



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

सख्या/ No. - 1/2/09-Coord

दिनांक/ Date: 23/02/2009


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 11th meeting of the National Commission for Scheduled Tribes held on 03/02/2009.

Sir,

I am to refer to the above subject and to say that 11th meeting of the National Commission for Scheduled Tribes was held at 1200 hrs. on 03.02.2009 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. A copy of the Summary Record of the meeting is enclosed for information and record.


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

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 09.03.2009 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 a copy of the 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)

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Sub : Summary record of the 11th meeting of the National Commission for Scheduled Tribes held at 1200 hrs. on 03.02.2009.

The 11th meeting of the National Commission for Scheduled Tribes was held at 1200 hrs. on 03.02.2009 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**.

2. There were 3 Agenda Items for discussion. All the Agenda Items were discussed at length. With the permission of Hon'ble Chairperson, an additional item, suggested by Secretary, National Commission for Scheduled Tribes was also discussed in the meeting. Summary record of the discussions held in the meeting, **agenda item-wise**, is given below:

Agenda Item I Proposal received in the Commission from DoPT, suggesting change in the interview system of Civil Services Examination for SC/ ST candidates.

The Commission was of the view that the existing system of holding separate interview for ST/ SC candidates appears more advantageous for them, as during a separate interview, all reserved category candidates actually compete amongst themselves only, being judged by relaxed standards within the same range of maximum and minimum scores; and do not suffer undue comparison with unreserved candidates.

Agenda Item II Recommendations made by Administrative Reforms Commission in its 7th Report titled "Capacity Building for Conflict Resolution-Friction to Fusion"

a) The agenda note pertaining to recommendations at S.No. 115 and 116 w.r.t. Para 14.3.1.2.5 of the Report of the Administrative Reforms Commission was placed before the Commission for discussion and consideration. The Commission endorsed the suggestions made therein as given below which may be communicated:

Recommendation No. 115

(i) Keeping in view the fact that the scope of Constitutional

safeguards for STs is extensive, the Commission endorses the recommendations of the ARC contained in para 14.3.1.2.5. It is, however, relevant to point out that Commission can't ignore the cases of individual nature as per the obligations of the Commission under Article 338A (5) (b) of the Constitution.

- (ii) The National Commission for Scheduled Tribes follows detailed Rules of Procedure, which, *inter-alia*, lay down the procedure for enquiry and, approach and methodology to be adopted by the Commission. In order to deal effectively and promptly with individual complaints, draft guidelines are also under consideration of the Commission.
- (iii) A computerized system for expeditious processing and close monitoring of the complaints received in the Commission is also under trial.

Recommendation No. 116

In order to enable the Commission to effectively discharge its constitutional mandate, the following issues need to be addressed:

- i) The National Commission for Scheduled Tribes endorses the view of *Administrative Reforms Commission* that *"the secretariats of the two Commissions need to build suitable capacity for monitoring and evaluation of programmes, including monitoring of 'action research', carried out by other institutions on the socio-economic status of SC/STs.* The existing sanctioned and available strength of the Commission is grossly inadequate to achieve the assigned objectives. It is pertinent to mention that while setting up the National Commission for Scheduled Tribes as per the provision of the Constitution (89th) Amendment Act, 2003, the Government of India did not sanction any functional posts for the National Commission for Scheduled Tribes, which has adversely affected the functioning of the Commission.
- ii) The Commission has to discharge multifarious functions in fulfillment of its Constitutional mandate. To ensure the functioning of the Commission in a smooth and effective manner, it deserves financial autonomy which has not been granted to it. In the absence of adequate financial powers, a lot of time and manpower has to be devoted to pursuing routine proposals with the Ministry of Tribal Affairs; and delay in clearance of the proposals often put the Hon'ble Chairperson, Vice-Chairperson and

Members of the Commission to a lot of avoidable inconvenience, which also hampers the Action Plan of the Commission.

- iii) In cases, where the investigation by the Commission discloses any violation of safeguards of the STs or negligence in the prevention of violation of these safeguards by a public servant, and for taking corrective remedial measures including action against the erring officials, it should be mandatory for the concerned organization of the Central Govt. or the State Govt. to accept such recommendations. The Commission should also be empowered to penalize recalcitrant officials who delay information (as for the Central Information Commission).
- iv) As mandated under Article 338A (9) of the Constitution, the Ministries and State Govts should refer all policy matters affecting STs, including draft Bills and Rules to the NCST for its consideration. There is a need to ensure timely and due attention by the concerned Department/ Ministry of the Govt. on the recommendations of the Commission on such policy related issues; and its views should be placed before the competent authority without modification.
- v) In legal matters arising out of policy issues, where the National Commission for Scheduled Tribes is a party, separate legal representation should be arranged for the Commission in case its views are at variance with extant views of the Govt.
- vi) In accordance with the clause (6) of Article 338A of the Constitution, the reports of the Commission are required to be placed before Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations. This procedure has resulted abnormal delay in tabling of the Annual Reports, as its 1st Report pertaining to the year 2004-05 and 2005-06 submitted in August 2006 and 2nd Report pertaining to the year 2006-07 submitted in September, 2008 has not been tabled till date. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes has also in this regard has adversely commented upon this delay. The Commission is of the view that, even if complete ATRs cannot be submitted simultaneously, there should be no hesitation in placing the

Principles

report before Parliament without undue delay, as this will create timely awareness of the recommendations in general public as well as in various Govt. Depts., State Govts. and other agencies for effecting timely corrective action.

- vii) The State level Commissions for STs should have close linkages with the NCST so that they can lend a helping hand in matters relating to handling of local grievances and monitoring of implementation of development programmes.
- b) Further, the Commission also noted that the 7th Report of Administrative Reforms Commission contains several other recommendations which have bearing on Scheduled Tribes that need in-depth examination and discussion. The Commission, therefore, decided to discuss the Agenda Item further in a subsequent meeting. Shri O.S. Myriaw, Member, NCST was requested to provide urgently requisite input on recommendations particularly relating to the Scheduled Tribes of North Eastern Areas and Border Areas so that the remaining recommendations in 7th Report of the ARC may be placed before the Commission for consideration.
- c) In passing, the Commission discussed an important recommendation (at S.No. 92 w.r.t. Para 12.6.6.3 of the Report) which relates to the preparation of a National Register of Indian Citizens. The Commission was of the view that the I-cards to be issued to each individual citizen may also indicate the social status (SC/ ST caste status) of the Card holder. This will subsequently help the Card holder and his/ her children in obtaining the SC/ ST caste certificate from the Certificate Issuing Authorities and availing the benefits of various schemes for Scheduled Castes and Scheduled Tribes.

Agenda Item III WP (Civil) No. 590 of 2008 of Shri Surmukh Singh vs Union of India and Ors. in the Supreme Court of India regarding rotation of reserved Assembly and Parliamentary Constituencies in the State of Haryana and also in whole of India after each General Assembly/ Parliamentary Election respectively.

- (i) The Commission noted that the arguments given in the WP seek to provide for rotation of reserved seats for Scheduled Castes and Scheduled Tribes in the Assembly and Parliamentary Elections in the State of Haryana as well as other States in order to give equal opportunity to the SCs and STs

belonging to the constituencies, which are presently unreserved. The Commission noted that under the present system, the constituencies reserved for Scheduled Castes and Scheduled Tribes were those in which the share of SC/ ST population was relatively larger.

(ii) The Commission discussed the prayer made in the WP and noted the provisions under Article 330 and 332 of the Constitution relating to reservation of seats for Scheduled Castes and Scheduled Tribes in elections to Parliamentary and Assembly constituencies and those under Article 243D relating to reservation of seats read with Section 4(g) of the Panchayats (Extension to the Scheduled Areas) Act, 1996 which, inter-alia, provides that the reservation of seats in the Scheduled Areas at every Panchayat shall be in proportion to the population of the communities in that Panchayat for whom reservation is sought to be given. The Commission was of the view that the spirit of the special provisions relating to conduct of Panchayat elections in the Scheduled Areas as provided under the Panchayats (Extension to the Scheduled Areas) Act, 1996 cannot be ignored while considering the prayer for rotation of seats reserved for Scheduled Tribes and Scheduled Castes in elections to Parliamentary and Assembly constituencies. The Commission, however, felt that the issue needed further discussions and accordingly decided that this item might be listed for detailed discussion in the next meeting of the Commission.

**Agenda Additional Agenda-Review of the implementation of programmes
Item IV and reservation policies in the States and by the Central
Ministries and Departments**

Secretary, NCST mentioned that as part of the Action Plan approved by the Commission for 2008-09, it was proposed to undertake review of the implementation of programmes and reservation policies in 13 States, 2 Central Ministries/ Departments and 7 PSUs. Secretary suggested that special efforts need to be made upto end of March, 2009 to catch up with the Action Plan target. The Commission endorsed the suggestion and desired that a tentative programme may be prepared to hold reviews of at least 4 States and 4 Central Ministries/ Departments/ PSUs by the end of March 2009.

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

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

National Commission for Scheduled Tribes

Meeting of the Commission held on 03.02.2009 at 1200 hrs. in the Conference Room of the Commission- List of participants.

S.No. Name and Designation

1. Smt. Urmila Singh, Chairperson (In chair)
2. Shri Maurice Kujur, Vice-Chairperson
3. Shri Tsering Samphel, Member
4. Shri Oris Syiem Myriaw, Member
5. Shri R.S. Sirohi, Secretary
6. Shri Aditya Mishra, Joint Secretary
7. Shri R.C. Durga, Director
8. Shri R.P.Vasishth, Deputy Secretary
9. Shri K.N. Singh, PS to Chairperson