



दस्ती/ डाक द्वारा

भारत सरकार  
राष्ट्रीय अनुसूचित जनजाति आयोग  
GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR 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.- 1/8/10-समन्वय

दिनांक/ Date: 24/12/2010

प्रति,

- 1) डा0 रामेश्वर उरांव, अध्यक्ष
- 2) श्री मोरीस कुजुर, उपाध्यक्ष
- 3) श्री वरीस सीम् मारीयाव, सदस्य
- 4) श्रीमती के0 कमला कुमारी, सदस्य
- 5) श्री भैरू लाल मीणा, सदस्य
- 6) श्री रघुवेन्द्र सिंह सिराही

विषय: राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 16 दिसम्बर, 2010 को हुई 23वीं बैठक का संक्षिप्त अभिलेख।

महोदय,

मुझे उपर्युक्त विषय का उल्लेख करते हुए यह कहना है कि आयोग की 23वीं बैठक आयोग के सम्मेलन कक्ष में दिनांक 16 दिसम्बर, 2010 को प्रातः 11:30 बजे हुई थी। बैठक की अध्यक्षता डा0 रामेश्वर उरांव, अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति द्वारा की गई। बैठक के संक्षिप्त अभिलेख की एक प्रति सूचना एवं अभिलेख हेतु संलग्न है।

भवदीय,

(आदित्य मिश्रा)  
संयुक्त सचिव

प्रतिलिपि, बैठक के संक्षिप्त अभिलेख की एक प्रति सहित, निम्नलिखित अधिकारियों को इस अनुरोध के साथ अग्रेषित कि बैठक में लिए गए निर्णयों पर की गई कार्रवाई के संबंध में जानकारी प्रत्येक संबंधित एकक/ कार्यालय द्वारा दिनांक 7 जनवरी, 2011 तक अवश्य ही समन्वय एकक को भेज दी जाए।

- (i) निदेशक (आर0यू0-I एवं आर0यू0-II)
- (ii) उप निदेशक (आर0यू0-III, आर0यू0-IV एवं समन्वय एकक)
- (iii) सहायक निदेशक/अनुसंधान अधिकारी प्रभारी - आर0यू0-I/ आर0यू0-II/ आर0यू0-III/ आर0यू0-IV/ समन्वय/ अनुभाग अधिकारी (प्रशासन)/ सहायक निदेशक (राजभाषा)।

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

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



BY  
HAND/POST

भारत सरकार  
राष्ट्रीय अनुसूचित जनजाति आयोग  
GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

संख्या/ No.- 1/8/10-Coord

दिनांक/ Date: 24/12//2010

To

- 1) Dr. Rameshwar Oraon, Chairperson,
- 2) Shri Maurice Kujur, Vice-Chairperson,
- 3) Shri Oris Syiem Myriaw, Member,
- 4) Smt. K. Kamala Kumari, Member,
- 5) Shri Bheru Lal Meena, Member,
- 6) Shri Raghuvendra Singh Sirohi, Secretary

**Sub: Summary record of the 23rd meeting of the National Commission for Scheduled Tribes held on 16th December, 2010.**

Sir,

I am to refer to the above subject and to say that 23rd meeting of the National Commission for Scheduled Tribes was held at 11:30 Hrs. on 16th December, 2010 in the Conference room of the Commission 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,

  
(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 7th Jan, 2011 positively:

- (i) Director (RU-I & RU-II)
- (ii) Dy. Director (RU-III, RU-IV & Coord.)
- (iii) 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 / Shillong.
3. Sr. System Analyst (NIC Cell, NCST) for uploading on the website.

**National Commission for Scheduled Tribes**

**Subject: Summary record of the 23<sup>rd</sup> meeting of the Commission held at 11:30 AM on 16-12-2010.**

The 23<sup>rd</sup> Meeting of the Commission was held at 11:30 AM on 16-12-2010 in the Conference Room of the Commission in Loknayak Bhawan New Delhi and was presided over by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST. List of participants is enclosed at Annexure. There were four Agenda Items for discussion in the meeting.

2. Initiating the discussion, Secretary, NCST informed the Commission that, subsequent to the discussion in the last meeting of the Commission on the Agenda Item I relating to the 3<sup>rd</sup> Report titled "Standards of Administration and Governance in the Scheduled Areas" submitted by Standing Committee (headed by Shri Bhalchandra.Mungekar, then Member Planning Commission) on Inter-Sectoral issues relating to Tribal Development set up by PMO, the Commission had received the final report of the Task Force, of the Planning Commission, containing recommendations relating to revised guidelines for SCSP and TSP and the views of the Attorney General on the role and powers of Governor in the Scheduled Areas, which were circulated for consideration of the Commission. Secretary, NCST further explained that both these subjects were concerned with the recommendations of the Standing Committee on the areas pertaining to the Scheduled Areas and Tribal Sub-Plan (Sr. No.1 and 8 respectively of the Report). Therefore, the draft comments for Agenda Item I, circulated earlier, were appropriately revised, incorporating the draft comments on Agenda items II and IV; and re-circulated for consideration of the Commission. In view of the position explained, only Agenda Item I (Revised) and Agenda Item III required consideration of the Commission.

*Rameshwar Oraon*

-1-

डा० रामेश्वर उराव / Dr. RAMESHWAR ORAON  
अध्यक्ष / Chairman  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

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

**Agenda Item I, II Comments on the 3rd Report titled "Standards of Administration and Governance in the Scheduled Areas" by the Standing Committee on Inter-sectoral Issues relating to Tribal Development.**

Secretary, NCST explained the draft comments in respect of various recommendations enumerated in the Summary of Recommendations in the Executive Summary of the Report in detail. He informed that the draft comments on some issues included in the Report pertaining to (a) displacement of tribals (Sr. No. 5 (iv)), (b) effective delivery mechanism (Sr. No. 6), (c) implementation of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Sr. No. 12), (d) shortage of staff in the NCST (Sr. No. 15 (i)), (e) consultation with the Commission on policy related issues (Sr. No. 15 (iii)) and (f) SCs & STs (PoA) Act, 1989 (Sr. No. 20) were based, inter-alia, on the views/recommendations of the Commission contained in its earlier Annual Reports on the related issues in the past. The Commission endorsed the comments suggested in the revised Agenda note but also observed on following issues as under:

Sr. No. 1: Scheduled Areas

In the context of continuing demand for inclusion of new areas/ communities, the Commission observed that there was a need to review the list of Scheduled Areas/ Tribes objectively in a time-bound manner. Appropriately, therefore, the Scheduled Area and Scheduled Tribes Commission should be constituted every 10 years to look into such demands.

*Rameshwar Oraon*

डा० रामेश्वर उराँव / Dr. RAMESHWAR ORAON  
अध्यक्ष / Chairman  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
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नई दिल्ली / New Delhi

Further, the Commission noted that the Ministry of Home Affairs (MHA) had informed that there was no proposal under consideration for review of the role and powers of the Governor in respect of the Scheduled Areas. The MHA had also not sought views of the Commission on the reported opinion of the Attorney General on the powers conferred upon the Governor under Article 244 read with the Fifth Schedule. Therefore, the Commission need not to comment on the issue at this stage.

Sr. No. 6: Effective delivery mechanism :A comprehensive Frame- The ITDPs

The Commission observed that there was a need to strengthen democratic institutions of administration, as envisaged under PESA. The Commission further noted that multiplicity of agencies should be avoided in order to provide sustained co-ordinated emphasis to the problems of Scheduled Tribes/Areas. After detailed discussion, the Commission recommended that ITDPs may be merged with ZPs.

Sr. No. 8: The Tribal Sub-Plan (TSP)- Shift from notional to reality

The Commission noted that some of the Ministries/Departments which have been listed by the task force in 'No Obligation' category for the Tribal Sub-Plan are responsible for infrastructure development and services in critical areas. The Commission, therefore, recommended that appropriate outlays for TSP should also be earmarked in respect of these Ministries/Departments, to ensure that Scheduled Areas don't continue to be hamstrung by poor infrastructure/services.

Sr. No. 15(iii): Expansion of the expertise base of the NCST to induct renowned persons in addition to political representation

Chairperson, NCST mentioned that the Gazette Notification dated 19.02.2004, stipulates that the Chairperson, the Vice-Chairperson and the

*Rameshwar Oraon*

डा० रामेश्वर उराँव / Dr. RAMESHWAR ORAON  
अध्यक्ष / Chairman  
राष्ट्रीय अनुसूचित जनजाति आयोग  
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Members shall be appointed from amongst persons of ability, integrity and standing who have had a record of selfless service to the cause of justice for the Scheduled Tribes. These qualifications are adequate for selection of the Chairperson, Vice-Chairperson and Members having experience in diverse fields. After detailed discussion, the Commission opined that the Govt. is always at liberty to review the criteria for selection of the Chairperson, Vice-Chairperson and Members, as and when necessary. .

The Commission also authorized the Secretary, NCST to suitably modify the draft comments accordingly, also ensuring consistency in the comments/ views of the Commission on various issues, before forwarding the same to the Ministry of Tribal Affairs.

**Agenda Item III Consultation paper-cum-Questionnaire on undercover/ sting operations.**

The Commission noted that the Constitutional safeguards for Scheduled Tribes do not bar applicability of the rules/laws which are framed for self-defence, social service and control over the agencies and in framing the regulatory law in the best interest of public and the law. Accordingly, Commission decided to communicate its no objection to the Ministry of Law & Justice to the proposed regulatory law to control the misuse of sting operations. Regarding comments of the Commission on the Questionnaire, framed by the Ministry of Law & Justice with certain norms under the proposed law, the experience within the Commission is not adequate for informed comment.

3. The Meeting ended with a vote of thanks to the Chair.

*Rameshwar Oraon*

डा० रामेश्वर उरांव / Dr. RAMESHWAR ORAON  
अध्यक्ष / Chairman  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
सर्वोच्च न्यायालय, Govt. of India  
नई दिल्ली / New Delhi

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

**National Commission for Scheduled Tribes**

**Meeting of the Commission held on 16-12-2010 in the Conference Room of the Commission.**

<u>S. No.</u>	<u>Name and Designation</u>	<u>Signature</u>
1.	Dr. Rameshwar Oraon, Chairperson	(in Chair)
2.	Shri Maurice Kujur, Vice-Chairperson	
3.	Shri Oris Syiem Myriaw, Member	
4.	Smt. K. Kamala Kumari, Member	
5.	Shri R.S. Sirohi, Secretary	
6.	Shri Aditya Mishra, Joint Secretary	
7.	Shri Vinod Aggarwal, Director	
8.	Smt. K.D. Bhansor, Dy. Director	