



SN No-9 (CD)

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भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग
GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

संख्या/ No.- No. 1/10/08-Coord

दिनांक/ Date: 11/12/2008


To

- 1) Smt. Urmila Singh, Chairperson
- 2) Shri Maurice Kujur, Vice-Chairperson
- 3) Shri Tsering Samphel, Member
- 4) Shri Oris Syiem Myriaw, Member

Sub: Summary record of the 8th meeting of the National Commission for Scheduled Tribes held on 07.11.2008.

Sir,

I am to refer to the above subject and to say that 8th meeting of the Commission was held at 11:30 P.M. on 07.11.2008 in the Conference Room of the Commission as scheduled. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. A copy of the Summary Record of the meeting is enclosed for information and record.

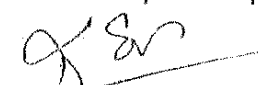

(R.C. Durga)
Director (Coord.)

Copy with copy of 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 31.12.2008 positively:

- (i) Director (RU-I & RU-II)
- (ii) Director (RU-III & Coord.)
- (iii) Dy. Secretary (RU-IV & Admn.)
- (iv) US (Admn.)
- (v) AD/ RO Incharge-RU-I/ RU-II/ RU-III/ RU-IV/ Coord/ SO (Admn.) / AD(OL).

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

1. PS to 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.


(R.C. Durga)0875-90
पत्रा पत्र
ISSUED

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the 8th meeting of the National Commission for Scheduled Tribes held at 1200 hrs. on 07.11.2008.

The 8th meeting of the Commission was held at 1200 hrs. on 07.11.2008 in the Conference room of the Commission in Lok Nayak Bhawan New Delhi. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. List of participants is enclosed at ANNEXURE. The meeting was originally called to discuss Agenda Item-I. On the suggestion of Secretary, National Commission for Scheduled Tribes, Item II for which Agenda notes had also been circulated in advance, was also discussed in the meeting.


2. Summary record of the discussions held in the meeting, agenda item-wise, is given below

Agenda Item I Report on Study of performance of the National Commission for Scheduled Tribes conducted by Centre for Policy Research, New Delhi entrusted by Department of Administrative Reforms & Public Grievances, Government of India.

The Secretary, NCST informed that the matter was earlier discussed in the meeting of the Commission held on 12.05.2008 and draft comments on each point mentioned in the Study Report were also circulated and discussed in this meeting. Summary record of the meeting was circulated on 28.05.2008, also incorporating Vice-Chairman's suggestion that the Commission discuss the report in detail again after all Members have had an opportunity to study it further. Accordingly, Members of the Commission were requested to furnish their detailed comments on the Study which were still awaited. The Secretary further informed that Ministry of Tribal Affairs has now prepared a draft OM for forwarding their comments on the subject to the Department of Administrative Reforms & Public Grievances (Ministry of Personnel, Public Grievances and Pensions) a copy of which has also been sent to the Commission for comments. While the Members may take note of the views of Ministry of Tribal Affairs, the Commission may only comment on the recommendations made in the Study report.

The draft comments on each relevant para of the study report, prepared earlier and the draft OM received from the Ministry of Tribal Affairs were discussed in detail, and it was decided to amend the draft reply proposed as follows:

- (i) Appointment of Members of the Commission, are made as per the prescribed conditions laid down in the National Commission for Scheduled Tribes, Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules, 2003. Those persons who fulfill the eligibility conditions prescribed in Section 3(i) of these



URMILA SINGH
- Chairperson
National Commission for Scheduled Tribes
Govt. of India,
New Delhi

Rules should be considered for appointment as Chairperson, Vice-Chairperson or Members of the Commission, irrespective of their political affiliation.

- (ii) An important highlight in the report related to shortage of staff and large number of vacancies among the sanctioned strength of the Commission. There are different Cadre Controlling Authorities for each category of posts in the Commission, while Commission does not have control over any post. Joint cadre posts and secretariat posts are filled by the Ministry of Social Justice & Empowerment. Some of the posts are controlled by the National Commission for Scheduled Castes. The National Commission for Scheduled Tribes needs additional posts to look after increasing workload in the Hq. Office and the Regional Offices beside opening of new Regional Offices in the country. Detailed proposals for additional posts may be forwarded to the Ministry of Tribal Affairs and after sanctioning of the additional posts, the National Commission for Scheduled Tribes should be declared as the Cadre Controlling Authority for all categories of various posts, including already existing and new posts sanctioned for the Commission.
- (iii) Several posts continue to remain vacant in the National Commission for Scheduled Tribes inspite of DPC having met in the matter of promotion. Till such time as independent NCST cadres are formed, Ministry of Social Justice & Empowerment should constitute a Coordination Committee to consider postings and transfers within MSJE, MTA, NCST, and NCSC with representation from each participating organisation for smooth functioning of each Commission (as stated to be in existence at the time of erstwhile Offices of the Commissioner for Scheduled Castes and Scheduled Tribes and the National Commission for Scheduled Castes and Scheduled Tribes).
- (iv) Copy of order(s) relating to financial powers delegated to National Commission for Scheduled Tribes as a Ministry/ Department of Central Govt. under DFP Rules 1978 may be obtained from the Ministry of Social Justice & Empowerment / Ministry of Tribal Affairs. In case such delegation does not exist, Ministry of Tribal Affairs may be asked to issue necessary orders without delay.
- (v) In accordance with Clause (5) and (9) of Article 338A of the Constitution the National Commission for Scheduled Tribes is vested with duty to monitor and evaluate the working of the safeguards provided for the Scheduled Tribes, participate in the planning process and advise the Union and the State govt. on major policy matters affecting the Scheduled Tribes and make recommendations. These recommendations urge the Union and State Govts. to initiate or modify programmes and schemes for welfare, development and protection of Scheduled Tribes and prepare the grounds for protective and legal enactments. Axiomatically, therefore,

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 Chairperson
 National Commission for Scheduled Tribes
 Govt. of India,
 New Delhi

the views of the Commission on various issues and advice offered by the Commission in legal and other important matters is likely to be at variance with extant views of the Govt. and the executive agencies. The expectations aroused by this role of a constitutional body like the National Commission for Scheduled Tribes also result that the Commission is made a respondent in various Court cases. In all such cases, if the views and recommendations of the NCST do not reach the Courts or authorities considering the issues, the outcome of the considerations may be totally against the interest of the Scheduled Tribes; and also unconstitutional in certain cases. It has, however, been noticed that the views expressed/ conveyed by the National Commission for Scheduled Tribes to Ministry of Tribal Affairs, Ministry of Social Justice & Empowerment, Ministry of Panchayati Raj and other Ministries in various Court cases were not incorporated in the Affidavits filed by them or even referred to in the Affidavits filed by the concerned Ministry. Similar is the situation w.r.t. the policy matters and legal amendments concerning wider interest of Scheduled Tribes. The matter regarding legal representation of the Commission may also be taken up with the Ministry of Tribal Affairs and Ministry of Law and Justice (through a D.O. letter from the Chairperson to the concerned Union Ministers).

Agenda Recommendations made by the 2nd Administrative Reforms Commission in
Item II its Fourth Report titled "Ethics in Governance" relating to "Reducing Discretion" and "Promoting Competition"

It was felt that the Agenda needs to be considered in conjunction with the draft guidelines prepared for dealing with various matters within the mandate of the Commission (which were circulated to Members earlier). The issue will be discussed in the forthcoming meetings of the Commission and the decision communicated to the Ministry of Tribal Affairs.

3. The meeting ended with vote of thanks to the Chairperson.

Chief Justice
 Council of Ministers
 Government of India
 New Delhi