



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.-1/1/13-समन्वय

दिनांक/Date:07/01/2013

प्रति,

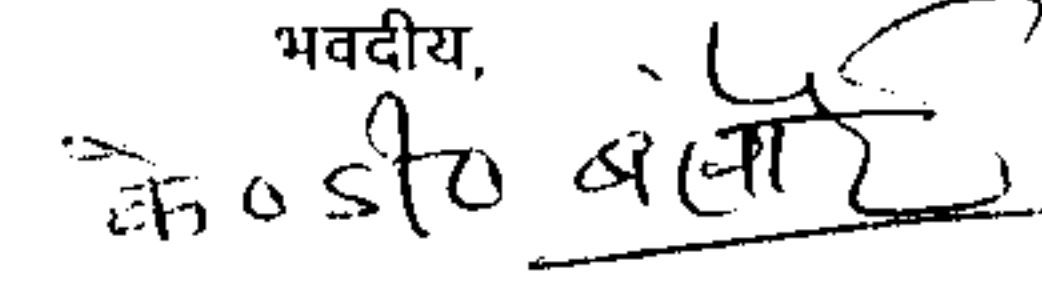
- 1) डा० रामेश्वर उराँव, अध्यक्ष
- 2) श्रीमती के. कमला कुमारी, सदस्य
- 3) श्री भैरू लाल मीणा, सदस्य

विषय: राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 4 जनवरी, 2013 को प्रातः 12.00 बजे सम्पन्न 41वीं बैठक का संक्षिप्त अभिलेख।

महोदय,

मुझे उपर्युक्त विषय का उल्लेख करते हुए यह कहना है कि आयोग की 41वीं बैठक आयोग के माननीय अध्यक्ष महोदय के कक्ष, लोकनायक भवन, नई दिल्ली में दिनांक 4 जनवरी, 2013 को प्रातः 12.00 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,

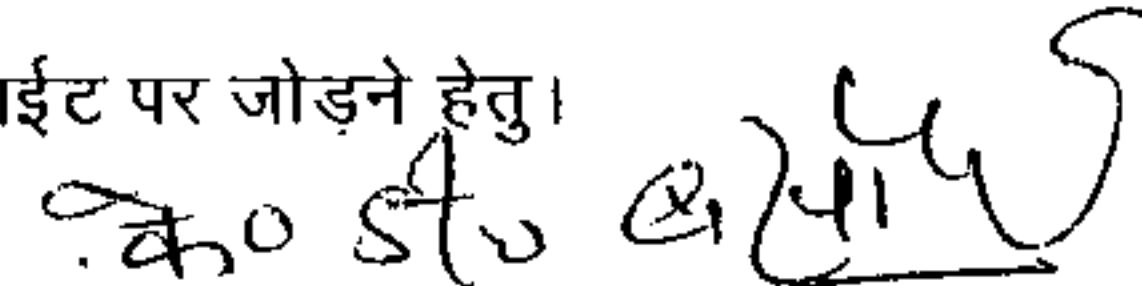

(कृष्णा देवी बन्सौर) श्रीमती
उप निदेशक

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 25 जनवरी, 2013 तक अवश्य ही समन्वय एकक को भेज दी जाए।

- (i) निदेशक (आर०यू०-I एवं आर०यू०-II)
- (ii) उप निदेशक (आर०यू०-III, आर०यू०-IV एवं प्रशासन)
- (iii) सहायक निदेशक/ अनुसंधान अधिकारी प्रभारी-आर०यू०-I/ आर०यू०-II/ आर०यू०-III/ आर०यू०-IV/ समन्वय/ सहायक निदेशक (राजभाषा)।

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

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


(कृष्णा देवी बन्सौर) श्रीमती
उप निदेशक



No.1/1/13-Coord.
Government of India
National Commission for Scheduled Tribes

6th Floor, 'B' Wing,
Lok Nayak Bhawan,
Khan Market,
New Delhi 110003
Dated: 07/01/2013

To,

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

Sub: - Summary record of the 41st Meeting of the Commission held at 12:00 hours on 4th January, 2013.

Sir,

I am directed to refer to the above subject and to say that 41st Meeting of the National Commission for Scheduled Tribes was held at 12:00 Hrs. on 4th January, 2013 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 25th January, 2013 positively.

- (i) Director(RU-I & RU-II,.)
- (ii) Dy. Director (RU-III & RU-IV)
- (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. PS to Chairperson,
2. PPS to Joint Secretary,
3. Assistant Director/ Research Officer in Regional offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi and Shillong.

Sr. System Analyst (NIC Cell, NCST) for uploading on the website.


(K.D. Bhansor) Mrs.
Deputy Director

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the 41st meeting of the Commission held at 12:00 Hrs. on 04-01-2013

The 41st meeting of the Commission was held at 12:00 Hrs. on 04-01-2013 in the Conference Room of the Commission in Loknayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST. List of the participants is enclosed at Annexure. There were seven Agenda Items for discussion in the meeting. All the Agenda Items were discussed in the meeting.

2. The decisions taken and the action points that emerged out of the discussions held in the meeting are given below:

Agenda Item I	Draft National Tribal Policy 2006
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3. The Commission was informed that the Ministry of Tribal Affairs, vide DO letter No. 20025/3/2003-NGO dated 07/12/2012, have sought the comments of the Commission on the draft National Tribal Policy 2006.

4. The Commission noted that the Ministry of Tribal Affairs have re-circulated the draft National Tribal Policy (NTP), which was circulated in July, 2006 for seeking comments of various Ministries/ Departments and various developments in different social, educational and economic sectors have taken place since 2006. The Commission also observed that the NCST was set up in February, 2004, and since then; the Commission has submitted 5 Annual Reports and one Special Report. These Reports contain important suggestions and recommendations relating to tribal development and policy framework on various important issues concerning STs. The Commission further observed that the latest Census was conducted in the year 2011 and provisional data relating to population, gender ratio and literacy etc. among STs may be available which may be obtained from

the Census Commissioner for incorporating suitable modifications in the Draft Policy based on the latest indicators.

5. The Commission expressed that those developments and the various strategies/ initiatives/ formulated by MTA/ Planning Commission and other Ministries/ Departments and recommendations made by the Commission on various important issues concerning STs may be suitably considered and incorporated in the draft National Tribal Policy. The Commission also observed that the Draft Policy does not include Action Plan with time- frame for various activities. The draft NTP may be recast accordingly by the MTA and circulated among various Ministries/ Departments for their comments. Based on the feedback received, the final revised Draft NTP may be sent to this Commission for comments as per the directions of the Cabinet Secretariat vide their instructions dated 16/02/2012, advising all Ministries/Depts. to ensure that the National Commission for the Scheduled Castes, and the National Commission for the Scheduled Tribes, as the case may be, shall mandatorily be consulted by them through the Ministry/Department administratively concerned with the Commission before finalization of notes for consideration of the Cabinet/Cabinet Committees.

Agenda Item II	Draft Cabinet Note on Science, Technology and Innovation (STI) Policy 2013
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6. Ministry of Tribal Affairs, vide letter No. 17011/21/2012-P&M dated 13/12/2012 has sought the comments of the Commission with reference to the DO letter NO. 11001/01/2012-PRC dated 3rd December, 2012 on the Draft Cabinet Note on Science, Technology and Innovation (STI) Policy 2013 prepared by Ministry of Science and Technology..

7. The Commission noted The STI Policy 2013 aims to bring all the benefits of science, technology and innovation to the national development and sustainable and more inclusive growth. The key features/ elements of the STI Policy include, *inter-alia*, enhancing skill for applications of science among the young from all social strata and investing modern science for leveraging traditional knowledge for finding solutions to national challenges. The Commission observed that in its

earlier report, the Commission has recommended that all national missions / major policies should have a special chapter/ focus in respect of STs. The Commission, therefore, recommends that the SIT policy should also incorporate a separate Chapter/ provision titled "Applicability to Scheduled Tribes and Scheduled Areas under Fifth and Sixth Schedule" for highlighting focus on Scheduled/ Tribal Areas to achieve the goal of inclusiveness.

Agenda Item III	Draft Cabinet Note regarding continuation of the Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY) in the 12th Plan
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8. Ministry of Tribal Affairs, vide letter No. 17011/22/2012-P&M dated 13/12/2012, have sought comments/ views of the Commission with reference to the Ministry of Power OM No. 44/10/2011-RE(vol-II) dated 5th December, 2012 on the draft Cabinet Committee on Economic Affairs regarding continuation of the Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY) in the 12th Plan.

9. The Commission noted that the proposal is for continuation of the RGGVY in the 12th Plan (i) to complete spill over works of projects sanctioned in 10th and 11th Plan, (ii) to continue the scheme for covering all remaining villages and habitations irrespective of population, and (iii) providing free electricity connection to remaining Below Poverty Line (BPL) households, to achieve the objective of providing access to all rural households. The estimated requirement of budget support for the 12th Plan is Rs. 49,730 crore.

10. The Commission noted that a large number of habitations in the States having significant population of STs were yet to be covered under the Scheme under the 12th Plan as noted from Annexure-XIII to the Draft Cabinet Note (Assam: 18,610, Chhattisgarh:9160, Jharkhand: 8,597, MP:11,878, Orissa:18,355, Rajasthan: 18,955). In this connection, the Commission desired that the Ministry of Power should ensure special focus on ST habitations and formulate guidelines for priority implementation of the Scheme in such areas. The monitoring Committee proposed to be set up as per paragraph 7.7 of the Draft Cabinet Note should also monitor priority implementation of the scheme in ST habitations and also position with regard to continuity of electricity supply in such areas. The

Commission, therefore, recommends that the Ministry of Power should incorporate necessary provisions in the Scheme itself to ensure desired focus on ST habitations by incorporating a separate Chapter/ provision titled "Applicability to Scheduled Tribes and Scheduled Areas under Fifth and Sixth Schedule."

Agenda Item IV	Draft Note for the Cabinet for amendments in the Sixth Schedule to the Constitution of India for implementation of MOS signed with United Peoples Democratic Solidarity (UPDS) and Factions of Dima Halam Daogah (DHD) in Assam and also extension of certain features of Panchayati Raj System to the Sixth Schedule Area for ensuring democracy at the grass root level and smooth functioning of the councils
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11. Ministry of Tribal Affairs, vide letter No.18014/1/2012-C&LM-II dated 20/12/2012, have sought the comments on the Draft Note with reference to MHA D.O. No. 11012/120/2009-NE-IV dated 06/12/2012 addressed to Secretary, MTA.

12. Joint Secretary, NCST informed the Commission that the Ministry of Tribal Affairs has forwarded a Draft Cabinet Note for amendments in the Sixth Schedule to the Constitution of India for implementation of Memorandum of Settlements (MOS) signed with United Peoples Democratic Solidarity (UPDS) and Factions of Dima Halam Daogah (DHD) in Assam and also for extension of certain features of Panchayati Raj system to the Sixth Schedule Area for ensuring democracy at the grass root level and smooth functioning of the Councils.

13. The Commission observed that after the 73rd and 74th Constitutional amendments large scale administrative and financial powers have been delegated to local bodies constituted all over the country except the Sixth Schedule areas. It has also been noticed that financial and administrative autonomy to the local bodies/Panchayati Raj institutions in other parts of the country have become much greater than those in the Sixth Schedule areas. The Commission also observed that Ministry of Home Affairs, have proposed the Bill for amending the Sixth Schedule and also the Article 280(bb)(c) of the Constitution for strengthening of democratic process in the Sixth Schedule areas at par with the Panchayati Raj Institutions and keeping in view the powers devolved to them (Panchayati Raj

Institutions) after 73rd and 74th constitutional amendments and recommendations made by National Commission to Review the Working of Constitution (NCRWC) and 2nd Administrative Reforms Commission (ARC) in its 7th Report (February,2008), titled 'Capacity Building for Conflict resolution' and 15th Report titled ' STATE AND DISTRICT ADMINISTRATION' (April, 2009).

14. The Commission agreed to the proposal contained in the draft Cabinet Note for amendments in the Sixth Schedule to the Constitution of India for strengthening the councils set up in the states of Assam, Meghalaya, Mizoram and Tripura. The Commission was however of the view that 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.

Agenda Item V	Clarification on the Synonymous/Phonetic similarity in names of 'Dhanak, Dhanuk"/Dhanakia(S.No.21) as Scheduled Castes; and "Dhanaka, Tadvi, Tetaria, Valvi"/(entry S. No..4) as STs in the State of Rajasthan
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15. Ministry of Tribal Affairs have sought comments of NCST with reference to the Chief Secretary, Govt. of Rajasthan D.O. letter No. 12026/1/2009-C&LM-1 dated 2222/10/2012 seeking clarification on the synonymous/phonetic similarity in names of 'Dhanak, Dhanuk"/Dhanakia (S.No.21) as Scheduled Castes; and "Dhanaka, Tadvi, Tetaria, Valvi"/(entry S. No..4) as Scheduled Tribes in the State of Rajasthan.

16. The Commission observed that as per the SC and ST list (Modification) Order, 1956 notified on 29/10/1956, the Dhankas including Tadvi ,Tetaria and Valvi belonging to Abu Road Taluka of Sirohi District were notified as STs. Later

on, the area restriction was removed by the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976. For many years thereafter, persons belonging to Dhanka community could obtain ST certificates all over the State. It however, resulted issuance of ST 'Dhanka' certificates to the people of 'Dhanak' community, which is actually specified as Scheduled Caste in respect of the Rajasthan State. Consequently, the MTA had issued a clarificatory letter dated 13/07/2010 clearly defining the genuine Dhanka STs for which certificates should have been issued. As a result, all the Dhankas were unable to obtain ST certificates in other places of Rajasthan. A Writ Petition No. 8623/2010 has also been filed before the Hon'ble High Court of Rajasthan, Jodhpur, challenging the contents of the MTA letter dated 13/07/2010. Later on the State Government of Rajasthan vide letter No. F11(89)IIR&P/SJ&ED/2012/59404 dated 16/08/2012 had requested the Ministry of Tribal Affairs to withdraw the administrative letter dated 13/07/2010 to enable the unhindered operation, in letter and spirit of the Amendment Act 1976.

17. The Commission noted with concern that the Regional Office, NSCT, Jaipur had made the reference directly to the MTA vide letter dated 20/07/2009 without routing through the NCST Hqrs. Thus the views/ comments contained therein should not be viewed as views of the Commission. The subject matter does not fall within the purview of inclusion/ exclusion of any ST community for which prescribed modalities require consultation with the NCST. The subject matter is also stated to be sub-judice. The Commission further observed that dealing with the List of Scheduled Tribes, including establishment of a system to ensure issue of ST certificate to genuine STs is a matter concerning Ministry of Tribal Affairs and the matter should be examined by the MTA accordingly.

Agenda Item VI	Inclusion of 'Narikoravan community grouped with Kurivikkaran' community in list of STs of Tamil Nadu
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18. MTA vide letter No. 12016/3/2011-C&LM-I dated 26/12/2012 have sought the comments of the Commission on the proposal of the Govt. of Tamil Nadu for inclusion of 'Narikoravan' community by grouping it along with 'Kurivikkaran' community in the list of Scheduled Tribes in relation to the State of Tamilnadu.


19. The Commission noted that the RGI had earlier examined and supported the proposal in 1981 with no objection for Narikoravan being grouped along with Kurivikkaran and treated as Scheduled Tribe as the latter were reported to possess tribal characteristics. The Lokur Committee (1965) and the Joint Committee (1967) had also recommended for inclusion of both Narikoravan and Kurivikkaran in the list of STs of Tamil Nadu. However, the proposal was not processed further as, in 1987, Tamil Nadu Development Federation and later in 2009, the Govt. of Tamil Nadu proposed for inclusion of Narikoravan alone in the ST list of the State though the Study Report had indicated that Narikoravan was also known as Kurivikkaran. Subsequently, based on the suggestions made by the RGI in 2009, the Govt. of Tamil Nadu agreed for inclusion of Narikoravan grouped with Kurivikkaran in the list of STs on the recommendation of the Expert Committee.

20. The Commission noted that RGI, vide D.O. letter No. 8/1/2007-SS (Tamil Nadu) dated 07/12/2012 addressed to the Joint Secretary, MTA, had mentioned that the standard ethnographic resources on the proposed communities 'Narikoravan' and 'Kurivikkaran' clearly suggested that they were synonymous groups having specific and distinct cultural traits akin to a tribal community of the region. Taking into consideration the recommendation of the Lokur Committee etc. and the views of the RGI in the matter, the Commission recommends for inclusion of Narikoravan community along with 'Kurivikkaran' community in list of STs of Tamil Nadu.

Agenda Item VII	The Orissa Scheduled Castes, Scheduled Tribes and Backward Classes (Regulation of Issuance and Verification of) Caste Certificates Bill, 2012
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21. Ministry of Tribal Affairs, vide letter No. 12026/41/2012-C&LM dated 20/12/2012, have sought the comments of the Commission with reference to the MHA O.M.No. 17/44/2012-Judl.&PP dated 29/11/2012 relating to the Orissa Scheduled Castes, Scheduled Tribes and Backward Classes (Regulation of Issuance and Verification of) Caste Certificates Bill, 2012 on the following:

- i) whether the proposed legislation is Constitutionally valid; or
- ii) whether there is any conflict with an existing Central Law, and, if so,



 डा. रामेश्वर उरांव/Dr. RAMESHWAR ORAON
 अध्यक्ष/Chairperson
 राष्ट्रीय अनुसूचित जनजाति आयोग
 National Commission for Scheduled Tribes
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

- whether the conflict may be consciously permitted; or
- iii) whether the proposed State enactment involves any deviation from existing national or Central Policy to its detriment, or would be a hindrance to enactment of uniform laws for the country.

22. The Commission noted that the Govt. of Odisha has proposed the legislation to streamline the procedure of issuance of caste certificates and prescribing the deterrent punishment to those who issue and who procure fake caste certificates. MHA have sought comments of the MTA on the issues mentioned at i) to iii) above to ensure that the provision of the said Bill are not repugnant to the laws made by the Parliament (Central Laws Covered under Concurrent List of the Seventh Schedule of the Constitution), before seeking assent of the President under Article 254 (2) of the Constitution. The Commission appreciated the initiative of the Govt. of Odisha to propose the Bill to strengthen the procedure of issue of caste certificates.

23. Chairman, NCST observed that the issues at i) to iii) were pertaining to the matters requiring consultation with the Ministry of Law & Justice. The Commission, therefore, recommends that the MTA should examine these issues in consultation with the Ministry Law & Justice before formulating their views in the matter.

24. The meeting ended with vote of thanks to the Chair.


डा. रामेश्वर सराव/Dr. RAMESHWAR ORAON
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

ATTENDANCE SHEET

National Commission for Scheduled Tribes

41st Meeting of the Commission held on 04/01/2013 in the Chamber of the Chairperson,
National Commission for Scheduled Tribes - 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.	Shri M. S. Chopra, Director	
6.	Shri R. C. Durga, Consultant	