



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. 1/9/08-Coord

छठी मंजिल, 'बी' विंग, लोक नायक भवन
खान मार्केट, नई दिल्ली-110003

6th Floor, 'B' Wing, Lok Nayak Bhawan
(Khan Market, New Delhi) - 110 003

Dated 21.10.2008

To

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

Subj: Summary record of the 7th meeting of the National Commission for Scheduled Tribes held on 14.10.2008.

Sir,

I am to refer to the above subject and to say that the meeting of the Commission was held at 11:30 P.M. on 14.10.2008 in the Conference Room of the Commission as scheduled. 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 31.10.2008 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 for information to:

1. PS to Chairperson/ 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)

E.No. 1/9/08-Coord

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the 7th meeting of the National Commission for Scheduled Tribes held at 11:30 AM on 14.10.2008.

7th meeting of the Commission was held at 11:30 AM on 14.10.2008 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 **ANNEX**. The meeting was originally called to discuss Agenda Item I only. However, on the suggestion of Secretary, NCST two more Items (Agenda Item II and III), for which Agenda notes had also been circulated in advance, were also discussed in the meeting.

2. Summary record of the discussions held in the meeting, **agenda item-wise**, are as given below:

Agenda Item I (Draft) Cabinet Note on Instructions regarding implementation of reservation for Scheduled Castes, Scheduled Tribes, and OBCs received from Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training .

The Commission discussed in detail the (Draft) Cabinet Note and the draft Office Memorandum proposed to be issued by DoPT after approval by the Cabinet. The DoPT proposes to issue revised instructions regarding implementation of reservation for Scheduled Castes, Scheduled Tribes and OBCs in services. The Commission noted that the system of vacancy based rosters for implementation of reservation in services was replaced by the post based reservation rosters w.e.f. 02.07.1997 to bring the policy of reservation in line with the law laid down by the Supreme Court of India in the case of R.K. Sabharwal Vs State of Punjab. The OM dated 2nd July, 1997 *inter-alia* stipulates that representation of each of the reserved category should at no point of time exceed the reservation prescribed for it. By applying this principle the number of posts reserved for SCs, STs and OBCs is either equal to the percentage of reservation prescribed for them or less than that. Thus, the OM prescribes downward rounding off of reservation to the disadvantage of reserved categories. Implementing authorities have also been finding it very difficult to operate reservation rosters for implementing the reservation provisions. Therefore, DoPT has now proposed upward rounding-off of reservation to the advantage of STs, SCs, and OBCs, keeping total reservation within the prescribed ceiling of 50%. The fractional share of posts reserved for Scheduled Tribes will be rounded-off to the next higher number, if the fraction is more than $\frac{1}{2}$. For instance, out of 25 posts the share for Scheduled Tribes is 1.875 and in actual practice one post only is given to Scheduled Tribes out of 25 posts, effectively reducing their share by one post. Similarly, the share of Scheduled Tribes out of 10 and 20 posts is 0.75, 1.5 respectively and the



उर्मिला सिंघा URMILA SINGH
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

actual share given is zero and one only, thereby leading to lesser representation than the actual entitlement of STs. The Commission endorsed this proposal as upward rounding-off will take care of this anomaly and will, therefore, be beneficial for STs.

The Commission noted that in accordance with paragraph 9 of the Draft Cabinet Note, registers/ rosters are to be maintained as per instructions contained in the draft OM proposed to be issued in the matter (Annexure-III of the draft Cabinet Note). According to paragraph 4 of the said OM, in case of cadres having more than 6 posts, there is no need to maintain any roster to maintain reservations for SCs, STs, and OBCs. In such cases a reservation register as per APPENDIX-A to the said OM is required to be maintained in place of roster being followed at present. However, in respect of cadres up to 6 posts, a 14 point roster is to be followed in the format given in APPENDIX-B of the said OM.

The Commission was of the view that there is a need to ensure a transparent system of implementation of reservation for SCs, STs, & OBCs. A majority of Govt. Organisations will have cadre strength more than 6, and thus, will be affected by the revised system. The existing system of maintaining rosters ensures transparency both with regards to sequence as well as number of vacancies in respect of the reserved posts, both during initial recruitment as well as subsequent replacements. Therefore, the Commission recommends that reservation rosters should continue to be maintained with the revised instructions of rounding-off. A computerised system should also be developed/ established for compilation of reservation rosters, identification/ enumeration of vacant posts and preparation of eligibility lists/ zone of consideration, etc.

Agenda Item II **Review of Office Memorandum No. 36012/2/96-Estt.(Res.) dated 02.07.1997 issued by DoPT in the light of the judgment of the Supreme Court dated 16.09.1999 in the case of Ajit Singh-II and the comments of Attorney General of India.**

The Commission noted that the basic issue under the proposal is regarding preponement of the implementation of Post Based Rosters from 02.07.1997 (date of issue of the OM under reference) to 10.02.1995 (the date of judgment of Hon'ble Supreme Court of India). The Vacancy Based Roster remained in use during the period between 10.02.1995 and 02.07.1997 and appointments/ promotions might have been made against the backlog of vacancies reserved for STs, and SCs identified during this period on the basis of Vacancy Based Roster. As per the note received from the DoPT the preponement will have following implications:

- (i) SC/ ST candidates promoted in excess of the vacancies determined as per PBR prior to 10.02.1995 will lose their seniority.

(Signature)

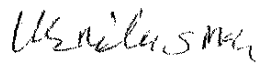
- (ii) SC/ST candidates promoted in excess of the vacancies determined as per PBR after 10.02.1995 will be reverted.

The Commission noted that these issues have arisen as a result of shifting from Vacancy Based Roster, which has been in use since inception of reservation policy, to a new system of reservation, as per the guidelines laid down by the Supreme Court of India, which culminated into PBR. As the Govt. machinery could not be halted till the new system was developed, the appointments and promotions continued to be made as per then existing system of VBR. Although, the period by which preponement is sought is two years only and only a few appointments/promotions might have been made, yet it will not be advisable to consider reverting the promotees or terminating the services of those appointed as DR against backlog vacancies on the basis of then existing VBR. Moreover, the provision regarding seniority of SCs and STs in matter of promotion made in Article 16 (4A) of the Constitution vide the Constitution (85th Amendment) Act 2001, having retrospective effect, after the Supreme Court judgment dated 10.02.1995, and the same having been upheld by the Supreme Court of India, has also to be kept in view. In view of this, it was decided that the Supreme Court judgment may be circulated to Members and the proposal considered thereafter.

Agenda Item III Revised proforma for sending proposal for de-reservation of vacancies reserved for SCs and STs- Reference from DoPT

The Commission noted that as per various Press reports, the Union Govt. was considering to issue total ban on de-reservation of vacancies reserved for SCs and STs in DR as well as promotion. In view of this the above proposal received from DoPT may become infructuous. The Commission desired that a copy of the Bill on the subject which may be introduced in Parliament by DoPT may be obtained for consideration of the Commission.

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


 श्री पुरन सिंह
 as Chairperson
 National Commission for Scheduled Tribes
 New Delhi

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National Commission for Scheduled Tribes

Meeting of the Commission held on 14.10.2008 at 11:30 AM in the Conference Room of the Commission- List of participants.

<u>S.No.</u>	<u>Name and Designation</u>	<u>Signature</u>
1.	Smt. Urmila Singh, Chairperson	(In Chair)
2.	Shri Maurice Kujur, Vice-Chairperson	
3.	Shri Tsering Samphel, Member	
4.	Shri Oris Sylem Myriaw, Member.	
5.	Shri R.S. Sirohi, Secretary	
6.	Shri Aditya Mishra, Joint Secretary	
7.	Shri R.C. Durga, Director	
8.	Shri Vinod Aggarwal, Director	
9.	Shri R.P. Vasishth, Deputy Secretary	
10.	Shri K.N. Singh, PS to Chairperson	

