



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग  
GOVERNMENT OF INDIA

NATIONAL COMMISSION SCHEDULED TRIBES

(अनुसूचित जनजातियों को दिए गए अधिकारों और सुरक्षाओं के उल्लंघन से संबंधित सभी मामलों का अन्वेषण और अनुवीक्षण करने के लिए संविधान के अनुच्छेद 338क के अधीन स्थापित एक संवैधानिक आयोग)

संख्या/No.-1/7/13-समन्वय

दिनांक/Date:13/05/2013

प्रति,

- 1) डा० रामेश्वर उराँव, अध्यक्ष
- 2) श्रीमती के. कमला कुमारी, सदस्य
- 3) श्री भैरू लाल मीणा, सदस्य

विषय: राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 26/04/2013 को पूर्वाह्न 11.30 बजे सम्पन्न 46वीं बैठक का संक्षिप्त अभिलेख।

महोदय,

मुझे उपर्युक्त विषय का उल्लेख करते हुए यह कहना है कि आयोग की 46वीं बैठक आयोग के माननीय अध्यक्ष महोदय के कक्ष, लोकनायक भवन, नई दिल्ली में दिनांक 26 अप्रैल, 2013 को पूर्वाह्न 11.30 बजे हुई थी। बैठक की अध्यक्षता डा० रामेश्वर उराँव, अध्यक्ष, अनुसूचित जनजाति आयोग द्वारा की गई। बैठक के संक्षिप्त अभिलेख की एक प्रति सूचना एवं अभिलेख हेतु संलग्न है।

भवदीय,

(के०डी० बन्सौर) श्रीमती

उप निदेशक

प्रतिलिपि : बैठक के संक्षिप्त अभिलेख की एक प्रति सहित, निम्नलिखित अधिकारियों को इस अनुरोध के साथ अग्रेषित है कि बैठक में लिए गए निर्णयों पर की गई कार्रवाई के संबंध में जानकारी प्रत्येक संबंधित एकक/ कार्यालय द्वारा 31/05/2013 तक अवश्य ही समन्वय एकक को भेज दी जाए।

- (i) निदेशक (आर०यू०-I एवं आर०यू०-II)
- (ii) उप सचिव (प्रशासन)
- (iii) उप निदेशक (आर०यू०-III एवं आर०यू०-IV)
- (iv) सहायक निदेशक/ अनुसंधान अधिकारी प्रभारी-आर०यू०-I/ आर०यू०-II/ आर०यू०-III/ आर०यू०-IV/ समन्वय/ सहायक निदेशक (राजभाषा)।

प्रतिलिपि: बैठक के संक्षिप्त अभिलेख की एक प्रति सहित, सूचनार्थ अग्रेषित:

1. अध्यक्ष के निजी सचिव।
2. सचिव - कार्यालय।
3. संयुक्त सचिव के प्रधान निजी सचिव।
4. सहायक निदेशक/ अनुसंधान अधिकारी, राष्ट्रीय अनुसूचित जनजाति आयोग के भोपाल/ भुवनेश्वर/ जयपुर/ रायपुर/ रांची/ शिलांग स्थित क्षेत्रीय कार्यालय।
5. वरिष्ठ सिस्टम विश्लेषक (NIC Cell, NCST) - आयोग की वेबसाइट पर जोड़ने हेतु।

(के०डी० बन्सौर) श्रीमती

उप निदेशक



**No.1/7/13-Coord.**  
**Government of India**  
**National Commission for Scheduled Tribes**

6<sup>th</sup> Floor, 'B' Wing,  
Lok Nayak Bhawan,  
Khan Market,  
New Delhi 110003  
Dated: 13/05/2013

To.

- 1) Dr. Rameshwar Oraon, Chairperson
- 2) Smt. K. Kamala Kumari, Member
- 3) Shri Bheru Lal Meena, Member

**Sub: - Summary record of the 46<sup>th</sup> Meeting of the Commission held at 11:30 hours on 26/04/2013.**

Sir.

I am directed to refer to the above subject and to say that 46<sup>th</sup> Meeting of the National Commission for Scheduled Tribes was held at 11:30 Hrs. on 26<sup>th</sup> April, 2013 in the Chamber of Hon'ble Chairperson at Lok Nayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Chairperson, National Commission for Scheduled Tribes. A copy of the Summary Record of the meeting is enclosed for information and record.

Yours faithfully,

(K.D. Bhansor) Mrs.  
Deputy Director

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 31/05/ 2013 positively.

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

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

1. PS to Chairperson.
2. Office of the Secretary.
3. PPS to Joint Secretary.
4. Assistant Director/ Research Officer in Regional offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi and Shillong.
5. Sr System Analyst (NIC Cell, NCST) for uploading on the website.

(K.D. Bhansor) Mrs.  
Deputy Director

## NATIONAL COMMISSION FOR SCHEDULED TRIBES

**Sub: Summary record of the 46th meeting of the National Commission for Scheduled Tribes held at 11:30 HRS on 26/04/2013.**

The 46th meeting of the Commission was held at 11:30 hrs on 26/04/2013 in the Chamber of Hon'ble Chairperson, National Commission for Scheduled Tribes 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 initially Six Agenda Items for discussion in the meeting. With the permission of the Hon'ble Chairperson two additional matters were also taken up for discussion. In all eight 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:

<b>Agenda Item I</b>	<b>Draft 'The Rajasthan Women (Prevention of Atrocities) Ordinance, 2013.</b>
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3. The Ministry of Tribal Affairs vide letter No. 16/1/2013-CP&R dated 14/03/2013 have sought comments of the Commission with reference to Ministry of Home Affairs, Government of India letter No. 14/01/2013-Judl&PP dated 09/01/2013 on Draft "The Rajasthan Women (Prevention of Atrocities) Ordinance, 2013".

4. The Commission has noted that the Government of Rajasthan has proposed to promulgate the Rajasthan Women (Prevention of Atrocities) Ordinance, 2013 to prevent Commission of offences of Atrocities against women in the State of Rajasthan and to provide for constitution of special courts for the trial of such offences, for relief and rehabilitation of the victims of such offences. The subject matter of the proposed Ordinance falls mainly within the entries 1 and 2 of the Concurrent List of the Seventh Schedule to the Constitution. Provisions of Section 3 of the Ordinance run through the field occupied by certain Central Acts like Indian Penal Code, 1860, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Protection of Women from the Domestic Violence Act, 2005 etc. and make more stringent provision for punishment of

offences against women. Certain provisions are also sought to be made in the proposed Ordinance which seek to override/modify the provisions of the Code of Criminal Procedure, 1973 and the Probation of Offenders Act, 1958 so as to make the trial of offences speedy and effective and to ensure effective preventive measures against Commission of offences against women.

5. The Commission noted that the problems and need of the Scheduled Tribes are much different of those of the general population. Looking at the facts that Tribal areas lack various facilities hitherto available to urban as well rural areas, there was need to make special emphasis in the Ordinance about the women belonging to Scheduled Tribes and those living in Scheduled areas/Tribal areas. The Commission, therefore, recommended that the sponsoring Ministry may incorporate a separate chapter within the Ordinance to ensure equitable protection of tribal women in Rajasthan.

**Agenda Draft Cabinet Note for the Registration (Amendment) Bill, 2013.**  
**Item II**

6. The Ministry of Tribal Affairs vide letter No. 4/6/2013-CP&R dated 21/03/2013 with reference to Ministry of Rural Development, Department of Land Resources letter No. 27011/01/2013-LRD dated 13/03/2013 have sought comments of the Commission on Draft Cabinet Note for the Registration (Amendment) Bill, 2013.

7. The Commission has noted that the changes in the provisions of the existing Act will facilitate the electronic registration of the documents which in turn will boost the computerization of the registration and ensure greater transparency. Compulsory registration of the Power of Attorney (POA) will bring property transactions executed through POA to the Sub Registrar Office (SRO) which will reduce the disputes related to such registration. The proposed amendments will bring 'daughter' at par with the son.

8. The Commission has noted that at present the SRO has no Power to refuse the registration of documents even if these pertain to the transfer of Government properties, properties belonging to charitable and educational institutions of the properties attached by the course or any authority, by



unauthorized persons. Even if the State Act bans the transfer of properties belonging to **Scheduled Tribes**, the SRO has no power to refuse but register such documents, if presented to him.

<b>Agenda Item III</b>	<b>Draft Note for the Cabinet in regard to amendments in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.</b>
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9. The Ministry of Social Justice and Empowerment, vide letter No. 11020/8/2012-PCR(Desk) dated 04/04/2013 have sought comments of the Commission on Draft Note for the Cabinet in regard to amendments in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Commission noted that the matter required detailed examination and therefore, decided that the matter may be placed for discussion in the next meeting of the Commission

<b>Agenda Item IV</b>	<b>Draft Cabinet Note on scheme 'Introduction of mechanism for marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of Value Chain for MFP'.</b>
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10. The Ministry of Tribal Affairs vide letter No. 2/1/2011-CP&R dated 09/04/2013 have sought comments of the Commission on Draft Cabinet Note on scheme 'Introduction of mechanism for marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of Value Chain for MFP'.

11. The Commission has noted that the Draft Cabinet Note is for the approval of the Cabinet for the Scheme of 'Introduction of mechanism for marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of Value Chain for MFP' for selected Minor Forest Produce. The Scheme has been designed as a social safety-net improvement of livelihood of MFP gatherers majority of whom are poor Scheduled Tribes. It seeks to establish a system whereby they can be assured a remunerative price for the produce they have ordinarily and traditionally being collecting from the forest.

12. The Commission noted that Minor Forest Produce (MFP) is the major source of livelihood and provides essential food, nutrition, medicinal needs and cash income to a large number of Tribals who live in and around forests.

SR NCST 46th meeting 26 04 2013  
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 Chairperson  
 National Commission for Scheduled Tribes  
 Govt. of India  
 New Delhi

*Rameshwar Qraon*

However, MFP production is highly dispersed spatially and because of food accessibility of these areas, competitive market has not evolved. The basic objective of the scheme is to ensure fair returns to the MFP gatherers through minimum support price for indentified MFP collected by them and also provide for necessary infrastructure for local level. The Scheme will be initially be implemented in five Scheduled States for non-nationalized and abundantly items out of 13 MFP. The Commission has noted that the Ministry of Tribal Affairs shall be the Nodal and Administrative Ministry for implementing the MSP Scheme for the MFP including arranging budgetary support for the scheme. The estimated cost of the project will be Rs. 1072.76 crore as Central Government share in addition States will share an amount of Rs. 281.17 crore towards capital and revenue expenditure.

13. The Commission agreed to the proposal as the Commission has already agreed to the above proposal at the stage of EFC note earlier. The Commission however recommended that Mahua should also be included as MFP for the purpose of Minimum Sales Price under the proposed set up and provisions, since tribals don't consume the entire produce of Mahua and a lot is left over for sale.

<b>Agenda Item V</b>	Inclusion of 'BINJHIYA' community in the list of Scheduled Tribes of Chhattisgarh State.
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14. The Ministry of Tribal Affairs vide letter No.12026/10/2005-C&LM-I dated 21/03/2013 forwarded for comments of the Commission a proposal for inclusion of BINJHIYA community in the list of Scheduled Tribes of Chhattisgarh. It was noted that the forwarding letter does mention about enclosing proposal/ recommendation of the State Government relating to the above subject and the recommendations of the Registrar General of India on the proposal of the State Government, but the proposal/ recommendation of the State Government has not been received. The Commission also noted that the recommendation of the Registrar General of India is based on a study report of the Chhattisgarh State Tribal Research Institute published in the year 2010, but the Report of the TRI can not be considered as recommendation of the State Government. The Commission therefore recommended that the Ministry of Tribal Affairs may be asked to forward detailed proposal/ recommendations of the State Government of Chhattisgarh on

**Dr. RAMESHWAR ORAON**  
Chairperson  
National Commission for Scheduled Tribes  
Govt. of India  
New Delhi

*Rameshwar Oraon*

the subject. The Commission expressed that, if necessary, a team from the Commission may also visit the areas inhabited by the BINJHIYA community in the State of Chhattisgarh before formulating its opinion.

<b>Agenda Item VI</b>	<b>Draft SFC Note to consider the Plan Scheme – 'Marketing Assistance Scheme' for its continuation in the XIIth Plan.</b>
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15. The Ministry of Tribal Affairs vide letter No. 2/3/2013-CP&R dated 10/04/2013 with reference to Ministry of Micro, Small and Medium Enterprises letter No. 4(9)/2012-SSI(P)-I dated 18/03/2013 have sought comments of the Commission on Draft SFC Note to consider the Plan Scheme – 'Marketing Assistance Scheme' for its continuation in the XIIth Plan.

16. The Commission has noted that Marketing Assistance Scheme of the Ministry of MSME is being implemented for the last several years through National Small Industries Corporation Ltd (NSIC), for facilitating MSMEs in their efforts to promote Marketing and enhance the competency for capturing new market opportunities by way of organization/participation in various domestic and international exhibitions trade fairs, buyer-seller meets, intensive campaigns and other marketing events. The scheme has been operating for a long time and has been benefitting the Micro and Small Enterprises in the country. In XIIth plan Period, a total plan outlay of Rs. 96 Crore is proposed for implementation of the scheme.

17. The Commission noted that NSIC on an average participates in 100 number of domestic exhibition every year on a pan India basis wherein large number of women entrepreneur also participate and avail the benefits of the scheme. Now it is proposed to target more events both domestic and international under the scheme. Ministry of MSME shall implement the scheme through National Small Industries Corporation, which shall carry out the various activities under the scheme through its offices located all over the country. The scheme provides for financial assistance towards space rent, freight charges, air fare for Micro, Small and Medium Enterprises separately as well as for the enterprises belonging to North Eastern Region/Women/SC/ST entrepreneurs subject to a maximum amount of assistance to be given to a unit covering all benefits and depending on location of events.

**Dr. RAMESHWAR ORAON**  
Chairperson<sup>5</sup>  
National Commission for Scheduled Tribes  
Govt. of India  
New Delhi

*Rameshwar Oraon*



18. Since the proposal related to extension of a useful ongoing scheme into XIIIth Five Year Plan, the Commission agreed to the proposal.

**Any Other matter**

<b>Agenda Item VII</b>	<b>Action on the Petition of Shri Babulal Meena for non- payment of full amount by M/s Madhucon Project Ltd. and the WP filed by M/s Madhucon Pvt. Ltd. in Delhi High Court.</b>
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19. The Commission was informed that M/s Madhucon Pvt. Ltd. has filed a WP in the Delhi High Court in the matter of the petition filed before the National Commission for Scheduled Tribes by Dr. B.L. Meena seeking intervention of the Commission for the release of outstanding payments by M/s Madhucon Pvt. Ltd.. The Commission was listed as Respondent No. 3 in the WP and was required to file a Counter Affidavit in the Delhi High Court. The Commission was informed that M/s. Madhucon Pvt. Ltd. in its WP has alleged that the Commission is not empowered to interfere in the matter and is misusing its powers by exerting pressure for payment to a person who is otherwise not entitled. Draft of the Counter Affidavit was placed before the Commission for consideration.

20. The Chairperson, National Commission for Scheduled Tribes sought the detailed background of the case. The Commission was informed that Commission had received a representation dated 5<sup>th</sup> January 2012 from Dr. Babu Lal Meena stating that he had been given work orders by M/s Madhucon Project Ltd. for tree saplings and plantations on the National Highway No. 11 on behalf of NHAI. He had submitted that he had executed the work to the satisfaction of the company well in time but the bills raised by him from time to time, had not been cleared and an amount of more than Rs. 23,57,220 was still pending. The petitioner had sought the intervention of the Commission for the release of outstanding payments by M/s Madhucon Pvt. Ltd..

21. The Commission noted that Ministry of Road Transport and Highways through NHAI had issued tenders in the name of M/s. Madhucon Pvt. Ltd. for the work relating to improvement, operation, maintenance, rehabilitation and strengthening of the existing two-lane roads and widening it to four-lane divided Highway from Km. 63.000 to 120.000 of NH-11 (Bharatpur-Mahua Section) in the State of Rajasthan on Built Operate and Transfer (BOT) basis. Supply of tree saplings and their plantation on the above mentioned Highway was a part of the total work. M/s



Madhucon Pvt. Ltd. delegated the execution of this particular work to M/s Agri-Clinic and Research Centre, Bharatpur, set up by Dr. B.L. Meena, the petitioner before the Commission. Since Ministry of Road Transport and Highways is the main Ministry concerned with the formulation and implementation of the above project, therefore, M/s Madhucon Pvt. Ltd. must have submitted progress Report from time to time to the Ministry of Road Transport and Highways. Details of these progress Reports and payments made by the Ministry of Road Transport and Highways or the NHAI to M/s Madhucon Pvt. Ltd. would certainly throw light on the facts and figures which may help in arriving at a decision whether claim of Shri B. L. Meena was correct or not. Thus, in the interest of justice and to understand the facts of the present case the Commission issued the notice to the Secretary, Ministry of Transport and Highways (Respondent No.1) vide letter dated 23.1.2012 under the duties and power vested with the Commission under Article 338A(5) of the Constitution and as per the prescribed Rules of Procedure .

22. The Commission further noted that since no response was received from the Ministry and the fact that another representation was submitted to the Commission by the Petitioner on 28.8.2012, the Commission issued a notice dated 7.9.2012, under Article 338A(9) of the Constitution to have a discussion on the aforesaid representations with the Secretary, Ministry of Road Transport and Highways, the Nodal Authority on 19/09/2012. The Secretary, Ministry of Road Transport and Highways expressed his inability to attend the meeting and on his behalf, Sh. B.M. Singh, Member NHAI and Sh. L.P. Padhy, General Manager NHAI appeared before the Commission for the meeting to discuss the matter with Sh. Bheru Lal Meena, Hon'ble Member, National Commission for Scheduled Tribes.

23. As the representatives from NHAI could not satisfy the Commission in shouldering the responsibility in the context of the allegations regarding the work order awarded by M/s Madhucon Project Ltd. to Shri B. L. Meena, the Commission had to proceed with for issuing another Notice to the Secretary, Ministry of Road Transport and Highways to respond to the queries raised by the Hon'ble Member with regard to the difficulties alleged by the petitioner and to discuss the same with him on 16.10.2012 at 12.00 noon in person and also furnish comments along with action taken in the matter, as requested vide Commission's letter dated 23/01/2012. As mentioned in the Writ Petition, the

NHAI in the meanwhile, after the meeting of its Officers with the Member, NCST on 07/09/2012, issued a letter dated 03/10/2012 to M/s Madhucon Pvt. Ltd. asking it to release the payment to the petitioner Dr. B.L. Meena.

24. Commission noted that knowing very well that the matter was under inquiry under the provision of Article 338A(4) and 338A(5) of the constitution by the National Commission for Scheduled Tribes having the powers of Civil Court while investigating the matter under Article 338A(5), and notwithstanding the fact that neither any notice was issued by the Commission to the M/s Madhucon Pvt. Ltd. nor the Commission had yet issued any findings and recommendations in the matter, yet M/s Madhucon Pvt. Ltd. intentionally chose to file a WP with an aim to show disregard to the constitutional procedure being followed by the Constitutional Commission. This information was communicated to the Commission by the representatives of Ministry of Road Transport and Highways/ NHAI on the date of sitting in the matter (16/10/2012), mentioning that the matter was sub-judice before the Hon'ble Court and the Court vide order dated 15/10/2012 had directed that the respondents (including NCST) filed their respective Counter Affidavit. The Commission, on receipt of this information, communicated to the Ministry of Road Transport and Highways and the NHAI, vide letter dated 02/11/2012, that the matter was since sub-judice before the Hon'ble High Court, the Commission will not be acting upon its notice and will await the Hon'ble High Court's decision.

25. The Commission was also informed that Chairman, National Commission for Scheduled Tribes has been made a Respondent while, as per Rule 83 of the Rules of Procedure of the National Commission for Scheduled Tribes, the Commission can sue or be sued through its Secretary. In view of this it was also necessary to pray in the Counter Affidavit that name of Respondent No. 3 (Chairman, NCST) may be renamed as Secretary, National Commission for Scheduled Tribes.

26. The Commission noted that proper procedure as prescribed in the Rules of Procedure of the Commission had been followed with an objective to understand about the facts and figures which may help in arriving at a decision whether claim of Shri B. L. Meena was correct or not. Notice for the sitting was issued to the Ministry of Road Transport and Highways under the provision of Article 338A(9) of

the Constitution as the Ministry, which was the Nodal Agency for planning supervision and monitoring the implementation of the impugned project had failed to provide the required information. The Commission also noted that neither any notice was issued by the Commission to the M/s Madhucon Pvt. Ltd. nor any findings and recommendations in the matter had been issued by the Commission, yet M/s Madhucon Pvt. Ltd. intentionally chose to file a WP with an aim to show disregard to the constitutional procedure being followed by the Constitutional Commission. The Commission directed to ensure that the above position is duly incorporated in the contents of the draft Counter Affidavit.

<b>Agenda Item VIII</b>	<b>Action by National Commission for Scheduled Tribes on representations relating to transfer and postings.</b>
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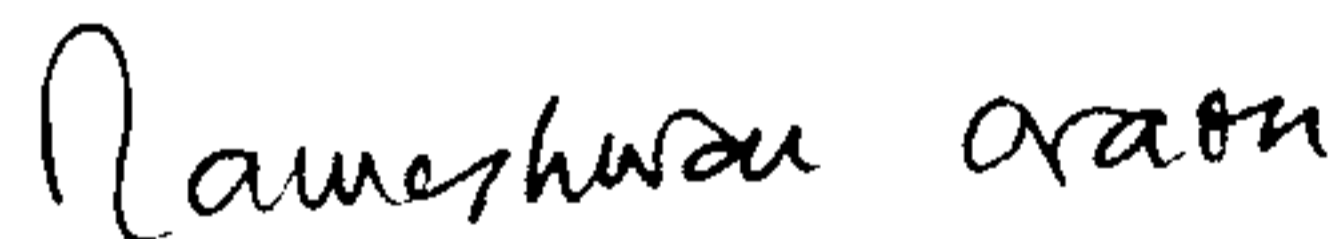
27. The Commission was informed that various representations were being received in the Commission seeking intervention of the Commission in matter of transfer of ST employees. The Commission was of the view that transfers and postings in any organisation are linked with the duties of the employee and these were administrative matters. Therefore Commission is not expected to interfere in such cases unless there were prima facie evidences of discrimination based on frequent and/ or far flung transfers of ST employee as compared to the employees of general categories

28. The meeting ended with vote of thanks to the Chair.

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**Dr. RAMESHWAR ORAON**  
Chairperson  
National Commission for Scheduled Tribes  
Govt. of India  
New Delhi



**ANNEXURE****ATTENDANCE SHEET****National Commission for Scheduled Tribes**

46th Meeting of the Commission held at 11:30 hrs. on 26/04/2013 in the Chamber of the Chairperson, National Commission for Scheduled Tribes - List of participants.

S. No.      Name and Designation

**National Commission for Scheduled Tribes**

1. Dr. Rameshwar Oraon, Chairperson (in Chair)
2. Smt. K. Kamala Kumari, Member
3. Shri Bheru Lal Meena
4. Shri Aditya Mishra, Joint Secretary
5. Shri M. S. Chopra, Director
6. Smt. Saroj Jaisia, Deputy Secretary
7. Smt. K. D. Bhansor, Deputy Director
8. Shri R.C. Durga, Consultant
9. Shri S.P. Meena, Assistant Director