



No.1/8/12-Coord.
Government of India
National Commission for Scheduled Tribes

6th Floor, 'B' Wing,
Lok Nayak Bhawan,
Khan Market,
New Delhi 110003
Dated: 04/09/2012

To

- 1) Dr. Rameshwar Oraon, Chairperson
- 2) Smt. K. Kamala Kumari, Member
- 3) Shri Bheru Lal Meena, Member

Sub: - Summary record of the 37th Meeting of the Commission held at 11:30 hours on 1st September, 2012.

Sir,

I am directed to refer to the above subject and to say that 37th Meeting of the National Commission for Scheduled Tribes was held at 11:30 Hrs. on 1st September, 2012 in the Chamber of Hon'ble Chairperson 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.
Deputy 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 **10th September, 2012** positively.

- (i) Dy. Director (RU-III, RU-IV & Admn.)
- (ii) Under Secretary, (Admn.)
- (iii) 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. PPS to Joint Secretary,
2. Assistant Director/ Research Officer in Regional offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi and Shillong.
3. ✓ Sr. System Analyst (NIC Cell, NCST) for uploading on the website.



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION SCHEDULED TRIBES

(अनुसूचित जनजातियों को दिए गए अधिकारों और सुरक्षाओं के उल्लंघन से संबंधित सभी मामलों का अन्वेषण और अनुवीक्षण करने के लिए संविधान के अनुच्छेद 338क के अधीन स्थापित एक संवैधानिक आयोग)

संख्या/No.-1/8/12-समन्वय

दिनांक/Date: 04/09/2012

प्रति,

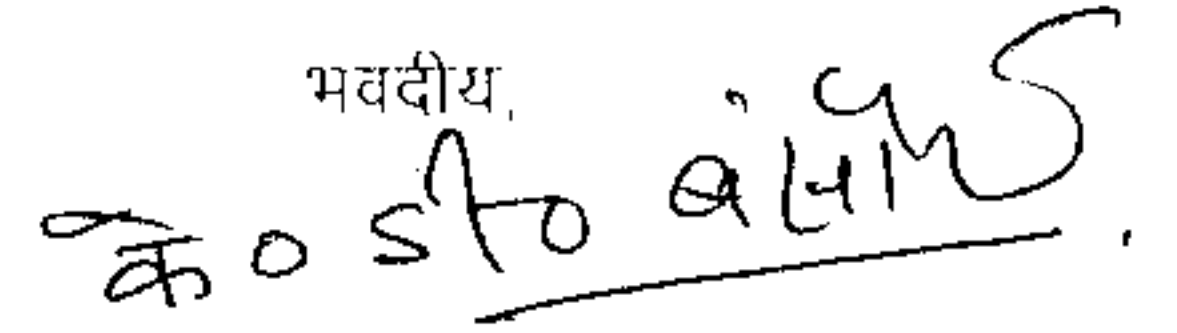
- 1) डा० रामेश्वर उराँव, अध्यक्ष
- 2) श्रीमती के. कमला कुमारी, सदस्य
- 3) श्री भैरु लाल मीणा, सदस्य

विषय: राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 01 सितम्बर, 2012 को प्रातः 11.30 बजे सम्पन्न 37वीं बैठक का संक्षिप्त अभिलेख।

महोदय,

मुझे उपर्युक्त विषय का उल्लेख करते हुए यह कहना है कि आयोग की 37वीं बैठक आयोग के सम्मलेन कक्ष में दिनांक 01 सितम्बर, 2012 को प्रातः 11:30 बजे हुई थी। बैठक की अध्यक्षता डा० रामेश्वर उराँव, अध्यक्ष, अनुसूचित जनजाति आयोग द्वारा की गई। बैठक के संक्षिप्त अभिलेख की एक प्रति सूचना एवं अभिलेख हेतु संलग्न है।

भवदीय,



(कृष्णा देवी बन्सौर) श्रीमती
उप निदेशक

प्रतिलिपि : बैठक के संक्षिप्त अभिलेख की एक प्रति सहित, निम्नलिखित अधिकारियों को इस अनुरोध के साथ अग्रेषित है कि बैठक में लिए गए निर्णयों पर की गई कार्रवाई के संबंध में जानकारी प्रत्येक संबंधित एकक/ कार्यालय द्वारा 10 सितम्बर, 2012 तक अवश्य ही समन्वय एकक को भेज दी जाए।

- (i) उप निदेशक (आर०यू०-III, आर०यू०-IV एवं प्रशासन)
- (ii) अवर सचिव (आर०यू०-1 एवं आर०यू०-11)
- (iii) सहायक निदेशक/ अनुसंधान अधिकारी प्रभारी-आर०यू०-1/ आर०यू०-11/ आर०यू०-111/ आर०यू०-IV/ समन्वय/ सहायक निदेशक (राजभाषा)।

प्रतिलिपि: बैठक के संक्षिप्त अभिलेख की एक प्रति सहित, सूचनार्थ अग्रेषित:

1. अध्यक्ष के निजी सचिव/संयुक्त सचिव के प्रधान निजी सचिव।
2. निदेशक/ सहायक निदेशक/ अनुसंधान अधिकारी, राष्ट्रीय अनुसूचित जनजाति आयोग के भोपाल/ भुवनेश्वर/ जयपुर/ रायपुर/ रांची/ शिलांग स्थित क्षेत्रीय कार्यालय।
3. वरिष्ठ सिस्टम विश्लेषक (NIC Cell, NCST) - आयोग की वेबसाइट पर जोड़ने हेतु।

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the 37th meeting of the Commission held at 11:30 Hrs. on 01-09-2012.

The 37th meeting of the Commission was held at 11:30 Hrs. on 01-09-2012 in the Chamber of Hon'ble Chairperson at Loknayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Chairperson, NCST. List of participants is enclosed at Annexure. The meeting was called on urgency basis, on the request of the Ministry of Tribal Affairs to discuss the following three agenda items.

Agenda Item-I Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes – "Review of implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 including atrocities committed against tribals in violation of 'The Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006" – updated material in respect of NCST.

2. Joint Secretary informed the Commission that a Background Note was earlier sent in July, 2010 to the Ministry of Tribal Affairs for onward transmission to the Parliament Committee. The Parliamentary Committee has sought updated Note from the Commission. The Note has been updated with the latest available position in the Commission Headquarters and also in the Regional Offices. The revised Note placed at Agenda Item I is to be sent to the Ministry of Tribal Affairs for forwarding the same to the Parliamentary Committee.

3. Chairperson mentioned that the Note needs certain refinements and editing, though the information contained therein is up-to-date. The Chairperson authorized the Joint Secretary, National Commission for Scheduled Tribes to carry out refinements and editing and forward the same to the Ministry of Tribal Affairs for onward transmission to the Lok Sabha Secretariat.

Agenda Item-II Views/ comments on the Draft the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 on the proposed amendments in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007

4. The Commission was informed that the Ministry of Tribal Affairs has prepared the Draft Scheduled Tribes and Other Forest Dwellers (Recognition of

Forest Rights) Amendment Rules, 2012 for amendments in the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Rules, 2007. The Ministry of Tribal Affairs has already issued guidelines for implementation of Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 to all the States and UTs on 12/07/2012. The Ministry of Tribal Affairs has sought views/ comments of the Commission on the Draft Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Rules, 2012 and also suggestions/ views relating to the guidelines issued by the Ministry.

5. The Commission appreciated the initiative taken by the Ministry of Tribal Affairs for issuing well considered and comprehensive guidelines for implementation of the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006. The Commission, however, emphasized that strict compliance of these guidelines by the State Governments/ UT Administrations was necessary for effective and timely implementation of the Act. The Commission suggested that the Ministry of Tribal Affairs may consider evolving necessary monitoring mechanism for the purpose.

6. As regards amendment of the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Rules, 2007, Commission noted that the amendments proposed by the Ministry of Tribal Affairs were aimed in the right direction towards settlement and development of the Scheduled Tribes Forest Dwellers. The Commission however, was of the view that the term "locally appropriate means of transport" mentioned in the revised clause (d) (proposed as substitution) under Sub-Rule (1) of Rule (2) may be clearly exemplified to avoid possible exploitation of innocent tribal forest dwellers by the contractors/ any other person. The Commission agreed to various provisions in the Draft Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Rules, 2012 subject to incorporation of the above observation of/ amendment suggested by the National Commission for Scheduled Tribes.

Agenda Item-III Constitutional Amendment Bill in the Parliament to continue the scheme of reservation in promotion for Scheduled Castes and Scheduled Tribes.

7. The Commission was informed that the Ministry of Tribal Affairs has forwarded a copy of Department of Personnel and Training letter dated 27th

August, 2012 on the subject seeking views/ comments of the National Commission for Scheduled Tribes on the proposal contained in the above mentioned letter of DoPT. Views of the Commission were sought by 31/08/2012. As the letter was received on 31/08/2012 only, it has to be considered on priority

8. The DoPT has stated that a demand for Constitution Amendment in order to provide reservation for the Scheduled Castes and Scheduled Tribes in promotion has been voiced from the Members of Parliament. The matter was also considered in an All Party meeting convened by the Hon'ble Prime Minister on 21.08.2012. There was general consensus in that meeting to introduce a Constitution Amendment Bill in the Parliament so as to enable the State to continue the scheme of reservation in promotion for Scheduled Castes and Scheduled Tribes as before.

9. DoPT has further stated that the Supreme Court of India in M Nagaraj Vs UOI & Ors had ruled that the 77th & 85th Constitutional amendments were constitutionally valid and that these are enabling provisions and States will have to make out a case for providing reservations in promotion based on quantifiable data and satisfy the court that such reservation became necessary on account of inadequacy of representation of Scheduled Castes and Scheduled Tribes in particular class or classes of posts without affecting the general efficiency of service as mandated under Article 335 of the Constitution. Relying on the judgment of the Supreme Court in M. Nagaraj case, the High Court of Rajasthan and the High Court of Allahabad have struck down the provisions for reservation in promotion in the services of State of Rajasthan and the State of Uttar Pradesh, respectively. Subsequently, the Supreme Court has upheld the decisions of these High Courts striking down provision for reservation in promotion in the respective States.

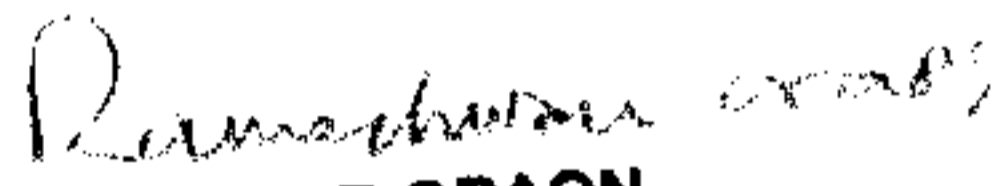
10. In view of above, the Commission agreed to the proposal of Department of Personnel and Training for bringing Constitution Amendment to meet the objective.

11. As it was noted from the DoPT letter that the DoPT will prepare the Draft Amendment Bill after receipt of comments from National Commission for

Scheduled Tribes and other Organizations on their proposal to move Constitutional Amendment, the Commission directed that as per instructions of the Cabinet Secretariat, the Department of Personnel and Training may be asked to forward, for views/ comments of the National Commission for Scheduled Tribes, a copy of the Draft Constitutional Amendment Bill as and when finalized before submission to the Cabinet.

12. The Commission directed that the views of the Commission may be communicated to the Ministry of Tribal Affairs and DoPT with the advice that the Sponsoring Ministry should forward the revised Draft FR Rules / Draft Constitutional Amendment Bill by incorporating the recommendations made by the Commission and also mentioning about having consulted the Commission in the matter as per the Cabinet Secretariat Instructions dated 16/02/2012.

11. The Meeting ended with vote of thanks to the Chair


Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

ATTENDANCE SHEET**National Commission for Scheduled Tribes**

37th Meeting of the Commission held on 01/09/2012 in the Conference Room of the Commission- List of participants.

<u>S. No.</u>	<u>Name and Designation</u>	<u>Signature</u>
National Commission for Scheduled Tribes		
1.	Dr. Rameshwar Oraon, Chairperson	(in Chair)
2.	Smt. K. Kamala Kumari, Member	
3.	Shri Bheru Lal Meena	
4.	Shri Aditya Mishra, Joint Secretary	
5.	Smt K. D. Bhansor, Deputy Director	