



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. 15/15/M/O Law/2012/RU-III

Dated 20/12/2012

To

Dr. Sadhana Rout
Joint Secretary,
Ministry of Tribal Affairs,
Shastri Bhawan,
New Delhi- 110001

Sub: Draft Cabinet Note on proposal to implement Order dated 10/1/2012 of the Hon'ble Supreme Court in Writ Petition (Civil) No. 540 of 2011 Virendra Pratap & another vs. Union of India and others. Promulgation of the Readjustment of Seats and Territorial constituencies Ordinance, 2012 under Article 123(1) of the Constitution.

Sir,

I am directed to refer to your letter D.O.No12014/1/2012-C&LM-II dated 12/11/2012 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-VI 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 with enclosure forwarded for information to:-

1. The Secretary Ministry of Law and Justice, Legislative Department, Shastri Bhawan, New Delhi-110001, with their letter D.O.No.H-11019(3)/2012-Leg.II dated 22/10/2012 addressed to the Joint Secretary Ministry of Tribal Affairs.
- ✓ 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 VI | Draft Cabinet Note on proposal to implement Order dated 10/1/2012 of the Hon'ble Supreme Court in Writ Petition (Civil) No. 540 of 2011 Virendra Pratap & another vs. Union of India and others;Promulgation of the Readjustment of Seats and Territorial Constituencies Ordinance, 2012 under Article 123(1) of the Constitution. |
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13. Ministry of Tribal Affairs, vide D.O.Letter No.12014/1/2012-C&LM-II dated 12th Nov., 2012, has forwarded for comments of the Commission the draft Cabinet Note of the Ministry of Law & Justice on 'Proposal for Promulgation of the Readjustment of Seats and Territorial Constituencies Ordinance, 2012 under Article 123(1) of the Constitution aimed at implementing the Order dated 10/1/2012 of the Hon'ble Supreme Court in Writ Petition (Civil) No. 540 of 2011 Virendra Pratap & another vs. Union of India and others.

14. The Commission noted that the need for the readjustment of Parliamentary and Legislative Assembly constituencies has been necessitated on account of variation in the population figures of the Scheduled Castes and Scheduled Tribes by inclusion in or exclusion from the lists of the Scheduled Castes and Scheduled

Tribes by Parliamentary Acts enacted subsequent to 2001 Census, on the basis of which the present delimitation of the Parliamentary and Legislative Assembly constituencies is in existence. The proposed legislation empowers the Census Commissioner to ascertain and determine the revised population figures of the Scheduled Castes and Scheduled Tribes, after taking into account the Scheduled Castes and Scheduled Tribes communities which have been included in the respective lists after 2001 census and upto 31st May, 2012 by various Parliamentary Acts .

15. The Commission further observed that there is no provision in the Delimitation Act, 2002 (33 of 2002), in the Representation of the People Act, 1950 (43 of 1950) or in the Representation of the People Act, 1951 (43 of 1951) or in any other statute which empowers the Election Commission of India to carry out further delimitation of constituencies or to determine constituencies reserved for the Scheduled Tribes in any of the State or Union territory where the delimitation exercise was carried out by the Delimitation Commission under the Delimitation Act, 2002 and in terms of the provisions of the Constitution on the basis of 2001 census. The Commission, therefore, agreed with the proposal of the Ministry of Law and Justice for promulgation of the Readjustment of Seats and Territorial Constituencies Ordinance, 2012 under article 123(1) of the Constitution.

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