



GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

File No. 15/10/MHA/2012/RU-III

Dated 20/12/2012

To

The Secretary,
Ministry of Home Affairs
Shastri Bhawan,
New Delhi- 110001

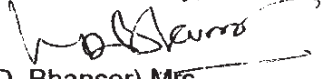
Sub: Draft Cabinet Note for promulgation of Andaman and Nicobar Island Maritime Board Regulation, 2012

Sir,

I am directed to refer to your letter No. U.11023/2011-UTL dated 05/11/2012 forwarding a copy of the Draft Cabinet Note on the above subject for seeking comments of NCST on the Draft Cabinet Note and to say that the subject matter was discussed as Agenda Item No-II in the 40th Meeting of the Commission held on 17/12/2012.

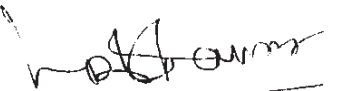
2. Relevant Extracts from the Summary Record of the meeting of the Commission are enclosed for information and further necessary action. It is requested that information about action taken on the views and observations of National Commission for Scheduled Tribes on the subject matter, and the nature and the manner in which those views have been incorporated, may be forwarded to this Commission urgently for including the same in the Annual Report of the Commission.

Yours faithfully,


(K. D. Bhansor) Mrs.
Deputy Director

Copy for information to:-

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


(K. D. Bhansor) Mrs.
Deputy Director

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the 40th meeting of the Commission held at 11:30 AM on 17-12-2012

The 40th meeting of the Commission was held at 11:30 AM on 17-12-2012 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 participants is enclosed at Annexure. There were fourteen Agenda Items for discussion in the meeting. In addition, as desired by the Chairperson, NCST important administrative issues of immediate concern relating to functioning of the Commission were also taken up for discussion as additional Agenda item No. XV.

2. The decisions taken and the action points that emerged out of the discussions held in the meeting are given below:

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Agenda Item II	Draft Cabinet Note for Promulgation of Andaman and Nicobar Islands Maritime Board Regulation, 2012
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5. Ministry of Tribal Affairs, vide letter No. 20025/2/2012-'C&LM-II dated nil sought the comments of the Commission with reference to the Ministry of Home Affairs OM U-11023/1/2011-UTL dated 16/07/2012 on the Draft Cabinet Note for 'Promulgation of Andaman and Nicobar Islands Maritime Board Regulation, 2012.

6. The Commission observed that the proposal was related to constitution of a Maritime Board for the accelerated management and development of ports in the Andaman and Nicobar Islands in place of the Port Management Board, constituted in Feb., 1989 which had been found to be functioning like a Department of the Andaman and Nicobar Islands Administration. The Commission noted that in accordance with the Section 28 of the draft Regulation, no vessels, which include anything made for the conveyance mainly by water, of human being or of goods can be berthed or brought alongside the wharf/ jetty without permission of the Maritime Board. In this connection, the Commission agreed with the observations of the

Directorate of Tribal Welfare, Andaman & Nicobar Administration vide their letter No. 5-41/2012-TW/1077 dated 9/10/2012 that as the Canoes (traditional dinghie) used for their livelihood by the Nicobari tribals for conveyance of passengers and goods from one island to another including fishing are to be berthed or kept in anchorage only along side the Wharf/ Port, (as they have no place/ sea shore other than the minor ports area for this purpose), the tribals are to be given blanket exemption to use the minor port area for berthing their traditional sea crafts. The Commission desired that the Ministry of Home Affairs/ A & N Administration may make necessary amendment in the draft Regulation in this regard.

7. The Commission further noted that under Section 1.4 of Chapter 1 of the proposed Regulation, the provision of the Regulation shall apply to all the minor ports located in the tribal area (reserve area). As brought out by the Directorate of Tribal, Welfare, Andaman & Nicobar Administration vide their letter dated 9/10/2012 quoted above, the land in the reserved area are held by the tribal on community basis. In the past, the land has been acquired for development purposes through negotiations with the tribals on payment of compensation without resorting to Land Acquisition Act. However, Section 23 of the Draft Regulation is entirely meant to acquire land under Land Acquisition Act which in the context of the practices followed in the past, may invite opposition form the local ST inhabitants. The Commission, therefore, desired that the Ministry of Home Affairs/ Andaman & Nicobar Administration may like to review the relevent provisions in the proposed Regulation in the light of the amended Land Acquisition, Rehabilitation & Resettlement Bill, 2011.

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