

Government of India
National Advisory Council

21st December, 2012

1. The Twenty-sixth meeting of the National Advisory Council was chaired by Smt. Sonia Gandhi on 21st December, 2012 at 2 Motilal Nehru Place, New Delhi.
2. Members who attended the meeting were Ms Anu Aga, Dr. Narendra Jadhav, Dr. Mihir Shah, Prof. Pramod Tandon, Dr N C Saxena, Shri Ashis Mondal, Ms Mirai Chatterjee, Ms Farah Naqvi, Shri Deep Joshi and Dr A.K. Shiva Kumar.
3. In its meeting in March 2012, the NAC had deliberated on social security for unorganized workers to make the Unorganized Workers' Social Security Act, 2008 as inclusive as possible with a comprehensive social security package to be provided through single window backed by a common ICT architecture. The recommendations of the NAC were communicated to the Government in April, 2012. Shri D.K. Mittal, Secretary, Department of Financial Services, and Dr M. Sarangi, Secretary, Ministry of Labour & Employment, appraised the Council, the salient features, coverage planned, implementation plan and time lines for implementation of the Comprehensive Social Security Insurance Scheme (CSSIS) evolved by Government of India, based on the recommendations of the NAC, to be rolled out by Government of India in 2013-14, after holding consultations with the States.
4. The Comprehensive Social Security Insurance Scheme (CSSIS) envisages covering life, disability, Girl Child education (class IX-XII); co-contributory pension on optional basis (@Rs 500 and Rs 1000/family each per year) on tripartite basis (GOI, State and Beneficiary); and health insurance under Rashtriya Swasthya Bima Yojana (RSBY). The implementation to be entrusted to dedicated vertical in Life Insurance Corporation (LIC).
5. Shri Deep Joshi, Member, NAC and Convener of the NAC Working Group on Panchayat (Extension to Scheduled Areas) Act 1996(PESA) presented the draft recommendations of the Working Group to the Council. The NAC deliberated and approved the Working Group proposals on Panchayat Extension to Scheduled Areas Act (PESA) 1996. The proposal comprises of two main parts – Amendments to the Act and directions under Proviso 3 of the Constitution along with some recommendations to Government of India.
 - a. Amendments to PESA 1996: The proposal seeks to amend and elaborate on the law with a view to strengthen it and rectify some of the weaknesses in the existing law which include:

- i. enlarged list under definitions of terms used in the Act for further clarification;
 - ii. elaboration of Gram Sabha and its geographical jurisdiction;
 - iii. enabling the Gram Sabha to constitute various committees for various purposes;
 - iv. elaboration of the role of Gram Sabha in planning for development and conduct of social audit;
 - v. prior informed consent for land acquisition and licensing for minor minerals and its procedure;
 - vi. reinforcing the need to align Central and State laws in conformity with PESA
 - vii. enabling the State government to make rules;
 - viii. enabling the Centre to issue directions and
 - ix. adding a provision of grievance redress for violation of the Act.
- b. Directions: Certain directions on major issues have been proposed to be issued under Proviso 3 of the Fifth Schedule in the interim .These need not await amendment to the Act and can be issued immediately for better implementation of the existing law. These pertain to the following areas:
- i. Aligning laws in conformity with PESA to ensure autonomy of Gram Sabha and Panchayats in Scheduled Areas.
 - ii. Identification and declaration of ‘Village’ to conduct gramsabhas under the law
 - iii. Powers of Gram Sabha to identify beneficiaries, approve plans, programmes and projects, control over institutions and functionaries and issue of utilization certificate.
 - iv. Prevention of Land Alienation and Restoration of Illegally Alienated Lands.
 - v. Control over Usurious Money Lending in the Scheduled Areas.
- c. In addition, a few recommendations for Government of India are also provided regarding:
- i. Inclusion of tribal habitations hitherto not included under the Fifth Schedule.
 - ii. Central Govt. to expedite law on Provisions of the Municipalities (Extension to Scheduled Areas) Bill
 - iii. Constitution of Special Task Force to review functioning of Vth Schedule Areas and to suggest appropriate administrative arrangements for Vth schedule areas.

6. The next meeting of the NAC is scheduled to be held on 29th January, 2013.