

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(File No: 16/9/Review/ MHA/2016/RU-III)

Minutes of meeting taken by Dr. Rameshwar Oraon, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 24-8-2016 at 12:30 P.M. regarding review of DOP&T's O.M. No 36017/1/2004-Estt (Res) dated 05.07.2005 for revision of quantum of reservation for SCs, STs & OBCs in case of direct recruitment to Group 'C' posts proposal by Ministry of Home Affairs, vide letter No. I-45023/08/2014-Pers-II dated 04.08.2016.

List of participants (Annexure-I)

2. In pursuance to the discussions in the 87th meeting of the Commission held on 17-8-2016 on revision of quantum of reservation for SCs, STs & OBCs in case of direct recruitment to Group 'C' posts proposed by Ministry of Home Affairs, a meeting was convened under the Chairmanship of Dr. Rameshwar Oraon, Chairperson of NCST on 24-8-2016 at NCST. The representatives of MHA and DOPT participated in the meeting, whereas none of the officers of NCSC attended the meeting.

3. The Joint Secretary, MHA, informed that Union Council of Ministers has decided a scheme for common recruitment of Ct/GD in CAPFs and AR vacancies in the rank of Constable/ GD in CAPFs and AR in following manners:-

- I. 60% of vacancies will be allotted amongst States/UTs on the basis population ratio.
- II. 20% of vacancies in Border Guarding Forces (BGFs) (BSF, ITBP, SSB and Assam Rifles) will be allotted to Border Districts which fall within the responsibility of the Forces.
- III. 20% of the vacancies in BGFs will be allotted to areas affected by militancy i.e. J&K State, North Eastern States and LWE affected Districts. The district/ areas affected by militancy shall be notified by the Government from time to time.
- IV. In forces, other than BGFs, 40% vacancies will be allotted to militancy affected areas i.e. J&K State, N.E. North Eastern States and LWE affected districts. The district/ areas affected by militancy shall be notified by the Government from time to time.

4. The MHA representative informed the Commission that filling of SC/ST/OBC quota in Border Districts and Militancy affected J&K, NE States and LWE Districts


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has been a challenge due to percentage of reservation of these categories determination at the State Level as per DoPT OM dated 5.7.2005. In view of the above, it has been proposed by MHA to determine reservation for each of SC/ST/OBC in the following manner:-

- (i) With the ambit of the present OM dated 05.07.2005, filling up of unfilled vacancies of one category from the other may be permitted. For example, in case vacancies allotted to OBC category, if remains unfilled may be filled up by the meritorious candidates from other two categories i.e SC and ST. Similarly, for other categories.

OR

- (ii) Additional category of LWE affected Districts and Border Districts may be included for various States. The category for LWE affected districts in a State may comprise the reservation percentages based on the overall social composition of all the districts combined in that particular State. For example, in Chhattisgarh, there are 16 no. of LWE affected districts as per the current notification. Overall population for each category i.e. SC, ST and OBC (combined for all the 16 no of Districts) may be calculated. The percentage of reservation for each category may be calculated /determined based on these percentages.


5. After due deliberations, Commission has observed as follows :-

- (1) The transfer of vacancies of one category of other category i.e. of SC/ST/OBC cannot be permitted.
- (2) MHA to examine whether determining percentage of reservation for all special category districts taken together in a State, like for all LWE districts of Chhattisgarh, deprives SC/ST/OBC candidates of non affected districts of the State from benefits of reservation / jobs.
- (3) MHA to explore if existing special dispensation like Scheduled Areas Regulations, laws/statutes relating to Autonomous Councils and similar legislation/power for Border Districts could provide an alternative method to recruit personnel based on population proportion for SC/ST/OBC in special category districts.
- (4) MHA may compute SC/ST/OBC reservation quota for II, III, IV categories of vacancies determined by Union Council of Ministers and


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then examine whether SC/ST/OBC candidates are deprived of overall percentage of reservation in public employment at Group 'C' posts both at National and State level. After examining, MHA may come with comprehensive proposal, if need be, to address inadequate availability of candidates i.e. SC/ST/OBC amongst II, III, IV categories.

- (5) Views expressed in the proceedings of sitting dated 21-11-2014 Chaired by Vice-Chairperson are not the views of the Commission. Once, Ministry of Home Affairs examines various options with its implication and send its comprehensive proposal, the Commission would render its advise.


Dr. Rameshwar Oraon
Chairperson
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**LIST OF PARTICIPANTS ATTENDED THE MEETING OF NCST HELD ON
24-08-2016 AT LOK NAYAK BHAWAN, NEW DELHI -110003.**

NATIONAL COMMISSION FOR SCHEDULED TRIBES

S.No Name & Designation

1. Shri Anil Kumar Agarwal, Secretary
2. Shri Ashok Pai, Joint Secretary
3. Smt. K. D. Bhansor, Director
4. Shri D S Kumbhare, Under Secretary (Coord.)
5. Shri R.S.Misra, Investigator

MINISTRY OF HOME AFFAIRS

1. Shri V. Shashank Shekhar, Joint Secretary
2. Shri Prashant Nikam, Director
3. Shri Pratap Chan, A C (Coord.)

DEPARTMENT OF PERSONNEL & TRAINING

1. Ms. Archana Varma, Joint Secretary
2. Shri K. Salil Kumar, Under Secretary