

**Summary Record of the Proceedings of the Sitting taken by Dr. Rameshwar Oraon, Chairman, NCST on 22/05/2013 at 1200 hrs. in connection with review of system/procedure with regard to processing of cases pertaining to inclusion/exclusion of communities in the ST List**

The list of the officials present in the meeting is annexed.

Chairman, NCST observed that the Commission is concerned with the criticism of the Parliament Committees etc. with regard to large pendency of the proposals in the matter, and particularly, non-inclusion of genuine STs in the list of STs and consequent denial of legitimate rights to them. The meeting, has therefore, been convened to review the existing system for effecting necessary improvements. In this connection, the Chairman, NCST also desired status/position in respect of the pending proposals with MTA and RGA.

2. RGI informed the Commission that recently, 19 proposals, after clearance by the RGI, have been forwarded to the MTA. The list of these cases was, however, not available with the officials of the MTA. Joint Secretary, MTA mentioned that the list of these cases would be separately forwarded to the NCST. Chairman, NCST desired that the MTA should urgently process these proposals in accordance with the modalities communicated vide Ministry of Social Justice & Empowerment letter dated 30/07/2002.

Action: MTA

3. The Commission noted with concern that few PTGs, which were considered from amongst Scheduled Tribes, are still not eligible for availing benefits as Scheduled Tribes because names of these communities were not specifically mentioned in the Constitution Orders and persons belonging to these PTGs were not able to get ST certificates. MTA was earlier requested by the Commission to moot suo-moto proposal in such cases instead of waiting for such a proposal from the State Government since Ministry has been releasing funds for development of these PTGs. Joint Secretary, MTA informed the Commission that the matter was being examined by the MTA. Chairman, NCST desired these cases need to be processed on Top Priority basis for decision positively by September 2013. Joint Secretary, MTA assured that necessary action would be taken by the MTA in the matter.

Action: MTA

4. The Commission observed that considering the huge pendency of the cases, MTA need to streamline the existing procedure with priority with reference to those communities which are ST in one State and non-ST in the neighbouring State for various reasons including re-organization of States etc. Joint Secretary, NCST mentioned that the MTA also need to forward cases to the Commission along with proposal of the State Govt. in accordance with the prescribed modalities, as recently, a case pertaining to inclusion of Binjhiya community in the list of ST, received from



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the MTA, had to be returned to the MTA by the Commission as the proposal was not found to be containing proposal of the State Govt.

5. Joint Secretary, NCST also referred to the prescribed modalities and highlighted that the issues pertaining to the status of ST migrants which may concern not one but several states, were also addressed therein. Chairman, NCST observed that the intended purpose of the provision in the modalities should be served by MTA through identification of the problematic areas concerning migration of STs and taking action as per the prescribed modalities.

Action: MTA

6. Prof. (Dr.) A.B. Ota, Director(ST)-cum-Additional Secretary & Director, SCSTRTI, Govt. of Odisha, mentioned that the proposals have been rejected on the pretext that the communities don't possess all the characteristics as recommended by the Lokur Committee way back in 1965 and accepted by the GoI in 1999. Dr. Ota further emphasized that all these characteristics were hardly found these days because of impact of modernization/industrialization, exposure and accessibility etc. Further, there are many small and little known communities for which there is no data or only scanty data was available from secondary sources. RGI is also examining the ethnic status report on the basis of ethnographic information available from secondary sources, i.e. published literature etc. which have not been revised for a long time.

7. Dr. Ota also emphasized that a systematic approach need to be exercised taking into account the category of cases. He mentioned that the cases pertained to i) new entry in the ST List, ii) inclusion of synonymous/ sections of the existing entries in the ST List, iii) re-submission of the cases with reference to queries raised by the RGI etc. In respect of cases at ii) regarding inclusion of synonymous/ sections of the existing entries in the ST list, the desk studies should be accepted by the RGI.

8. RGI mentioned that the proposals of the State Govt. are examined only with reference to the ethnographic studies, available literature etc. without any study. In cases, where proper ethnographic studies, reports of the earlier censuses or published resources is available, concurrence is granted. It was noted that in many cases, such ethnographic studies have not been done and therefore, there was a need to conduct such studies with reference to the proposals of the State Govt. This situation has led to delay in processing of the proposals, resulting in deserving communities being deprived of benefits due to them.

Action: MTA

9. Secretary, NCST observed that there appears to be proposals inviting tribal communities with population running into lakhs. The circumstances under which such cases were ignored initially and why they are now being proposed needs careful examination considering that these large groups carry greater weight in being able to influence local and State Govt. to support their claims, even if strictly ineligible.

10. Joint Secretary, NCST mentioned that in the draft National Tribal Policy 2006, it was, inter-alia, mentioned that "*the criteria laid down by the Lokur Committee are hardly relevant*



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today. For instance, very few tribes can today be said to possess 'primitive traits'. Other more accurate criteria need to be fixed". Joint Secretary, NCST further mentioned that the prescribed modalities for deciding claims for inclusion/ exclusion from ST list were not supported with any guidelines containing test criterion with reference to the accepted criterion in relation to the Scheduled Tribes viz. way of living, social customs and religious practices, dialect, educational and economical status etc. and also no methodology/ procedure for applying the tests. Alongside non-availability of scientific data pertaining to social, and economical and ethnic status of STs are also resulting in delay in disposal of cases. However, if the tribe has been fairly mainstreamed, the question or need for ST status would have to be seriously examined.

11. Considering the above and the position brought out by the RGI and the Director(ST)-cum-Additional Secretary & Director, SCSTRTI, Govt. of Odisha, as mentioned in para 6 and 7 and 8, the Commission desired that the MTA should take a view on the proposed review of existing acceptance criterion in relation to the Scheduled Tribes and finalize corresponding guidelines for examination of such cases with well-defined test criterion and the methodology/ procedure for their application. This will enable the State Govt. to formulate their proposal in a systematic manner according to the prescribed procedure to meet the laid down criteria/ requirements and avoid back references for clarification etc. At the same time, it is necessary to create data-base on economic development, educational development and social development of the ST community and conduct ethnographic studies for STs as also emphasized by the RGI. Ethnographic study reports available with the Anthropological Services of India could be used for this purpose. The Commission desired that MTA should take necessary action in the matter urgently.

Action: MTA

12. After detailed discussions, it was decided that MTA would take action on the above mentioned issues in a time-bound manner and communicate the progress within a month.

Action: MTA

The meeting ended with a Vote of thanks to the Chair.



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**Meeting with the Secretary, MTA, RGI and Officers of the Govt. of Odisha on 22<sup>nd</sup> May, 2013 at 12:00hrs for streamlining the procedure for inclusion/exclusion.**

**List of Officials present in the meeting on 22.05.2013**

**National Commission for Scheduled Tribes**

1. Dr .Rameshwar Oraon, Chairperson
2. Smt. K. Kamala Kumari, Member
3. Shri R. Vijaykumar, Secretary
4. Shri Aditya Mishra, Joint Secretary
5. Shri Dwaraka Karol, Director
6. Smt K. D. Bhansor, Deputy Director
7. Shri S.P. Meena, Assistant Director

**Ministry of Tribal Affairs**

1. Shri Ashok, Joint Secretary
2. Mrs. Namita Priyadarshee, Director
3. Mrs. Purnima Tudu, Under Secretary

**Registrar General of India**

1. Dr. C. Chandra Mouli, RGI & CCI
2. Dr. D. Rastogi, Addl. RGI
3. Dr. Pratibha Kumari, ARG(SS)

**Goyt. of Odisha**

Prof. Dr. A.B. Ota, Director (ST) & Director TRI