Bill reads as under:- Clause 6(1): The maximum area which can be held under mineral concession at any time by a person in respect of any mineral or prescribed group of associated minerals in a State shall be,— (a) ten thousand square kilometres in respect of non-exclusive reconnaissance licences;</p>	<p>The significant aspect to bear in mind, in keeping with the National Mineral Policy, 2008 and the salient features highlighted in this Commission's comments above, is that R&R, remediation, restoration and livelihood protection/improvement are costs of business and it should be</p>

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
	<p>(b) five thousand square kilometres in respect of high technology reconnaissance-cum-exploration licences;</p> <p>(c) five hundred square kilometres in respect of prospecting licences; and</p> <p>(d) one hundred square kilometres in respect of mining leases: Provided that a high technology reconnaissance-cum-exploration licence shall be granted for such group of associated minerals (other than iron ore, bauxite, limestone, coal minerals or other bulk minerals) as may be prescribed by the Central Government, and subject to such general conditions regarding use of advanced technologies and methodologies as may be notified from time to time by the Central Government: Provided further that in case of coal minerals, if the Central Government is of the opinion that in the interest of development of coal minerals, it is necessary so to do, it may, for reasons to be recorded in writing, permit any person to acquire one or more prospecting licence or mining lease covering an area in excess of the maximum area specified in sub-section (1).</p> <p>Clause 6(2): In respect of major minerals, the minimum area for grant of,—</p> <p>(a) A high-technology reconnaissance-cum-exploration licence shall be one hundred square kilometres;</p> <p>(b) a prospecting licence shall be one square kilometre; and</p> <p>(c) a mining lease shall be ten hectares.</p> <p>Clause 6(3): In respect of minor minerals the minimum area for grant of,—</p> <p>(a) A non-exclusive reconnaissance or a prospecting licence shall be ten hectares; and</p> <p>(b) a mining lease shall be five hectares:</p> <p>Provided that the State Government in consultation with the Ministry of Environment and Forest in the Central Government for reasons to be recorded in writing may, in respect of any area and any minor mineral, notify a minimum area other than the area specified in this sub-section.</p>	<p>possible to absorb these in the scale of mining operation conducted which may not be possible for a small-scale venture. Moreover, such small ventures would attract fly-by-night operators whose responsibilities cannot be enforced.</p>

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
Pr. No. 3.51 Cl. 6	<p>Explanation.— For the purposes of sub-sections (1), (2) and (3), the area held by a person as a member of a co-operative society, company or other corporation and a Hindu undivided family and a partner of a firm or as an individual shall be jointly computed.</p> <p>The Committee observe that various stakeholders have suggested to amend provisions of <u>Clause 6</u> regarding allocation of maximum and minimum area for grant of major and minor mineral concessions. As regards minimum area for grant of major mineral under Clause 6(2), the Committee have been given to understand that beach mineral gets deposited at any particular place and will not be available in all the areas. Similarly, few minerals like ball clay, china clay, fire clay, feldspar, quartz, jespas, silica sand, laterite, ochre, soapstone and talc, pyrophyllite are reported to be available in small patches. While considering the reply of the Ministry of Mines to the above suggestions that the minimum area of 10 hectares for major minerals has been proposed taking into account the environmental concerns of overburden and waste management in mining, and keeping in view the recommendations of the Ministry of Environment and Forests (MoEF), the Committee desire that the Government should notify some of the major minerals (including beach minerals) in 'B' category and maximum area for major mineral for grant of mineral concessions be accordingly decreased to 'B' category to 5 hectares.</p>	<p>The significant aspect to bear in mind, in keeping with the National Mineral Policy, 2008 and the salient feature highlighted in this Commission's comments above, is that R&R, remediation, restoration and livelihood protection/improvement are costs of business and it should be possible to absorb these in the scale of mining operation conducted which may not be possible for a small-scale venture. Moreover, such ventures would attract fly-by-night operators whose responsibilities cannot be enforced.</p>

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
Pr. No. 3.60 Cl. 6(7)	When asked about barring Schedule tribe cooperatives with non-Scheduled Tribes be barred from obtaining mineral concessions, the Ministry of Mines have informed the Committee that the Co-operatives, seeking to obtain mineral concessions in a area defined in the Fifth or Sixth Scheduled to the Constitution, should consist of purely ST persons.	This Commission concurs with this view.
Pr. No. 3.62 Cl.7(3)	Provided that the period may be extended, on an application made by the licensee for a further period not exceeding two years in respect of such part of the area as may be specified in the licence.	May be made subject to approval of Gram Sabha or Tribal Councils.
Pr. No. 3.71 Cl. 7(6)	The Committee feel that a proviso may be added to ensure that the Government on a representation made to it may extend the period of grant and extension of concession as specified under sub-section (1) to (6) of clause 7, for the reasons recorded in writing.	May be made subject to approval of Gram Sabha or Tribal Councils.
Pr. No. 3.79 Cl. 12(1) & (1) (d)	<p><u>Cancellation of a mineral concession or disqualification</u></p> <p>3.79 Clause 12(1) and (1) (d) of the Bill under:-</p> <p>In respect of any land in which minerals vest in the Government:-</p> <p>(a) where any person fails to conduct reconnaissance or high technology reconnaissance-cum-exploration or prospecting or mining operation in accordance with a reconnaissance, or exploration plan or a prospecting or mining plan, as the case may be, prepared in the manner provided in this section, the State Government may after issuing a notice to show cause and giving him an opportunity of being heard, by an order forfeit all or any part of the security deposit and may suspend, curtail or revoke the licence or lease having regard to the circumstances of the case.</p>	May be revised by adding after mining plan (Sub-para (a), Line 5): or for violation of rights or denial of obligations to tribals in respect of R&R, livelihood protection/improvement, remediation, restoration of ecology or for improper grant without observing formalities such as Gram Sabha approval for grant or renewal or for any deviations in mine exploitation plan, etc.

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
	<i>Explanation.</i> - For the purpose of this sub-section the framework of mining operations in respect of minor minerals not requiring a mining plan shall be deemed to be the mining plan;	
Pr. No. 3.83 Cl. 13	13(10) Notwithstanding anything contained in this section, notification of an area for inviting application in respect of public lands covered by the Fifth Schedule of the Sixth Schedule to the Constitution, shall be issued after consultation with the Gram Sabha or District Councils, as the case may be, and in respect of non-Scheduled areas, after consultation with the District Panchayat	May be added at the end: “....., the Block/Mandal Panchayat and the relevant Village Panchayats”. Tribals may also be scattered in these places including those of nomadic habit.
Pr. No. 3.101 Cl. 15	that Clause 15 should be reworded, “that a licensee can enter upon any private land only with the consent of the land owner and that in the case of mining lease, commencement of mining shall be undertaken with the consent of the owner or by paying to the owner full compensation determined under the Land Acquisition Act”.	Add after Act (Line 7): After meeting in full, based on ground verification, all terms of R&R policy, including restoration of livelihoods, of landowners and landless, wherever involved, and after appropriate resolution of the Gram Sabha confirming such satisfactory completion of R &R etc.
Pr. No. 3.110 Cl. 18(1)	The Committee concur with the opinion of Ministry of Mines on the issue of bank mortgages. Although the Ministry of Mines have clarified the transfer of mining lease under Clause 18(1) by stating that such transfers are change in ownership of the leases and need previous approvals by the State Governments under clause 18, the Committee are not satisfied with the reply of the Ministry as the proviso to 18(1) clearly state that where the mortgagee is an institution or a bank or a corporation notified for the purpose by the Central Government under this Act, it shall not be necessary for the lessee to obtain any such approval of the State Government. The Committee, therefore	The duty of carrying out contractual responsibilities (which should form part of the mining lease agreement) toward the tribal population cannot be discharged or diluted by such transfer and only a person, body or firm that has fulfilled its responsibilities up to that point in time can be considered to have the rightful capacity to seek permission to effect such a transfer. This requirement should also apply to a mortgagee institution which has the responsibility to query and keep watch on its loanee to see that it continues to perform its duties on an ongoing basis. Therefore, the mortgagee only has a right limited

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
	<p>recommend that Ministry of Mines should re-look at the suggestions regarding transfer of mining lease under</p> <p>Clause 18(1) which allow notified institutions or a bank or a corporation to transfer lease mortgaged with them without obtaining approval of the State Government.</p>	<p>to completion of responsibilities up to that point in time and this will require permission after consent of the Gram Sabhas or Councils concerned.</p>
Pr.No 3.111	Recommendations of the Committee	Comments as for para 3.110 will also apply to this aspect.
Cl.18(1-10)	As the Ministry of Mines have accepted the suggestion of transfers within subsidiary companies, the Committee expect that Ministry of Mines will carry out suitable amendment in Clause 18.	Further, an important issue to consider is that if the lessee is a co-operative of STs, and may seek to transfer to a company or non-ST. Benami co-operatives are quite possible and may obtain, in preference, such leases and then proceed to transfer to others. The comments as above should be strictly applicable.
Clauses 19-20		The provisions for grant of licence in respect of protecting tribal interests should apply as also the need to obtain prior consent from the Gram Sabhas. Further, non-exclusive operation cannot become a grey area for fixing responsibility for R&R, protection of tribal livelihoods, remediation and restoration. Checks and systems will be needed to ensure these aspects as areas are relinquished and the miner leaves.
Cl. 21(1)(j)		The words "... to the satisfaction of the affected Gram Sabhas as evidenced by their resolution." maybe appended to the wordings of the clause.
Chapter V Mining Lease		The Mining Plan should be comprehensive and include all aspects from R&R to mine closure as done for mine closure in 24(1)(l) and should be explained carefully and in detail to the

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
Cl 24-33.		Gram Sabhas and their consents obtained. Some responsibility and liability for Government officers supervising such activities may be necessary to ensure that the commitments are carried out faithfully. Even criminal responsibility could be considered especially since tribal livelihoods are likely to be seriously endangered. Further, the recipient of security deposit made under Clause 24(1)(n) proviso may be specified including for the Gram Sabha. The progressive mine closure activities should obtain the approval of the Gram Sabhas concerned.
Pr. No. 6.15 Cl. 31(1-2)	Since the mining lease of coal mineral is approved and granted by the Central Government, the Committee observe that the premature termination lease should also be made with the approval of the Central Government,. The Committee would like the Government to amend the Clause 31 accordingly.	In case of premature termination, the legal responsibilities of the lessee in regard to R&R, livelihoods, remediation and ecology restoration would need to be quantified and would not cease to exist. Since it would not be feasible for Govt. to take over such a liability, a suitable solution is necessary and how this responsibility will be fulfilled needs to be incorporated in the Bill in some form that can be part of the mining lease agreement and is feasible for enforcement.
Pr. No 6.16 Cl. 31(1-2)	The Committee feel that the suggestion of some of the stakeholders that apart from providing compensation to the lease holder for early termination in public interest and public safety, the lease holder should be given alternative mining lease is not acceptable because without participating in any bidding process they will get another mines. No one has any vested right to get coal mine.	

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
Pr. No 6.17 Cl. 32(5)	6.17 Clause 32(5) of the Bill reads as under:-The Indian Bureau of Mines or the Coal Controller or the Atomic Mineral Directorate, or the State Directorate as the case may be shall, after consulting the concerned Panchayats convey its approval or disapproval to the Progressive Mine Closure Plan within a period of ninety days from its receipt: Provided that in case the approval or disapproval is not communicated within the said period, the Progressive Mine Closure Plan shall be deemed to have been approved on a provisional basis till such approval or disapproval is conveyed.	A Mine Closure Plan should necessarily be accompanied by a detailed statement supported with audited financial statements and evidence including resolutions of the Gram Sabha and affected parties concerned to the effect that the legal responsibilities toward R&R, livelihoods, remediation, and ecology restoration have been fulfilled without defects. Any Plan without such documents will be incomplete submissions.
Pr. No. 6.26 Cl.32(8)& 32(10)	The Panchayats Extensions to Scheduled Areas Act 1996 (PESA) envisages consultation with Gram Sabhas in Schedule 5 areas so as to protect the interest of tribals. The Committee desire that due note of provisions of PESA be taken during Final Mine Closure Plan.	It should be Lessee's responsibility to pay for ecology restoration, regreening or remediation. Any failure in regard to their legal responsibilities should be the basis for denial of eligibility to seek further mining leases by the firm, its sister firms, Directors and Owners or Chief Promoters.
Pr. No. 6.27	6.27 A new proviso may be added to ensure that the lease shall cause to publish the progressive mine closure and final mine closure in the vernacular/local print media of mass circulation in the leased area of operation and also displayed in the website of the Govt. so as to ensure wider dissemination of information to all concerned.	
Pr. No. 8.21 Cl. 43(1)	Clause 43(1): In respect of land in which minerals vest in the Government. the holder of a non-exclusive reconnaissance licence, high technology reconnaissance cum-exploration licence or prospecting licence shall be liable to pay, ever person or family holding occupation	This should be approved by the concerned Gram Sabha which shall be consulted for their specific consent. In this connection, the Supreme Court has recently held that the land owner is also vested with sub-surface rights and this will squarely apply to

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
	<p>or usufruct or traditional rights of the surface of the land over which the licence has been granted, such reasonable annual compensation as may be mutually agreed between the holder of such licence and such persons or in the absence of such agreement which may be determined by an officer appointed, by notification, by the State Government in this behalf in such manner as may be prescribed by the state Government :</p> <p>Provided that such amount shall be determined before commencement of operations and paid in advance each year, in such manner as may be prescribed by the State Government.</p>	tribal land held individually or collectively.
<p>Pr. No. 8.22(III) Cl. 43(1)</p>	<p>Reasonable annual compensation in respect of land over which the reconnaissance/prospecting licence has been granted and payment on account of damages, if, any, to</p> <p>No provision has been made for rehabilitation/compensation on account of mining lease. It appears that this has been left to the rehabilitation and resettlement policy of the concerned State.</p>	

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
	<p>Rehabilitation and resettlement of displaced families/individuals due to mining project was suggested to be a part of the MMDR Bill, keeping in view the nature of these projects which is purely commercial activity compared to the hydro/irrigation projects in public interest and benefitting the displaced families/individuals also, though MoTA is not in favour of project involving displacements of tribals. However, if the displacement becomes unavoidable and is effected after necessary procedural formalities it should be the minimal.</p> <p>No acquisition proceedings or displacement should be affected in Forested Areas unless and until the 3 provisions of FRA is fully complied with. In the Scheduled Areas, all provisions of the PESA Act must be scrupulously followed and the consent of every habitation should be obtained before the acquisition or relocation of any tribal populace or forest dweller is undertaken.</p>	
Pr. No. 8.24	Recommendation of the Committee	
Cl. 43(1)	<p>The Committee notes that words 'reasonable compensation' which can be at mutually agreed terms, or in the absence of agreement by officer appointed by State Government (Clause 43(1) lacks clarity and opens plethora of interpretations. Further the title holder of land not getting adequate compensation at prevailing market rates on account of his/her position, cannot be ruled out. The Committee, therefore, desire that and</p>	<p>The Bill should necessarily fix the responsibility of R&R prior to mining activities, livelihood protection/ improvement, remediation and ecology restoration on the lessee as there are costs of mining and cannot be treated as afterthoughts or relegated for non-enforceable rules or which may assist the</p>

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
	in-built formula, wherein parameters like market rat of land put to use, damage/loss to land/crop etc., factored in, in determining the mechanism of compensation, be worked out, for the benefit of holders of the land.	lessee in delaying such activities.
Pr. No 8.29 Cl. 43(2)	The Committee after considering the claims of the stakeholders and comments of Ministry of Mines thereon, do not find it suitable to do away with the District Mineral Foundation contributions and thus recommend no change. The Committee, however, recommend that in case of coal and lignite, the mechanism for payment to District Mineral Foundation on the basis of royalty paid during the financial year may be worked out instead of an amount equal to 26% of the profit and amendment be made in the relevant Clause as proposed by the Ministry of Coal.	In reference to the Notes D-3, the Commission considers that the salient features omit a promise embodied in the Mineral Policy, 2008 and which is crucial to tribals. Essentially, R&R, remediation, restoration of ecology, and provision or creation of livelihoods for the displaced population (mostly tribals) to Pareto-optimal levels better than before including the landless inhabitants who depend, in accordance with customary law and practice, on land owned by others in the village and community for gleaning, usufruct removal/access, post-harvest pasture, etc. The absence of their rights and claims in current law only serves to highlight the disjunction between customary or traditional practice and the laws that the country has inherited from the British colonial occupation. These costs represent the cost of doing mining business and are not to be relegated to below-the-line claims of profit sharing and in our democracy, should even precede the claims of centre or state or local governments to royalty or seigniorage fees. As has been underlined by the Ministry of Mines, the quality of book-keeping, as also the practice of audit is quite distant from the needs of transparency and honest appraisal. Moreover, the contesting parties are relatively ignorant tribals with lesser capacity to take issue in such matters. Therefore, adequate protection is necessary and this should mostly be systemic in

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
		<p>nature. Even jobs in this industry, by this Commission's experience, are such that tribals do not receive much benefit since they do not qualify or do not consider such prospects as acceptable. It is for this reason that this Commission emphatically recommends that, consistent with reality, the costs mentioned above should be treated as above-the-line expenses as costs of doing business and not consigned to profit sharing or a share of royalty. The proposed provisions in the Bill will put the lives of tribals in serious jeopardy.</p>
<p>Pr. No. 8.30 Cl. 43(3)&(5)</p>	<p><u>Allotment of non-transferable share (Clause 43(3) &(5)</u> Clause 43(3) of the Bill reads as under:- Notwithstanding anything in sub-section(2) and the Companies Act, 1956, or any other law for the time being in force, were the holder of mining lease is a company, it shall also allot at least one share at par for consideration of the company and such shares shall be non transferable.</p>	<p>It may be clarified that families affected include not only those whose lands were acquired but also those who lost access relevant to their livelihoods.</p>
<p>Pr. No.8.41 & 8.44 Cl. 43(7)</p>	<p>43(7) After the termination of a non-exclusive reconnaissance licence, high technology reconnaissance-cum-exploration licence, prospecting licence or a mining lease, the State Government shall after giving the person or family holding occupation or usufruct or traditional rights of the surface of the land an opportunity of being heard, assess the damage, if any, done to the land by the reconnaissance or prospecting payable by the licensee or the lessee, as the case may be, to the person or family holding occupation or usufruct or traditional rights of the surface of the land in such manner as may be prescribed by the State Government: provided that in case the licensee or sessee and the person or family holding and communicate the same to an officer appointed by the State</p>	<p>The aspect of compensation for remediation, ecology restoration should be finalized prior to grant of lease as these are costs of doing mining businesses and not intended to be afterthoughts.</p>

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
	Government in this behalf, the State Government may, accordingly, determine the Compensation.	
Pr. No. 10.4 Cl. 56(1)	Clause 56(1) The State Government shall, by notification, establish a trust to be called the District Mineral Foundation, a non-profit body, in each district in the State where a mining lease has been granted or is in operation, in the manner as may be prescribed by the State Government.	The concerned Gram Sabhas and Tribal Councils should also be trustees.
Pr. No. 10.8 Cl. 56(2)	The object of the District Mineral Foundation shall be to work for the interest and benefit of persons or families affected by mining related operations in the district.	<p>The work through the District Mineral Foundation will be supplemental to whatever R&R, remediation and restoration measures, the lessee has contracted while obtaining the lease.</p> <p>The Foundation should only work like a Trust Fund. It should not be used for creation of local infrastructure as it may progressively erode the rights/ benefits directly available to affected persons unless the proportion is limited by law to a specified minor fraction (as evident from the conduct of functionaries/ public representatives brought out in the CAG reports regarding use of MNREGA funds etc.).</p> <p>There should also be a provision for punishment to the members of the Governing Committee of the Foundation for diversion of funds to ineligible purposes.</p>

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
Pr. No. 11.3 Cl. 59(1)	The Committee feel that the composition of the National Mining Regulatory Authority is too unwieldy since 10 members including chairpersons are to be appointed whereas on the other hand the composition of Telecom Regulatory Authority of India (TRAI) including chairperson is 5, Telecom Dispute Settlement and Appellate Tribunal (TDSAT) (3), Petroleum and Natural Gas Regulatory Board (5), Central Electricity Regulation Commission (CERC) (4) etc. The Committee do not subscribe the contention of the Government that as nearly 72 minerals, including illegal mining is likely to be under the ambit of National Authority, the composition thereof is a reasonable one. The Committee is of the view that mining is restricted to some of the States/Union Territories in the country. On the other hand telecom and electricity have much more reach as compared to mining. Inclusion of so many members in National Mining Regulatory Authority, thus defies logic. The Committee, therefore, recommend that the Government should revise the strength of National Mining Regulatory Authority and reduce it to the barest minimum level.	The National Mining Regulatory Authority should mandatorily have ST representatives from each major mining region.
Pr. No. 11.18 Cl. 121	The Committee note that by virtue of Clause 69, a National Authority is empowered to investigate or cause to investigate, cases of alleged acts of omissions or Commissions, committed on a large scale or on organized basis in respect of major minerals. The Committee find that National Authority can exercise powers only after the alleged act, contravening the provisions of the Act and the rules framed there under have been committed and not otherwise. However, there is no mechanism to pre-empt such offences and violations. The Committee, therefore, desires that the National Authority should not only investigate acts of omissions and commissions committed, but also intervene	The Commission also emphasizes the recommendations of the Committee on anticipating the omissions to perform acts as required of the lessee in regard to R&R, livelihood protection/improvement, remediation and ecology restoration.

<i>Para No./ Clause No</i>	Views in 36th report of the Standing Committee on Coal and Steel (2012-13) XV Lok Sabha	Views/Comments of Commission.
	<p>where there are apprehension of violations of such acts of omissions and commissions. Further, the restrictive nature of investigation i.e. investigation of large scale and on organized basis, limits the power and the role of the National Authority. The Committee, therefore, desire the board based powers, ought to be assigned for the purpose of investigations to the national Authority and it may be permitted to investigate violation of cases which are unlikely to be not on large scale and or organized basis. Further, for the sake of clarity, the expression ‘not on large scale’ and ‘on organized basis’ be defined. The relevant Clause, be amended, accordingly.</p>	
<p>Pr. No. 102(1) Cl. 102</p>	<p>(1) The Central Government Shall, by notification, constitute a Central Coordination –cum-Empowered Committee consisting of representatives of the Central of the Central Government and the State Government to achieve the objects of the Act.</p> <p>(2) The functions of the Central Coordination-cum-Empowered Committee shall be such as may be notified.</p>	<p>MTA should be represented in the Central Coordination-cum-Empowered Committee</p>