



No.1/4/12-Coord.
Government of India
National Commission for Scheduled Tribes

6th Floor, 'B' Wing,
Lok Nayak Bhawan,
Khan Market,
New Delhi – 110003
Dated: 04/07/2012

To,

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

Sub: - Summary record of the 34th Meeting of the Commission held at 15:00 hours on 13 June, 2012.

Sir,

I am directed to refer to the above subject and to say that 34th Meeting of the National Commission for Scheduled Tribes presided over by Dr. Rameshwar Oraon, Chairperson of the National Commission for Scheduled Tribes was held at 15:00 Hrs. on 13/06/2012 in the Chamber of the Hon'ble Chairperson at Lok Nayak Bhawan, New Delhi. A copy of the Summary Record of the meeting is enclosed for information and record.

Yours faithfully,

(S. P. Meena)
Assistant 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 **13 July, 2012** positively.

- (i) Dy. Director
- (ii) Under Secretary, (Admn.)
- (iii) 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:

- (i) PPS to Joint Secretary,
- (ii) Director/ Dy. Director/ Assistant Director/ Research Officer in Regional offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi and Shillong.
- (iii) Sr. System Analyst (NIC Cell, NCST) for uploading on the website.



सं० 1/4/12-समन्वय
भारत सरकार
राष्ट्रीय अनुसूचित जनजाति आयोग

छठी मंजिल, 'बी' विंग,
लोकनायक भवन, खान मार्केट,
नई दिल्ली-110003
दिनांक: 03/07/2012

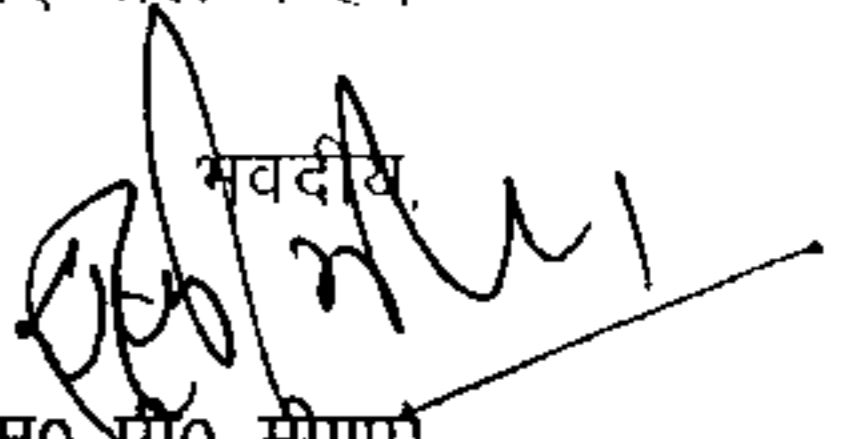
सेवा में,

- 1) डा० रामेश्वर उराँव, अध्यक्ष
- 2) श्रीमती के० कमला कुमारी, सदस्य
- 3) श्री भैरू लाल मीणा, सदस्य

विषय: आयोग की 13 जून, 2012 को 3.00 बजे आयोजित की गयी 34वीं बैठक का सारांश रिकॉर्ड।

महोदय/महोदया,

मुझे उपर्युक्त विषय का संदर्भ लेने और यह कहने का निदेश हुआ है कि राष्ट्रीय अनुसूचित जनजाति आयोग की 33वीं बैठक आयोग के माननीय अध्यक्ष, डा० रामेश्वर उराँव की अध्यक्षता में दिनांक 13 जून, 2012 को 3.00 बजे (अपराह्न) अध्यक्ष महोदय के कक्ष, लोकनायक भवन, नई दिल्ली में आयोजित की गयी थी। बैठक के सारांश रिकॉर्ड की एक प्रति सूचना एवं रिकॉर्ड के लिए संलग्न है।


(एस० पी० मीणा)
सहायक निदेशक

बैठक के सारांश रिकॉर्ड की प्रतिलिपि के साथ एक प्रति निम्नलिखित अधिकारियों को इस निवेदन के साथ भेजी जाती है कि प्रत्येक संबंधित एकक/कार्यालय के संबंध में बैठक में लिए गए निर्णयों पर की गयी कार्रवाई के बारे में सूचना समन्वय एकक को 13 जुलाई, 2012 तक अवश्य भेज दी जाए।

- 1) उप निदेशक
- 2) अवर सचिव (प्रशासन)
- 3) सहायक निदेशक/प्रभारी अनुसंधान अधिकारी-अनुसंधान एकक-I/ अनुसंधान एकक-II/ अनुसंधान एकक-III/ अनुसंधान एकक-IV/ समन्वय एकक/सहायक निदेशक (रा.भा.)

बैठक के सारांश रिकॉर्ड की प्रतिलिपि के साथ एक प्रति सूचनार्थ प्रेषित

- 1) संयुक्त सचिव के प्रधान निजी सचिव।
- 2) राष्ट्रीय अनुसूचित जनजाति आयोग के भोपाल/भुवनेश्वर/जयपुर/रायपुर/रांची और शिलांग के क्षेत्रीय कार्यालयों में निदेशक/उप निदेशक/सहायक निदेशक/अनुसंधान अधिकारी।
- 3) वरिष्ठ प्रणाली विश्लेषक (एनआईसी प्रकोष्ठ, रा.अनु.जनजाति आयोग) को वेबसाइट पर डालने के लिए।

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the 34th meeting of the Commission held at 15:00 Hrs. on 13-06-2012.

The 34th meeting of the Commission was held at 15:00 Hrs. on 13-06-2012 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. Four Agenda Items were circulated for discussion in the meeting. All items were discussed.

2. The Commission was informed that there were mainly four Agenda Items for discussion in the meeting. These include three proposals for inclusion/re-inclusion of certain communities in the list of STs. These three proposals were earlier discussed in the 32nd meeting of the Commission held on 28/03/2012. It was decided in that meeting that further clarifications may be obtained from Ministry of Tribal Affairs and the State Governments concerned, since the information received from MTA and the State Government was not convincing. It was also decided that a combined Sitting may be held with the Secretary, MTA, RGI and the Chief Secretary and other Senior Officers from the State Governments of Chhattisgarh and Kerala. Commission was informed that a Sitting with the Ministry of Tribal Affairs, RGI and Officers of Chhattisgarh and Kerala State Government was held in the forenoon and after lengthy deliberations, the Commission has already taken views on those Proposals and the same were noted by the Officials from the Ministry of Tribal Affairs as well as State Governments. The views of the Commission on those proposals were recapitulated by the Joint Secretary, National Commission for Scheduled Tribes as given below.

Agenda Item-I Inclusion of "Abujh Maria and Hill Korwa" in the list of Scheduled Tribes of Chhattisgarh

3. The Ministry of Tribal Affairs has already accepted the facts that all PTGs, including "Abujh Maria" and "Hill Korwa" of Chhattisgarh were Scheduled Tribes and if it was so then there was no need to raise this proposal afresh. It was clarified that the "Abujh Maria" and "Hill Korwa" Communities were sections of the

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Mother Tribe Gond and Korwa respectively. However, persons belonging to these Communities were not returned as Scheduled Tribes in 2001 Census as these names did not find place in the list of Scheduled Tribes and subsequently, persons belonging to these Communities also faced difficulties in obtaining Caste Certificate as Scheduled Tribes. It was decided that the Ministry of Tribal Affairs may immediately take steps to include the names of "Abujh Maria" and "Hill Korwas" along with the name of the Mother Tribe in the list of Scheduled Tribes of Chhattisgarh State. The Ministry of Tribal Affairs will also scrutinize the entire list of 75 PTGs, so far identified by the Ministry, with the list of Scheduled Tribes in respect of the concerned State. In case, name of a particular Particularly Vulnerable Tribal Group like Abujh Maria and Hill Korwa, is not included, along with the name of its Mother Tribe, in the list of Scheduled Tribes, the Ministry of Tribal Affairs will suo-moto prepare a Draft Bill, if necessary, for amendment of the list in respect of each PTG and send the Draft Bill for comments of the National Commission for Scheduled Tribes before submission of the Legislative proposal to the Cabinet Secretariat, as per Cabinet instructions dated 16/02/2012. It was also decided that the Ministry of Tribal Affairs will get a detailed social, anthropological and ethnographic study conducted in case of those PTGs whose names or names of their Mother Tribes were not found in the ST list. Another Legislative proposal, if necessary, for inclusion of those PTGs in the list of Scheduled Tribes may be moved separately and processed as per laid down modalities.

Agenda Re-inclusion of "Marati" community in the list of Scheduled Tribes of
Item-II Kerala-

4. The Commission expressed that the arguments advanced earlier by the Ministry of Tribal Affairs as well as Government of Kerala for re-inclusion of Marati community from the list of Scheduled Tribes of Kerala were not convincing. This Meeting was called to make the issue clear. After detailed discussions it was felt that the proposals for exclusion and re-inclusion of Marati community was not based on any scientific survey. It was noted that then National Commission for Scheduled Castes and Scheduled Tribes and the RGI had also opposed exclusion of Marati community from the list of Scheduled Tribes. After considering the whole situation it was decided that the ST status of Marati community may be restored.

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Agenda Inclusion of Bodo Kacharis in Karbi Anglong & NC Hills Autonomous
Item-III Council Area

5. Regarding inclusion of Bodo Kacharis in Karbi Anglong & NC Hills Autonomous Council Area, it was recalled that this proposal had also figured in the forenoon meeting with the Ministry of Tribal Affairs, RGI and State Governments. The Commission had made it clear that the Commission did not support the proposal in its present form and desired that MTA should examine the proposal in the light of the observations made by the Commission in its 32nd Meeting held on 28/03/2012 as communicated to the Ministry of Tribal Affairs earlier.

Agenda Consideration of Amendments in the Scheduled Castes and the
Item-IV Scheduled Tribes (Prevention of Atrocities), Act 1989 regarding.

6. The Commission was informed that Ministry of Tribal Affairs as well as Ministry of Social Justice & Empowerment had earlier sought views of the Commission on certain proposals of the Ministry for amendment of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act 1989 and views of the Commission were forwarded to the Ministry concerned. The National Commission for Scheduled Tribes had suo-moto considered amendment of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act 1989 for ensuring time bound disposal of the offence by the Special Courts set up/ designated under the provisions of the Act on the lines of the provisions existing in the Consumer Protection Act, 1986, which provides for disposal of a case within 3 to 5 months. The Commission had recommended that the cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 should be disposed by the Special Courts within 6 months. To meet this objective, the Act could also be amended to provide for setting up exclusive Special Courts (instead of designating a Session Court as a Special Court) for trial of cases under this Act. The above recommendation of the Commission was forwarded to the Ministry of Social Justice and Empowerment vide letter, dated 16/07/2009. The Commission has no information about action taken by the Government on the views and suggestions given by the Commission. The Commission, therefore, decided that a copy of letter dated 16/07/2009 may again be sent to the Ministry of Tribal Affairs for consideration by the Government.

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7. The Commission also desired that amendment to the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act 1989 with regard to fixation of time frame for disposal of cases by Special Courts within 6 months should also be considered along with other 5 amendments suggested in Para 4.2 of the background paper circulated by Ministry of Social Justice & Empowerment.

Agenda Any other matter with the permission of the Chair.

Item-V

8. It was brought to the notice of the Commission that, consequent to the issue of instructions by the Cabinet Secretariat for mandatory consultation with the National Commission for Scheduled Tribes by the sponsoring Ministries/ Departments on Policy and Legislative matters affecting Scheduled Tribes, various Ministries/ Departments were referring their proposals/ Bills at Draft stage for comments of the Commission. The Commission was informed that the Cabinet Secretariat vide its circular letter dated 16/02/2012 had clearly mentioned in the instructions for consulting the Commission before submission of the Cabinet Note or final Draft Bill to the Cabinet. However, the sponsoring Ministries/ Departments were referring the matters to this Commission at initial Draft stage. This action by the sponsoring Ministries/ Departments not only amounted to violation of instructions of the Cabinet Secretariat but also of wastage of time and dilution of recommendation of the National Commission for Scheduled Tribes. The Commission decided that as soon as a proposal was received at Draft stage, the concerned Ministry/ Department may be advised to (i) add in the proposal/ Bill a special chapter **“Applicability to Scheduled Tribes and the Scheduled Areas (under Fifth and Sixth Schedule)”** and (ii) consult the Commission for its views before submitting the Note/ Bill to the Cabinet for their consideration. The Commission decided that only those proposals may be submitted before the Commission, which are received at the stage of submission of the proposal before the Cabinet.

9. The Meeting ended with vote of thanks to the Chair

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ATTENDANCE SHEET

National Commission for Scheduled Tribes

34th Meeting of the Commission held on 13/06/2012 in the Conference Room of the Commission – List of participants.

<u>S. No.</u>	<u>Name and Designation</u>	<u>Signature</u>
1.	Dr. Rameshwar Oraon, Chairperson	(in chair)
2.	Smt. K. Kamala Kumari, Member	
3.	Shri Bheru Lal Meena, <i>Member</i>	
4.	Shri Aditya Mishra, Joint Secretary	
5.	Shri S. P. Meena, Assistant Director	
6.	Shri R. C. Durga, Consultant	