



Government of India
National Commission for Scheduled Tribes

No. 1/2/2011-Coord.

Dated:31.03.2011

To,

Dr. Rameshwar Oraon, Chairperson
Shri Maurice Kujur, Vice-Chairperson
Shri Oris Syiem Myriaw, Member
Smt. K. Kamala Kumari, Member
Shri Bheru Lal Meena, Member

Sub: Summary record of the 25th meeting of the National Commission for Scheduled Tribes held on 31st March, 2011.

Sir,

I am refer to the above subject and to say that 25th meeting of the National Commission for Scheduled Tribes was held at 11.30 Hrs. on 31st March, 2011 in the Conference Room of the Commission at Lok Nayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Chairperson of the National Commission for Scheduled Tribes. A copy of the Summary Record of the meeting is enclosed for information and record.

Yours faithfully,


(Aditya Mishra)
Joint Secretary

Copy with a copy of the 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 **15th April, 2011** positively:

- (i) Director (RU-I & RU-II)
- (ii) Dy. Secretary, (Admn).
- (iii) Dy. Director (RU-III, RU-IV & Coord.)
- (iv) Under Secretary, (Admn).
- (v) AD/RO In-charge – RU-I/ RU-II/ RU-III/ RU-IV/ Coord./ SO (Admn.)/ AD (OL).

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

1. PS to Chairperson/ PS to Vice-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 and Shillong.
3. Sr. System Analyst (NIC Cell, NCST) for uploading on the website.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Sub : Summary record of the 25th meeting of the National Commission for Scheduled Tribes held on 31/03/2011.

The 25th Meeting of the Commission was held at 11:30 AM on 31-03-2011 in the Conference Room of the Commission in Loknayak Bhawan New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Chairperson, NCST. List of participants is enclosed at Annexure. There were six Agenda Items for discussion in the meeting. All items were discussed in the meeting.

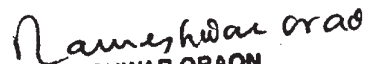
2. The decisions taken and the action points that emerged out of the discussions held in the meeting are given below:

Agenda Item I To consider and approve the revised draft of the 5th Report of the National Commission for Scheduled Tribes for the period 2009-10.

3. There are 8 Chapters in the Report as mentioned below:

- 1) Organisational Set up and Functioning of the Commission
- 2) Planning and Development for Scheduled Tribes
- 3) Effectiveness of MGNREGA for Scheduled Tribes
- 4) Service Safeguards
- 5) Atrocities on Scheduled Tribes
- 6) Case Studies
- 7) Consultation on Policy Related Issues
- 8) Summary of Recommendations

4. The Commission discussed the Report and expressed satisfaction that the suggestions made in respect of each Chapter in the last meeting of the Commission have been suitably incorporated in the revised draft. The Commission, however, observed that the Report needed editorial corrections and resetting of the formats of each Chapter in the Report. The Commission authorized the Secretary, NCST to incorporate consequential refinements/ modifications in the Report and submit the final Report to the Chairperson, alongwith the forwarding letter for submission of the Report to the President of India. The Commission also decided that the recommendations, which were reiterated in the Report, may be separately taken up with the concerned Ministry/ Department so as to ensure that the same recommendation was not required



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to be reiterated in the next Report. Since there is undue delay on the part of the Government to lay the Reports of the Commission in Parliament, it was decided that all those issues, in which fresh recommendations were being made, may be taken up with the concerned authorities after the Report is submitted to the President so that these were not required to be reiterated in the future Reports.

Agenda To establish an independent Regulatory Authority for the
Item II Broadcasting Sector – the Ministry of Information and Broadcasting formulated a draft Broadcasting Service Regulation Bill in 2007.

5. Secretary, NCST informed the Commission about the background of the proposal of the Ministry of I & B for drafting the Broadcasting Service Regulation Bill which was aimed at establishing an independent Regulatory Authority for the Broadcasting Sector. Subsequently, the Indian Broadcasting Foundation, an industry body has envisaged to set up a self-regulatory frame work for the general entertainment TV channels, in the form of 13-Member Broadcasting Content Complaints Council (BCCC). The National Commission for Women, National Commission for Protection of Child Rights and National Commission for Scheduled Castes will be mandatory Members of the Council while National Commission for Scheduled Tribes, National Human Rights Commission and National Commission for Backward Classes will be selected on a rotational basis.

6. The Commission noted that it is mandated by the Constitution to function as a watchdog in respect of all authorities, including regulatory bodies and to safeguard the rights of Scheduled Tribes and render consultations/ suggestions/ recommendations in the framing of regulatory laws concerning the issues pertaining to Scheduled Tribes, but is not expected to be part of any regulatory mechanism. The Commission, therefore, appreciated the apprehension that participation of the Commission in the BCCC, where general decision is taken by majority, may create a conflict of interest, as other Members (at times forming majority in the BCCC) may not always share the concern of NCST, which will also belittle the standing of the Commission under the Constitution. After detailed discussion, the Commission decided that the request of Ministry of Information and Broadcasting for nomination of the Chairperson or a Member of the NCST in the BCCC in their particular meeting dealing with complaints, involving interest of Scheduled Tribes may not be agreed as it is not quite consistent with the Constitutional role and mandate of the Commission.


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**Agenda SB Civil WP No. 8623/2010 filed by Inder Mohan Singh Dhanka & Ors
Item III Vs Union of India & Ors. in the High Court of Rajasthan at Jodhpur-
draft comments of National Commission for Scheduled Tribes.**

7. Secretary, NCST informed that the Commission had already recommended constitution of the Scheduled Areas and Scheduled Tribes Commission at periodic intervals, say ten years, for considering matters relating to inclusion into and exclusion from the list of Scheduled Tribes. He further explained that as per the laid down procedure, after the notification of Presidential Order regarding Scheduled Tribes list in respect of a State, it cannot be amended or interpreted by any authority other than the Parliament. Prior to the notification of Scheduled Castes and Scheduled Tribes (Amendment) order, 1976, the Scheduled Tribe certificates were being issued only to the Dhanka, Tadvi, Valvi and Tetaria communities belonging to Abu Road Taluka of Sirohi District in Rajasthan. After issue of the 1976 Order, the area restriction was removed and persons belonging to Dhanka, Tadvi, Valvi and Tetaria communities became eligible for Scheduled Tribe certificates throughout the State of Rajasthan.

8. Secretary, NCST informed the Commission that MTA vide their letter dated 13/07/2010 had clarified that Dhanka, Tadvi, Valvi and Tetaria of Abu Road Taluka of Sirohi District in Rajasthan only were eligible for ST certificates and the person of these communities in other parts of the State who were originally from Abu Road Taluka of Sirohi District at the time of first notification of these communities as Scheduled Tribes are also entitled for ST certificates. The clarification by the MTA was issued in response to the letter dated 20/07/2009 from the Director, National Commission for Scheduled Tribes Regional Office, Jaipur.

9. As per the Rules of Procedure of the Commission, any observation by the Regional Office on complex and important matters affecting the interest of STs as a group, which is considered necessary to be brought to the notice of the concerned Ministry/Department of the Govt. of India, is required to be approved by the Commission's Secretary. Though no documentary evidence has been given by the petitioners regarding malafide intention of the Regional Office, the matter was taken up by the Regional (State) Office, Jaipur with the Ministry in continuation of the routine correspondence with the State Government, resulting in infraction of para 76 of the Rules of Procedure of the Commission. It was intimated by the Secretary that the Director, Jaipur has been advised to strictly follow the prescribed Rules of Procedure of the Commission, in future. The Commission approved the draft/ para-wise

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comments and recommended to also include therein the advice given to the Director, National Commission for Scheduled Tribes.

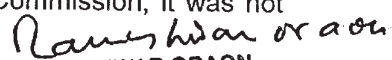
Agenda Functioning of the Regional Offices of the Commission
Item IV

10. Secretary, NCST invited the attention of the Commission towards the Note submitted on the subject and informed that the Regional Offices of the Commission were ill equipped to discharge their envisaged role and functions, (like the situation prevailing in the Headquarter Office) due to acute shortage of manpower. He further informed that the proposal for augmenting the existing Regional Offices and opening of new Regional Offices was also awaiting approval since 21/10/2009. Notwithstanding this situation, the Regional Offices were making efforts to fulfill the mandate assigned to them under the Rules of Procedure of the Commission.

11. Shri Oris Syiem Myriaw, Member, NCST mentioned that the implementation of the transfer policy framed by the Commission may further worsen the availability of manpower in Regional Offices, as in some cases the officials may opt for pre-mature retirement due to their personal reasons. Secretary, NCST mentioned that existential needs and demands of personnel administration/ good practices will be balanced in such cases. After detailed discussion, the Commission decided that the Members may also review the functioning of the Regional Office of the Commission and pendency of cases whenever they visited the station where the Regional Office is located. During such visits, the Members may also hold sittings at the Regional Office whenever required to expedite furnishing of information and resolution of grievances by local authorities following the procedural guidelines laid down by the Commission. It was also decided that each Regional Office will also send quarterly progress/ performance report as envisaged under Rules of Procedure of the Commission beside an annual report on the activities, highlighting their major activities and achievements, for incorporating in the Annual Report of the Commission.

Agenda Studies to be made on Subjects (a) MNREGA in tribal areas. (b)
Item V PMGSY in tribal areas. (c) Acts, Regulations in force in different states
to prevent alienation of land belongs to STs.

12. The Commission was of the view that there was a need to conduct evaluation studies on various issues with reference to their impact on the life of Scheduled Tribes. It is a fact that with the existing meagre manpower with the Commission, it was not


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possible for the Commission to undertake these studies. It was, therefore, necessary to impress upon the concerned Ministry/ Planning Commission to either undertake the study or sponsor it through Research Institutes of repute and furnish a copy of the Report to this Commission and the Ministry of Tribal Affairs. It was decided that the matter may be taken up with the concerned Ministries through a D.O letter from the Chairperson to the concerned Ministers.

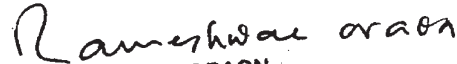
Agenda Status on State Review.
Item VI

13. Secretary, NCST invited Member's attention to the agenda note and observed that there was growing tendency on the part of the officials to evade scrutiny by seeking postponements on grounds of seasonal activities, administrative pre-occupation, etc. While the Commission should endeavour to minimize inconvenience to the State Government machinery during their visits, they cannot be expected to postpone reviews on grounds of routine administrative pre-occupation which are a normal feature of their work. He urged the Commission for not entertaining any request of the State Government officials for change in the scheduled dates for review in accordance with the programme finalized under the Action Plan for the year 2011-12. He further suggested that a planned schedule for the State Reviews may be prepared in such a manner that major tribal States are reviewed every year and each State is reviewed at least once in three years. After discussions, the Commission decided that the Review in respect of States of AP, Jharkhand and Sikkim may be completed in the month of April/ May 2011 and the concerned State Governments may be pursued to expedite the replies to the questionnaire prescribed for the purpose of Review.

14. The Commission also placed on record their appreciation for the services of, and contributions made by, Shri Maurice Kujur, Vice-Chairperson and Shri Oris Syiem Myriaw, Member, who would be laying down office in the ensuing month.

15. The meeting ended with a vote of thanks to the Chair.

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