



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

D.O. No.4/4/2006-C.Cell

K.N. Singh  
Joint Secretary  
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Dated ..... 2.1.2007

M.S.  
Dear Shri Santosh,

Please refer to your letter No.16015/03/2006-TDR dated 29.11.2006 regarding the comments of this Commission on "Action Taken by the Government on the recommendations contained in the Fourth Report (14th Lok Sabha) - Atrocities on Scheduled Castes and Scheduled Tribes and pattern of social crimes towards them". The matter was considered by the Commission in its full meeting held on 20.12.2006. The Commission agreed that there was a justified need to empower the National Commission for Scheduled Tribes by making the implementation of its recommendations in relation to violation of the safeguards provided for the Scheduled Tribes through the following measures:-

- (i) Clause 5 (b) of Article 338A should be suitably amended to provide that where the enquiry discloses any violation of safeguards of the STs or negligence in the prevention of violation of these safeguards by a public servant, the Commission may recommend to the concerned Government or authority for taking corrective remedial measures and that it should be mandatory for the concerned organization of the Central Govt. or the State Govt. to accept such recommendations.
- (ii) On a complaint or suo-moto, the Commission may enquire into non-implementation of the provisions under Section 3 and 4 of the Act to ensure that the police authorities or a public servant perform their duties for proper implementation and investigation within a stipulated period and that the recommendation of the Commission in this regard should be binding on these authorities i.e. the police and civil servants for proper implementation for fair trial by special court. The Commission should also be empowered to award penalty for negligence by these authorities on the lines of the RTI Act, 2005.
- (iii) The Commission observed that it had submitted its first Report to the President of India in August, 2006 and that it had not yet been laid on the Table of both the Houses of Parliament. The Commission further observed that the Reports of the erstwhile National Commission for Scheduled Castes and Scheduled Tribes were also laid before the Parliament many years after their submission to the President. This leads to dilution of the recommendations made by the Commission. The Commission observed that there was an urgent need to evolve a mechanism for laying the Reports of the Commission in Parliament within a reasonable period of time and accordingly felt the need for early acceptance of its recommendations contained in first Report of the National Commission

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for Scheduled Tribes for amending Clause (6) and Clause (7) of Article 338 (now Article 338A in the context of National Commission for Scheduled Tribes) as given below:-

"Clause (6):- The President shall cause all such reports to be laid before each House of Parliament within three months of such submission and a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non- acceptance, if any, of any of such recommendations shall be placed before each House of the Parliament within six months of such submission.

Clause (7):- Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State within three months and a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations shall be laid before the Legislature within six months of such submission".

- (iv) On the lines of the powers given to the Central Information Commission in the context of the implementation of the various provisions of the Right to Information Act, 2005, the National Commission for Scheduled Tribes should also be given power to impose fine on a public servant for willful delay or negligence in the discharge of his duties in implementing the instructions of the Government relating to safeguards available to the members of Scheduled Tribes.
- (iv) The National Commission for Scheduled Tribes has been provided with skeleton staff only due to which it is not able to perform the constitutional obligations assigned to it in an effective manner. There is, therefore, an urgent need for augmentation of its existing strength.

With regards,

Yours sincerely,

  
(K.N. Singh)

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