



**No.1/6/12-Coord.
Government of India
National Commission for Scheduled Tribes**

**6th Floor, 'B' Wing,
Lok Nayak Bhawan,
Khan Market,
New Delhi 110003
Dated: 26/07/2012**

To

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

Sub:- Summary record of the 35st Meeting of the Commission was held at 11:00 hours on 24th July, 2012.

Sir,

I am directed to refer to the above subject and to say that 35st Meeting of the National Commission for Scheduled Tribes was held at 11:00 Hrs. on 24th July, 2012 in the Conference Room of the Commission at Lok Nayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Chairperson of the National Commission for Scheduled Tribes. A copy of the Summary Record of the meeting is enclosed for information and record.

Yours faithfully,


(S.P. Meena)
Assistant 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 **09th August, 2012** positively.

- (i) Dy. Director
- (ii) Under Secretary, (Admn.)
- (iii) 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. Sr. PPS to Secretary/ PPS to Joint Secretary,
2. Assistant Director/ Research Officer in Regional offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi and Shillong.
3. ✓ Sr. System Analyst (NIC Cell, NCST) for uploading on the website.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the 35th meeting of the Commission held at 11:00 Hrs. on 24-07-2012.

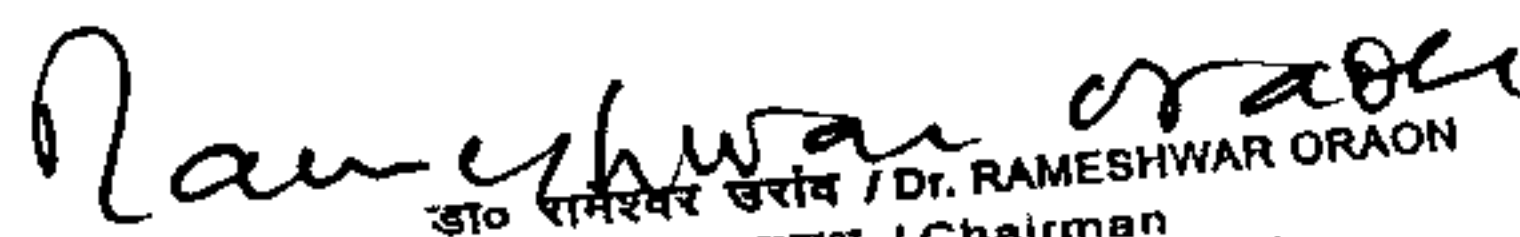
The 35th meeting of the Commission was held at 11:00 Hrs. on 24-07-2012 in the Conference Room of the Commission in Loknayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Chairperson, NCST. List of participants is enclosed at Annexure. Five Agenda Items were taken up for discussion in the meeting.

Agenda Item-I Draft Cabinet Note for official amendments to the Land Acquisition, Rehabilitation & Resettlement Bill, 2011 (as introduced in Lok Sabha) prepared by Ministry of Rural Development, Department of Land Resources.

2. The Joint Secretary, National Commission for Scheduled Tribes informed the Commission that the Ministry of Rural Development had not forwarded the Draft Land Acquisition, Rehabilitation & Resettlement Bill, 2011 for advice/comments of National Commission for Scheduled Tribes as required under Article 338A (9) of the Constitution. However, the Commission prepared its views/comments of the Commission on the Draft Land Acquisition, Rehabilitation & Resettlement Bill, 2011 as available in the Public Domain. In the meanwhile, the Ministry introduced the Bill in Parliament and the Bill was referred to the Standing Committee of Parliament for examination. As this Commission was not consulted by the Ministry before introducing the Bill in Parliament and the subject matter has vital concern with the Scheduled Tribes, the views/ comments of the National Commission for Scheduled Tribes were forwarded to the Prime Minister with the request that the views of the Commission may be got placed before the Standing Committee of Parliament. The Standing Committee submitted its report on 17th May, 2012. After considering the recommendations of the Standing Committee on the Bill, the Ministry of Rural Development proposes to move official amendments to the Bill and, the Ministry has prepared a Draft Cabinet Note to meet the objective. Soon after receipt of the Draft Cabinet Note, the views/ comments of the National Commission for Scheduled Tribes on the Draft Bill were forwarded to the Ministry of Rural Development for their response. The Ministry of Rural Development forwarded their response on 23/07/2012. The views/ comments of

SR NCST Meeting 24-07-2012

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डा० रामेश्वर उराँव / Dr. RAMESHWAR ORAON
अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

the National Commission for Scheduled Tribes on the Bill and the response received from the Ministry were discussed in a meeting which the Union Minister for Rural Development had with the Commission at 9:30 AM on 24/07/2012. Revised views/ comments on the Draft Cabinet Note had been prepared keeping in view the discussions held in the high level meeting with the Union Minister of Rural Development and the same were presented in the meeting by the Joint Secretary, National Commission for Scheduled Tribes. The revised views/ comments prepared after meeting with the Union Minister of Rural Development were approved by the Commission with the direction that these views/ comments may be forwarded to the Ministry of Rural Development as well as Ministry of Tribal Affairs.

Agenda Item-II Draft Cabinet Note on amendments to the Child Labour (Prohibition & Regulation) Act, 1986-Proposal of the Ministry of Labour & Employment.

3. The Commission was informed that the Ministry of Labour & Employment has proposed to amend the Child Labour (Prohibition and Regulation) Act, 1986 on the following lines:

(i)	The Child Labour (Prohibition & Regulation) Act be renamed as Child & Adolescent Labour (Prohibition) Act.
(ii)	The word "Adolescent" may be added in the definition to include persons between 14 years and 18 years for prohibition of employment in hazardous occupations or processes.
(iii)	Section 3 of the Act should be replaced with Employment of children below 14 years is completely prohibited as this age is linked with the age of compulsory education as per Right of the Children for free and Compulsory Education Act, 2009 or any subsequent amendment made therewith in the provision of the Act. There should be no bar on children helping their families after school hours and in vacations, in fields, home-based work (to exclude any work where there is subordinate labour relationship or work that are outsourced and carried out in homes), forest gathering and also learning skills in schools and technical institutions. Parents and guardians of children are punishable under this Act only when they permit engagement of their children for commercial purposes in contravention to this Act.
(iv)	Insertion of Section 3 (A) to include "Persons below 18 years should be prohibited from working in hazardous occupations & processes set forth in Scheduled A".
(v)	The offences under the Act to be cognizable.

Rameshwar Oraon

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अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
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4. The Commission noted that the main important amendment to the Act is to include provision for prohibiting persons below 18 years (instead of present provision of 14 years) from working in hazardous occupations and processes. The Act also provides for punishment of imprisonment for contravention of the provisions of the Act. It was also noted that the proposed amendments would help the country ratify ILO Convention No. 138 & 182. The Commission agreed to the proposals incorporated in the Draft Cabinet Note prepared by the Ministry of Labour & Employment.

Agenda Item-III Draft Cabinet Note for "National Policy on Information Technology" Proposal of Ministry of Communication & Information Technology, Department of Information Technology.

5. The Commission was informed that the Ministry of Communication & Information Technology has proposed to evolve the National Policy on Information Technology, 2012 with one of the aim to evolve new region/ market specific strategies and for setting up Information Technology based Industries. It is generally noted that it is largely the Tribal Areas which are affected due to acquisition of land for setting up Technology Parks and Industries. The Draft Note does not indicate any impact on the Scheduled Tribes in the Scheduled/ Tribal Areas and the benefits which may percolate to the Tribals who were likely to be displaced and to all the Scheduled Tribes in general. It was noted that the Commission had earlier decided on similar proposals likely to displace tribals and in the context of Draft "National Policy on Electronics" as follows:

(i) The strategy for all development programmes, particularly the major missions/ schemes of the Ministries/ Departments, should comprise sub-Chapters for accelerated development of the tribal areas. In particular, it is necessary to have specific Tribal Sub Plan (TSP) component in all the major missions/ schemes/ programmes of all Ministries/ Depts to have a clear focus on formulation of schemes/ programmes concerning the STs and their effective implementation and monitoring.

(ii) In line with the earlier views of the Commission, the Commission emphasized that a sub-Chapter in the draft National Policy on Electronics concerning STs should have a clear focus on formulations of schemes/ programmes concerning well defined Scheduled Areas and Tribal areas and the Scheduled Tribes and effective implementation/ monitoring of the programmes should be taken up as per sub-Chapter.

Rameshwar Oraon

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राष्ट्रीय अनुसूचित जनजाति आयोग
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6. The Commission accorded approval to the Draft Cabinet Note subject to the above conditions and directed that the opinion of the Commission as mentioned above may be communicated to the Ministry concerned.

Agenda Item-IV Draft Note for Cabinet Committee on Political Affairs on "Peace Talks with the factions of DIMA, HALAM DAOGAH (DHD)-Package of measures to resolve their demands" Proposal of Ministry of Home Affairs.

7. The Commission was informed that the Ministry of Home Affairs (NE Division) has prepared Draft Memorandum of Settlement (MoS) to be signed with the factions of Dima Halam Daogah (DHD) and also prepared a package of measures to resolve their demands. It was mentioned in the Draft Note for the CCPA that:

(i) In the Sixth Schedule areas in Assam, there is a feeling among the hill people that concept of enhanced autonomy to the Councils is not workable. There is also a perception that States smaller than North Cachar District in terms of area and population have been receiving more funds in the form of larger size of funds for plan and non-plan funds and also other Central assistance such as Finance Commission Awards and Centrally sponsored schemes etc, and that due to less allocation of funds from the Central Government as well as State Government, the areas in Sixth Schedule areas are still backward in all spheres. An extremist outfit, namely Dima Halam Daogah (DHD) emerged and engaged itself in armed struggle against the Government since their inception in 1994 for right to self-determination.

(ii) In 2003, the DHD group led by Shri Dilip Nunisa (Chairman) came forward and expressed its willingness to give up violence and to seek solution of its problems peacefully within the framework of Indian Constitution. However, an Anti-talk faction of DHD led by Joel Garlosa as DHD/J came into existence in 2004. An agreement of Suspension of Operations (SoO) with DHD has been in operation w.e.f. 01.01.2003. SoO with this group has been revised and extended from time to time. Due to sustained pressure by the Security Forces, DHD/J also laid down their arms in October, 2009. Bilateral SoO Agreement between Government of Assam and DHD/J is in force.

(iii) DHD and DHD/J factions submitted various demands to the Government. The main demand was creation of a separate State for North Cachar Hills District (now known as Dima Hasao District). The Government appointed Shri P. C. Haldar, former Director, IB as Government of India Representative to negotiate with DHD and DHD/J along with other SoO groups in Assam. After a series of meetings, based on recommendations made by the Government of Assam, draft Memorandum of Settlement (MoS) with DHD factions has been finalized.

Rameshwar Oraon

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अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
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8. The Commission discussed various Clauses in the proposed MoS. It was felt that one of the Clause included in the MoS may not be in the interest of the DHD as well as National interest in the long run. This relates to Clause 8.5 of the MoS according to which "the demand for exempting Scheduled Tribes (Hills) candidates from Dima Hasao from taking one Modern Indian Language (MIL) in the Union Public Service Commission (UPSC) conducted Civil Services examination will be referred to the UPSC for their examination and consideration". The Commission observed that this Clause will not only hamper the prospects of the Scheduled Tribes (Hills) candidates but also against the spirit of National Integration. Subject to this observation, the Commission approved the Draft Note for CCPA prepared by Ministry of Home Affairs.

Agenda Item-V Draft Cabinet Note for USOF Supported scheme to provide Mobile Services in areas affected by Left Wing Extremism (LWE)- Proposal of Ministry of Communication & Information Technology, Department of Telecommunication.

9. The Commission was informed that a Draft Cabinet Note on the above subject prepared by the Ministry of Communication & Information Technology, Department of Telecommunication has been received for furnishing comments of the National Commission for Scheduled Tribes on the proposed scheme. As per information furnished in the Draft Cabinet Note:

- (i) The New Telecom Policy '99 (NTP-99) envisaged provision of access to telecom services at affordable and reasonable prices in rural and remote areas. The financial resources for meeting the Universal Service Obligation (USO) are being realized and collected by way of Universal Access Levy (UAL), which is a specified percentage of the revenue earned by the operators holding different types of licenses.
- (ii) The Universal Service Obligation Fund (USOF) has come into force from 01.04.2002 under the Indian Telegraph Act 1885 as amended by Indian Telegraph (Amendment) Act, 2003.
- (iii) The Universal Services Obligation Fund (USOF) has been established with the primary objective of providing access to the telecom services to people in the rural and remote areas at affordable and reasonable prices. Universal Access Levy (UAL) @ 5% of the Adjusted Gross Revenue of telecom service providers is collected and credited to the Consolidated Fund of India and made available to the USOF after due appropriation of the Parliament.
- (iv) Rural India comprises of about 6,38,596 villages out of which about 44,865 villages are uninhabited as per the Census 2001. The remaining 5,93,731 inhabited villages account for 72.22% of the total population of India. A scheme for creating Shared Infrastructure for Mobile Services in

the specified rural and remote areas of the country having no fixed wireless or mobile coverage was launched by USO Fund with effect from 01.06.2007. The objective of the scheme was to provide subsidy support for setting up and managing 7353 number of infrastructure sites by the Infrastructure Providers (IPs) in 500 districts spread over 27 states for provision of mobile services by three Universal Service Providers (USPs). Villages or cluster of villages having population of 2000 or more and not having mobile coverage were taken into consideration for installation of the towers under this scheme. As on 31.12.2011, 7296 towers and 15407 BTSs have been subsidized under this scheme. The remaining towers are under different stages of installation. Subsidy of Rs 211.84 Crore has been disbursed till 31st December, 2011.

- (v) It is estimated that around 37000 villages are left uncovered by any service provider, at present. Ministry of Home Affairs (MHA) has identified and conveyed 2199 such locations in 9 states which are Left Wing Extremism (LWE) affected and do not currently have any coverage by any service provider. These locations have been identified for installing towers and mobile equipment keeping in view the security and maintenance considerations. Coverage of forest and uninhabited areas is also required.
- (vi) Most of the areas affected by Left Wing Extremism are in forest and hilly tracts where communication system is essential for security forces and good governance by local administration. Hence, providing mobile connectivity is a prime requirement in these areas on an urgent basis in view of the insurgency situation, commercial viability of such locations is severally limited. Hence subsidy support of USOF is required for operational expenditure also, in addition to CAPEX. Accordingly, USOF may fund the CAPLEX as well as OPEX net of revenue, for a period of five years.

10. The Commission observed that the proposal involves providing mobile connectivity in areas affected by Left Wing Extremism (LWE) and large number of Scheduled Areas/ Tribal Areas are affected by LWE which need developmental inputs. Mobile services are going to boost the efforts of the security and administrative machinery in these LWE areas. The Bharat Sanchar Nigam Ltd. which is a Central PSU under Department of Telecommunication, Government of India has been nominated to provide and maintain mobile services in those areas. As the cost involved in providing and maintaining mobile services in those areas is very high as compared to expected revenue generation it has been proposed for providing subsidy to Bharat Sanchar Nigam Ltd. As the proposal is ultimately going to contribute towards development of the LWE affected Scheduled Areas/ Tribal Areas the Commission agreed to the proposal and accorded approval to the Draft Cabinet Note.

9. The Meeting ended with vote of thanks to the Chair

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Rameshwar Oraon

डा० रामेश्वर उरांव / Dr. RAMESHWAR ORAON
अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

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ATTENDANCE SHEET

National Commission for Scheduled Tribes

35th Meeting of the Commission held on 24/07/2012 in the Conference Room of the Commission- List of participants.

<u>S. No.</u>	<u>Name and Designation</u>	<u>Signature</u>
	National Commission for Scheduled Tribes	
1.	Dr. Rameshwar Oraon, Chairperson	(in Chair)
2.	Smt. K. Kamala Kumari, Member	
3.	Shri Bheru Lal Meena	
4.	Shri Aditya Mishra, Joint Secretary	