



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. 15/2/Higher Education(HRD)/2013/RU-III

Dated 21/01/2013

To

Shri R.H.H. Hmar,  
Under Secretary,  
Ministry of Tribal Affairs  
Room No. F-281,  
August Kranti Bhawan,  
Bhikaji Kama Place,  
New Delhi- 110066

**Sub: Amendment to the Prohibition of Unfair Practices in Technical Education Institutions, Medical Educational Institutions and Universities Bill, 2010**


Sir,

I am directed to refer to your letter No. 20025/12/2012-P&M (Vol-1) dated 10/01/2013 regarding views/ comments of the Commission on the Draft Cabinet Note mentioned above and to say that the subject matter was discussed as Agenda Item No-II in the 43<sup>rd</sup> Meeting of the Commission held on 21/01/2013.

2. Relevant Extracts from the Summary Record of the meeting of the Commission are enclosed for information and further necessary action. In this Connection, you are requested to ensure that in accordance with the revised instructions issued by the Cabinet Sectt. vide OM dated 16/2/2012, the views of the Commission, as received by the MTA, are placed before the Hon'ble Minister, MTA before communicating final views/comments of the MTA to the sponsoring Ministry viz. Ministry of HRD (Deptt. of Higher Education). Further, the Ministry of HRD should be requested to include in/ enclose with the note for consideration of the Cabinet the unabridged/ unedited views of the Commission along with the views of the MTA and their responses thereon.

3. 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

Encl: As above

Copy for information to:-

The Secretary,  
(Kind Attention:  
Shri H.R. Joshi  
Director  
Ministry of HRD,  
Department Higher  
Education  
Shastri Bhawan,  
New Delhi-110001

Please refer to your letter No 4-27/2009-U1A/U.Policy dated 12/07//2012, addressed to Ministry of Tribal Affairs on the subject.

2. Relevant Extracts from the Summary Record of the meeting of the Commission, communicating views/ comments of the Commission on the issue are enclosed. In this connection, your kind attention is also invited to para 2 above with reference to the revised instructions issued by the Cabinet Sectt. vide O.M. dated 16/02/2012. It is requested that the action may please be taken accordingly and the nature and the manner in which views of the Commission have been incorporated in the proposed Amendment to the Act may be forwarded to the Commission urgently for including the same in the Annual Report of the Commission.

Encl: As above  
SSA (NIC)  
Assistant Director  
(Coordination)

For uploading on the Website of NCST



(K. D. Bhansor) Mrs.  
Deputy Director

## NATIONAL COMMISSION FOR SCHEDULED TRIBES

**Subject: Summary record of the 43<sup>rd</sup> meeting of the National Commission for Scheduled Tribes held at 12:30 HRS on 21/01/2013.**

The 43<sup>rd</sup> meeting of the Commission was held at 12:30 hrs on 21/01/2013 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 three Agenda Items for discussion in the meeting. All the Agenda Items were discussed in the meeting.

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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<b>Agenda Item II</b>	<b>Amendment to the Prohibition of Unfair Practices in Technical Education Institutions, Medical Educational Institutions and Universities Bill, 2010</b>
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9. Ministry of Tribal Affairs, vide O.M. No. 20025/12/2012-P&M(Vol.-I) dated 10/01/2013, have sought the comments of the Commission on the Amendment to the Prohibition of Unfair Practices in Technical Education Institutions, Medical Educational Institutions and Universities Bill, 2010 with reference to the MoHRD letter No. 4-27/2009-U1A/U.Policy dated 12/07/2012.

10. The Commission noted that the MoHRD letter dated 12/07/2012 was received in the Ministry of Tribal Affairs on 13/07/2012, requesting the comments/ suggestions in the matter within one week. However, MTA sought the comments of the Commission vide letter dated 10/01/2013 after a lapse of about six months. The Commission observed that the cases, where the Sponsoring Ministry lays down time-frame for the comments/ suggestions, should be forwarded by the MTA to the Commission on an urgent basis, so that the views/comments of the Commission on policy related issues concerning STs are timely available to the Sponsoring Ministry/Deptt.

11. Joint Secretary, NCST mentioned that the Bill aims to provide an institutional mechanism for preventing, prohibiting and punishing unfair practices in higher educational institutions. The proposed amendment makes it mandatory to disclose adherence to reservation provisions (in public funded institutions) and policy framework in place (in private un-aided institution) to account for addressing equity concerns in the prospectus and also de-links from the Education Tribunal Bill,2010 (which has yet to be considered in the Parliament with official amendments) and restores adjudication of penalties to civil courts for punishments and penalties in case of non-adherence to the same. Thus, the proposed Bill provides for public accountability of such institutions and prevention of unfair practices being adopted vis-à-vis students.

12. After detailed discussion, the Commission decided to recommend the proposed amendment.

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