



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

संख्या/ No.- No. 1/1/09-Coord

दिनांक/ Date: 03/02/2009


To

- 1) Smt. Urmila Singh, Chairperson
- 2) Shri Maurice Kujur, Vice-Chairperson
- 3) Shri Tsering Samphel, Member
- 4) Shri Oris Syiem Myriaw, Member

Sub: Summary record of the 10th meeting of the National Commission for Scheduled Tribes held on 22/01/2009.

Sir,

I am to refer to the above subject and to say that 10th meeting of the National Commission for Scheduled Tribes, originally scheduled to be held on 23.01.2009 was pre-poned due to certain unavoidable circumstances and held at 1500 hrs. on 22.01.2009 in the Conference room of the Commission in Lok Nayak Bhawan New Delhi. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. A copy of the Summary Record of the meeting is enclosed for information and record.


(R.C. Durga)
Director (Coord.)

Copy with copy of Summary Record of the meeting forwarded to the following officers with the request that information about action taken on the decision taken in the meeting concerning each Unit/ Office may be furnished to Coordination Unit by 16.02.2009 positively:

- (i) Director (RU-I & RU-II)
- (ii) Director (RU-III & Coord.)
- (iii) Dy. Secretary (RU-IV & Admn.)
- (iv) US (Admn.)
- (v) AD/ RO Incharge-RU-I/ RU-II/ RU-III/ RU-IV/ Coord/ SO (Admn.)/ AD(OL).

Copy with copy of Summary Record of the meeting forwarded for information to:

1. PS to Chairperson/ PPS to Secretary/ PS to Joint Secretary.
2. Director/ Assistant Director/ Research Officer in Regional Offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi/Shillong.


(R.C. Durga)

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Sub : Summary record of the 10th meeting of the National Commission for Scheduled Tribes held at 1500 hrs. on 22.01.2009.

The 10th meeting of the National Commission for Scheduled Tribes, originally scheduled to be held on 23.01.2009 was pre-poned due to certain unavoidable circumstances and held at 1500 hrs. on 22.01.2009 in the Conference room of the Commission in Lok Nayak Bhawan New Delhi. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. List of participants is enclosed at **ANNEXURE**.

2. There were 8 Agenda Items for discussion. However, only seven items could be discussed as the Agenda Item VIII (added in the last) could not be taken up. Summary record of the discussions held in the meeting, **agenda item-wise**, is given below:

Agenda Item I Recommendations made by the 2nd Administrative Reforms Commission in its Fourth Report titled "Ethics in Governance" relating to "Reducing Discretion" and "Promoting Competition".

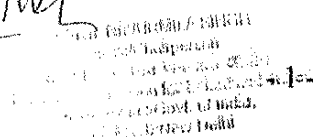
It was intimated that draft guidelines for dealing with cases were prepared which had been circulated to the Members. The Commission agreed that by adopting these standard guidelines, the recommendation of ARC relating to "Reducing Discretion" and "Promoting Competition" can be implemented.

Agenda Item II Comments / ATR on Conclusions/ Recommendations Contained in the report of Committee on Welfare of Scheduled Castes and Scheduled Tribes (14th Lok Sabha)

There are 23 recommendations in the Report of the Parliamentary Committee. The draft comments prepared w.r.t. each recommendation was discussed in detail and the same were accepted in principle by the Commission. However, regarding recommendation No. 23 w.r.t. para 4.27 of the Report, it was decided to communicate the following comments:

The National Commission for Scheduled Tribes fully endorses the recommendation of the Committee and hope that the Ministry of Finance (Banking), which is primarily concerned with the subject matter, would take immediate steps to find out an effective solution like setting up a **Credit Guarantee Fund** to resolve the problems faced by ST farmers in consultation with the Ministry of Tribal Affairs, Planning Commission, Reserve Bank of India, major Nationalized Banks, Ministry of Cooperation, Ministry of Rural Development, and State Governments (States with notified Scheduled Areas).

Urmila Singh



Agenda Item III Proposal to amend Article 341 of the Constitution of India to confer enabling powers for categorization of Scheduled Castes (SCs), specified in respect of a State or a Union Territory-issue of Sub-Categorization of Scheduled Castes in Andhra Pradesh

The Commission had a detailed in-depth discussion on the proposal of the Ministry of Social Justice & Empowerment regarding amendment of Article 341 of the Constitution of India to provide for sub-categorization of Scheduled Castes (SCs), specified in respect of a State or a Union Territory.

The Commission observed that certain communities that were relatively more empowered and able to avail the facilities available for development are enjoying a larger share in the reservation in appointments in services/ posts and also in professional educational institutions, which has caused ire of disadvantaged groups, both from within as well as outside the group. On the other hand, certain other communities still remain below the threshold; and may not be able to enjoy the fruits of reservation in the next several years as the facilities that may empower them are not easily available or accessible to them. The population of each of such relatively more backward communities may not be substantial; and therefore, a very small percentage, reserved for them in proportion to their population percentage, may only guarantee a seat/ post at large intervals of time. For instance, the reservation suggested by the Raju Commission for most backward SC communities included in category 'A' is only 1%. Most of the service cadres have very small cadre strengths; and, therefore, in a roster-based system, it cannot be assured as to when the share of 1% reservation will be available and whether a vacancy against the reserved point will be available whenever eligible candidates from these communities become available for appointment. In such a situation, it is apprehended that vacancies reserved for the backward and more backward/ marginalised communities (erstwhile criminal tribes, etc.) which remain unfilled due to non-availability of qualified and eligible candidate(s) from amongst them may be filled by unreserved candidates. The present system of reservation (without sub-categorisation) at least enables the posts reserved for Scheduled Castes to be filled from amongst any SC community; and de-reservation is agreed only when no SC candidate is available or likely to be available in the near future. Therefore, Sub-Categorisation of SC communities on the basis of backwardness and merely earmarking a fixed percentage of reservation in proportion to their population within each sub-category may not help them in availing reservation; and a relatively larger proportion will have to be reserved for these backward communities among Scheduled Castes. Also,

U. Venkateswara

Secretary
Commission
for Scheduled Caste
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New Delhi

unless all-out efforts are made to empower such communities by extending educational and health care facilities at their door-step and preparing them to enjoy the fruits of development, even these efforts may be insufficient.

The Commission, therefore, remained unconvinced about the utility of sub-categorisation of Scheduled communities. Since, multiple stratification of SC communities according to their population does not appear feasible or even in the interest of backward, numerically smaller communities, the better course may be to categorise the Scheduled Castes communities in each State on the basis of quantifiable criteria into broadly 3 categories viz; developed, under-developed and undeveloped (including those totally marginalized) and earmark progressive (larger than population share) reservation in favour of more backward communities. Separate schemes may also be launched for each category of communities, keeping in view the level of development of the communities in each category. Since the Commission did not possess legal expertise, it did not comment on the need for the constitutional amendment proposed.

Agenda Item IV Proposal for Inclusion of 'Medara' community as a synonym of 'Meda' community in the ST list of Karnataka

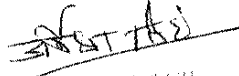
The Commission decided that the case needs further consideration.

Agenda Item V Questionnaire by the Commission on Centre State Relations

Secretary, NCST stated that Paras 4.11, 5.4, 6.8, 7.2, 7.3, 8.5 & 9.1 of the questionnaire appeared to be relevant to the mandate of the Commission (NCST) and suggestions in this regard were requested from the Members so that the same could be considered in the forthcoming meetings of the Commission. The matter was deferred for the time being as Members needed more time to study the Questionnaire.

Agenda Item VI Proposal of the Ministry of Tribal Affairs for amendment of National Commission for Scheduled Tribes Chairperson, Vice-Chairperson, and Members (Conditions of Service and Tenure) Rules 2004.

The Ministry of Tribal Affairs has proposed to replace the existing entry "at least one other Member shall be appointed from amongst women" in para 3(2) (C) of the Rules by "at least one person appointed in the Commission shall be a woman"


 National Commission for Scheduled Tribes
 Ministry of Tribal Affairs
 Government of India
 New Delhi

The Commission did not support the amendment of the National Commission for Scheduled Tribes Chairperson, Vice-Chairperson, and Members (Conditions of Service and Tenure) Rules 2004 as the proposal has the effect of diluting representation of women in the Commission. At present, the post of the Chairperson, NCST is held by Smt. Urmila Singh and one post of Member is vacant and as per the Rule this post is meant for woman Member. In the present context, if the existing vacancy is filled up and a male Member is appointed then, after the expiry of the tenure of existing Hon'ble Chairperson, the Govt. will be bound to appoint future Chairperson (s) from amongst women only. This situation may not, however, arise at all times in future, if women Members are appointed vice retiring male Members.

Agenda Item VII Para-wise comments of the NCST on the WP No. 24981 of 2008 in the High Court of Judicature at Madras in the matter of All India SC/ST General Insurance Employees' Welfare Association Vs. Secretary, Ministry of Finance & Ors. relating to implementation of reservation policy for SC/ST employees.

It was noted that there was no bar for prescribing written qualifying examination for promotion of officers by selection in the insurance companies. The SC/ ST candidates were being allotted 5% relaxation of marks as recommended by the Commission. It was also explained that the implementation of protection clause for SC/ ST in a faulty manner has been pointed out in the draft para-wise comments. The proposed comments were approved by the Commission

3. The meeting ended with vote of thanks to the Chairperson.

Urmila Singh
Secretary
National Commission for Scheduled Tribes
Ministry of Tribal Affairs
New Delhi

ANNEXURE
(w.r.t. Para 1 of the Summary Record)

National Commission for Scheduled Tribes

Meeting of the Commission held on 22.01.2009 at 1500 hrs. in the Conference Room of the Commission- List of participants.

S.No. Name and Designation

1. Smt. Urmila Singh, Chairperson (In chair)
2. Shri Maurice Kujur, Vice-Chairperson
3. Shri Tsering Samphel, Member
4. Shri Oris Syiem Myriaw, Member
5. Shri R.S. Sirohi, Secretary
6. Shri R.C. Durga, Director
7. Shri Vinod Aggarwal, Director
8. Shri R.P.Vasishth, Deputy Secretary
9. Shri T.S. Negi, Under Secretary
10. Shri K.N. Singh, PS to Chairperson