



No.1/8/15-Coord.
GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

6th Floor, 'B' Wing, Lok Nayak Bhawan,
Khan Market, New Delhi 110003

Dated: 18/08/2015

To,

1. Dr. Rameshwar Oraon, Chairperson,
2. Shri Ravi Thakur, Vice Chairperson,

Sub:- Summary record of the 74th Meeting of the Commission held at 03:00 hours on 16/07/2015.

Sir,

I am directed to refer to the above subject and to say that 74th Meeting of the National Commission for Scheduled Tribes was held at 03:00 Hrs. on 16/07/2015 in the Conference Room 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,


(K.D. Bhansor) Mrs.
Director

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 24/08/2015 positively.

- (i) Director (RU-III, RU-IV, Coord. & Admn)
- (ii) Dy. Secretary (RU-I & RU-II)
- (iii) Under Secretary (Admn.)
- (iv) AD/RO/In-charge – RU-I/RU-II/RU-III/RU-IV/Coord./ AD/OL

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

1. PS to Chairperson,
2. PS to Vice Chairperson,
3. Office of the Secretary,
4. Office of the Joint Secretary,
5. Dy. Secretary/ Assistant Director/ Research Officer in Regional offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi and Shillong.
6. Sr. System Analyst (NIC Cell, NCST) for uploading on the website.


(K.D. Bhansor) Mrs.
Director

**74TH MEETING
OF THE
NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST)
SUMMARY RECORD OF DISCUSSIONS**

Date: 16th July, 2015

Time: 3:00 hours.

Venue: Conference Room, NCST, 6th Floor, Lok Nayak Bhawan, New Delhi.

In the Chair: Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST.

List of Participants: Annexure 1.

Two Scheduled agenda items and four additional AGENDA items were discussed and decided in the meeting as under:

Agenda Item I	Draft Note for Union Cabinet amending Article 280 of Constitution of India for augmenting Consolidated Fund of States of Assam, Meghalaya, Tripura and Mizoram to supplement resources of Sixth Schedule Autonomous Councils and to amend Sixth Schedule to Constitution for implementation of Memorandum of Settlement (MoS) signed with various groups of Assam and Meghalaya and other measures ensuring democracy at grass root level in Autonomous Councils.
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2. Ministry of Tribal Affairs (MoTA), vide Office Memorandum (OM) No. 18014/1/2015-C & LM -I dated 1.7.15, has forwarded MHA letter No.11012/120/2009-NE.IV dated 26.6.15, seeking comments of the NCST on above-mentioned Draft Cabinet Note, for amending Article 280 and Sixth Schedule of Constitution of India.

3. NCST recalled earlier (Dec, 2012) draft Note for Cabinet for amendment of Article 280 and Sixth Schedule of Constitution of India. That draft Note was discussed in 41st NCST meeting on 4.1.13 and while agreeing to proposal for amendments contained in draft Cabinet Note, NCST made following observations:

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“On the lines of the provisions under Fifth Schedule to the Constitution, the Governors of the Sixth Schedule Areas States may also be mandated to submit Annually to the President of India, a Report on the working of the Provisions of the Sixth Schedule in the Scheduled Areas under their jurisdiction. For this purpose Government of India in the Ministry of Home Affairs in consultation with the Ministry of Tribal Affairs, Ministry of Panchayati Raj and the National Commission for Scheduled Tribes may design a standard format for the Report so that implementation activity in one State is comparable with that in the other State having Scheduled Areas under Sixth Schedule”.

4. In present (June 2015) Draft Cabinet Note, it is stated (at para 13.1) that above suggestion made by the NCST has been accepted and same has been incorporated as new paragraph 14A, as under:-

“14A. The Governor shall make Quarterly, or whenever so required by the President, a report to the President regarding the administration of the Tribal areas by the District Councils in the State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of such areas”.

5. NCST noted that draft Bill seeks Quarterly report instead of Annual report from the Governor, as suggested. After discussing Commission proposed following suggestions:

5.1 Report regarding administration of Tribal Areas (as incorporated in Sixth Schedule of Constitution of India) should consist of

- (1) An Annual Statutory Report by Governor to President
(Similar to one in para 3 of Fifth Schedule).

This would go into major policy issues and innovations needed therein, while bringing out macro scenario on administration of Sixth Schedule Areas.



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(2) An implementation Monitoring Report (Which can be quarterly at least – if not monthly) to monitor.

(a) Implementation of development activities programmes in such areas,
and

(b) Inter-state comparative picture of tribal development programmes.

5.2 For above-mentioned Implementation Monitoring Report, MHA in consultation with MoTA, Ministry of Panchayati Raj (MoPR) and NCST may design and prescribe a standard format, which would form basis for such reporting. Such format, needless to emphasize, needs to be circulated to the States, wherein such areas under Sixth Schedule are located.

5.3 It would be relevant to add here that the Annual Statutory Report by Governor to President necessarily draws upon above-referred quarterly (at least) Implementation Monitoring Report.

5.4 MHA, being nodal Ministry in relation to Sixth Schedule matters must ensure that both the following reports i.e;

(a) Governor's Annual Statutory Report to President, and

(b) Concerned State Governments' quarterly Implementation Monitoring Report, are forwarded to MoTA, NCST and MoPR regularly to analyze impact of ongoing tribal development programmes and ensure policy changes so as to improve further. Inter-State comparison would be, of course, an outcome in this direction.

6. Amended Article 14 A, accordingly, may read as under:

(14 A) Report by the Governor to the President regarding administration of Scheduled Areas.-

The Governor of each State of Assam, Meghalaya, Tripura and Mizoram having Scheduled Areas (in Sixth Schedule) therein shall annually, or whenever so required by the President, make a report to

the President regarding the administration of the Scheduled Areas in that State and the executive powers of the Union shall extend to giving of directions to the State as to administration of the said areas.

(14AA) Each State Government of Assam, Meghalaya, Tripura and Mizoram having Scheduled Areas (in Sixth Schedule) shall quarterly, whenever so required by the Union Government, make an Implementation Programme Monitoring Report to the Union Government regarding implantation progress of ongoing development activities and programmes in the Scheduled Areas of that State and the executive power of the Union Government shall extend to giving of directions (including prescribing necessary formats for such reporting) to the State Government as to the development programmes and activities in the said areas.

7. Amendment of Para 3 in Fifth Schedule may also be considered with insertion of a similar provision in relation to a quarterly Implementation Programme Monitoring Report for Fifth Schedule area as well.

Agenda Item II	Revised guidelines for implementation of Scheduled Castes Sub-Plan and Tribal Sub-Plan by States and UTs.
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8. The Commission was informed that National Institute for Transforming India (NITI) Aayog vide letter no. H-11012/03/2013-SJ&SW dated 23.4.15 has forwarded "**Revised guidelines for implementation of Scheduled Castes Sub-Plan and Tribal Sub-Plan by States and UTs**" for effective implementation of SCSP and TSP strategies and to ensure that States are earmarking State plan funds for SCSP and TSP, at least in proportion to SC and ST population respectively and also to ensure spending for such schemes which extend direct to and quantifiable benefits to these target groups.

9. NCST noted that revised guidelines were issued by the then Planning Commission on 18.6.14 and the NITI Aayog, (successor to Planning Commission),



has forwarded same to NCST and its Regional Offices. NCST, under Article 338A(5)(c), is mandated to participate and advise in planning process of socio-economic development of STs and to evaluate progress of tribal development under the Union and any State.

10. After deliberations, NCST decided as under:
- 10.1 A few formats (may be Sector-wise) needs to be worked out in detail, for monitoring tribal development activities, funds under TSP of State Plan.
- 10.2 State Governments and UT Administrations of States UTs, having Tribal Sub Plan, may be asked to associate NCST and UTs Regional Offices, through membership in State Level Executive Committee and Apex Level Committee.
- 10.3 Similar request may also be made to MoTA for associating the Commission headquarters while discussing TSP of each State and UTs.
- 10.4 For ensuring above, NITI Aayog may be asked for issuing guidelines to that effect.

Additional Agenda

Agenda Item III	Parliamentary Committee on the Welfare of SCs and STs 'Examination of First Annual Report (2004-2005 and 2005-2006) of NCST presented under Article 338A (5) (d) of the constitution of India and to report as to the measures that should be taken by the Union Govt. in respect of matters within the purview of the Union Government.
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11. MoTA vide letter No.16015/02/2015-C&LM-II dated 8.7.15 sent a copy of letter No. 58/1/1/SCTC/2014 dated 23.3.15 of Lok Sabha Secretariat initiating that Parliamentary Committee on the Welfare of SC and STs have decided to examine First Annual Report (2004-2005 and 2005-2006) of NCST, presented under Article 338A (5) (d) of the Constitution of India and to report as to measures that should be

taken by Union Government in respect of matters within purview of Union Government during 2015-2016 and have asked a comprehensive Background Note on this subject.

12. This matter was earlier discussed in 73rd Meeting of NCST on 15.4.15, and, as no material change has occurred since then, the Commission decided that the Background Note, as approved earlier (Annexure-2) may be forwarded to MoTA.

Agenda Item IV	Representation dated 28/5/14 from Shri Lakhan Mahali, S/o Late Mohan, Ex-HD.T/Man/BDO, AT-Gopinathpur, PO-Bahalda Road, PS-Tiring, District-Mayurbhanj Odisha, regarding compassionate appointment, under Ministry of Railways, Government of India.
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13. NCST noted that Ministry of Railways has rejected case of Shri Lakhan Mahali S/o Late Mohan, Ex-HD.T/Man/BDO, at-Gopinathpur, PO-Bahalda Road, PS-Tiring, District-Mayurbhanj Odisha on following grounds;

- (1) Concerned ex-employee (petitioner's father – Mr. Mohan Mahali) expired at the age of 59 years 10 months (as 9.8.04) and hence there is no loss in pension settlement dues.
- (2) Two elder brothers are already employed in the Railways, and hence no burden of additional family members on the applicant.

14. After discussions, NCST decided as under,

14.1 Information as to whether any one of the family of deceased has been employed on compassionate ground, after expiry of Late Mr. Mohan Mahali, may be called immediately from Railway Board.

14.2. Member (Staff), Railway Board, Ministry of Railways and other Railway authorities may be called along with relevant records, including Policy of Railways on Compassionate Appointments (In a case - especially where persons who are employed earlier to date of expiry of deceased Railway official also lead – such facts to ban on compassionate appointment).

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Agenda Item V	Discussion on the material submitted by Disha Foundation (NGO) of Welfare and protection of Migrant Scheduled Tribes.
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15. Disha Foundation (a NGO), vide letter dated 7.4.15 and 23.4.15 sent their project report on tribals' migration from Nasik Region to other areas. The project addresses issue of distress in tribal migration in two blocks of Nasik District at village level as well at destination city Nasik through migration resource centers, and providing facilitation via livelihood trainings, job linkages, access to social security, health, legal aid and other need based assistance.

15.2. Disha Foundation had given presentation on 29.4.15 to NCST. Basic features/implications of the projects are:

- i) Migration management (facilitation) approach is pragmatic rather than controlling migration.
- ii) Formation of inter-state migration management bodies in 6 major corridors : Given high rate of migration across certain corridors such as Jharkhand-NCR Delhi, Eastern UP-Mumbai, Bihar- NCR, Western Orissa – Andhra Pradesh, Rajasthan-Gujarat and Orissa-Gujarat amongst others, there is a need to institutionalize processes, involving various departments such as labour, Tribal, Social Welfare, Women and Child Development, Health, at both source and destination States.
- iii) Replication of Nasik model, led jointly by Tribal Development Department of Government of Maharashtra, MoTA and Disha Foundation in major tribal migration pockets of India, to address tribal migration may be considered. It includes setting up of Migrant Resource/ Assistance Centers in sending and receiving States, and integrated planning with multi-Government Departments.
- iv) Formation of National think tank for policy level Planning and implementation of migration related policies and programs.

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16. NCST, vide letter dated 4.6.15 forwarded letters, concerning issues of migration labourers received from Disha Foundation, to MoTA.

17. The Commission decided that DISHA foundation may be requested for a detailed presentation in 2nd/3rd week of September to the Commission.

Agenda	Implementation of recommendation of ILO convention 189
Item VI	Advocating "Decent Work Conditions for Domestic workers".

18. International Domestic workers Day was celebrated by the 'Domestic Workers Forum' on 16.6.15. Plight of domestic workers was highlighted by persons and different groups associated with improving living conditions of domestic workers. Papers circulated mention that ILO has propagated Convention 189 advocating "Decent Work Conditions for Domestic Workers", which inter-alia states that a formal employment relationship must be recognized in domestic work by the Government with effective protection and promotion of human rights, fair terms of employment, social security and living conditions and includes making of provisions for regulation of private placement agencies in respect of migrated domestic workers, weekly off, regular payment etc.

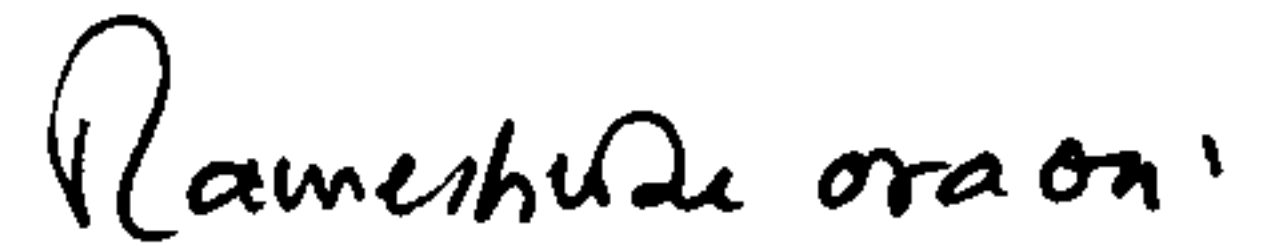
19. It has been noted that large number of domestic workers are tribal women from the States of Chhattisgarh, Jharkhand, Odisha, Madhya Pradesh have migrated to Delhi NCR, Mumbai, Karnataka, Kolkata etc to work as domestic workers.

20. Number of complaints of ill-treatment and sexual assault on tribal women has also come to NCST notice and with NCST intervention their grievances have been addressed to a large extent.

21. This matter was discussed in detail and it was decided that activity/ item-wise details may be examined considering following orders, instructions, justification on the subject and thereafter the matter may be placed before the Commission.

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- (i) Order of Hon'ble High Court of Delhi – WP (Crl.) No. 82 of 2009, WP (Crl.) No. 619 of 2002 with WP (Crl.) No. 879 of 2007,
 - (ii) Delhi Executive Order – Order No. Addl. LC/Misc.(2)/12/Lab/Part File/1938 dated 25.09.2014,
 - (iii) Chhattisgarh Act (prevailing) – The Chhattisgarh Private Placement Agencies (Regulation) Act, 2013,
 - (iv) Jharkhand Draft Act – The Jharkhand Unorganised Migrant Workers (Registration and Welfare) Act, 2015 and
 - (v) Suggestion of UN agency, ILO, in the form of any International Charter or otherwise.
22. Meeting ended with a vote of thanks to the Chair.



Chairperson

National Commission for Scheduled Tribes

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F.No. 1/8/2015-Coord.

ANNEXURE-I

National Commission for Scheduled Tribes

74th Meeting of NCST held at 3:00 hours on 16/07/2015 at New Delhi

LIST OF PARTICIPANTS

1. Dr. Rameshwar Oraon, Chairperson (In Chair)
2. Dr. Shyam Agarwal, Secretary
3. Shri Santosh Kumar, Joint Secretary
4. Smt. K. D. Bhansor, Director
5. Shri Pramod Chand, Deputy Secretary
6. Shri Rajesh Kumar, Under Secretary
7. Shri S.P. Meena, Assistant Director