



No.1/11/2018-Coord.
Government of India
National Commission for Scheduled Tribes

6th Floor, 'B' Wing, Lok Nayak Bhawan,
Khan Market, New Delhi -110003
Dated: 3rd November, 2018

To,

1. Shri Nand Kumar Sai, Hon'ble Chairperson
2. Miss Anusuiya Uikey, Hon'ble Vice-Chairperson
3. Shri Hari Krishna Damor, Hon'ble Member
4. Shri Harshadbhai Chunilal Vasava, Hon'ble Member
5. Smt. Maya Chintamn Ivnate, Hon'ble Member

Subject: Summary Record of discussions of 108th Meeting of National Commission for Scheduled Tribes (NCST) held on 28.11.2018 at 2:30 P.M.

Sir/Madam,

I am directed to refer to the above subject and to say that 108th meeting of the National Commission for Scheduled Tribes was held on 28.11.2018 at 2:30 P.M in the Conference Room of NCST at Lok Nayak Bhawan, New Delhi. The Meeting was presided over by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes. A copy of the Summary Record of discussions of meeting is enclosed for information and record.

Yours faithfully,

(S.P. Meena)

Assistant Director(Coord.)

Copy for necessary action, a copy of the Summary Record of discussions of 108th meeting of NCST is enclosed. The action taken report in the matter may be intimated to Coord. Section by 31.12.2018.

- (i) Deputy Secretary (RU-1 & RU-IV)
- (ii) Director (RU-II & RU-III)
- (ii) Under Secretary (Estt.)
- (iii) Assistant Director (RU-II & Coordination)
- (iv) Assistant Director (RU-I & OL)
- (v) Assistant Director (RU-III & Admin)
- (vi) Research Officer (RU-IV)

Copy for information:

1. Sr.PPS to Secretary, NCST
2. PA to Joint Secretary, NCST
3. Secretary, MoTA, Shastri Bhawan, New Delhi.
4. Additional Secretary, Ministry of Home Affairs, North Block, New Delhi-110001
5. Joint Resident Commissioner, Andman & Nicobar Administration, Andman & Nicobar Bhawan, 12, Chankya Puri, (Behind Chanakyapuri Telephone Exchange), New Delhi-110021.
6. Director/Assistant Director/Research Officer in Regional Office of NCST at Bhopal/Bhubaneshwar/Jaipur/ Raipur/ Ranchi/Shillong
7. NIC, NCST for uploading on the website.



No 1/11/2018-समन्वय

भारत सरकार

राष्ट्रीय अनुसूचित जन जाति आयोग

छठा तल, 'बी' विंग, लोक नायक भवन,
खान मार्किट, नई दिल्ली-110003
दिनांक: 3 दिसंबर, 2018

सेवा में,

1. श्री नन्द कुमार साय, माननीय अध्यक्ष,
2. सुश्री अनुसुईया उइके, माननीय उपाध्यक्ष,
3. श्री हरिकृष्ण डामोर, माननीय सदस्य,
4. श्री हर्षदभाई चुनीलाल वसावा, माननीय सदस्य,
5. श्रीमती माया चिंतामण ईवनाते, माननीय सदस्य,

विषय: राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 28.11.2018 को 02:30 बजे सम्पन्न 108वीं बैठक में हुई चर्चा का कार्यवृत्त।

महोदय/महोदया,

मुझे उपर्युक्त विषय का उल्लेख करते हुए यह कहने का निदेश हुआ है कि आयोग की 108वीं बैठक आयोग के सम्मेलन कक्ष, लोकनायक भवन, नई दिल्ली में दिनांक 28.11.2018 को 02:030 बजे सम्पन्न हुई थी। बैठक की अध्यक्षता श्री नन्द कुमार साय, अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग द्वारा की गई। बैठक में हुई चर्चा का कार्यवृत्त की एक प्रति सूचना एवं अभिलेख हेतु संलग्न है।

भवदीय,
(एस.पी.मीना)
सहायक निदेशक

आवश्यक कार्यवाही हेतु 108वीं बैठक की एक प्रति संलग्न है। इस संबंध में कार्यवाही रिपोर्ट दिनांक 31/12/2018 तक समन्वय एकक को भेज दी जाये।

1. उप सचिव (अनुसंधान एकक- I & IV)
2. निदेशक, (अनुसंधान एकक- II & III)
3. अवर सचिव (स्थापना)
4. सहायक निदेशक, (अनुसंधान एकक- II एवं समन्वय एकक)
5. सहायक निदेशक, (राजभाषा एवं अनुसंधान एकक-I)
6. सहायक निदेशक (प्रशा.)
7. अनुसंधान अधिकारी (आर.यू-IV)

प्रतिलिपि, 108वीं बैठक के कार्यवृत्त की प्रति सूचनार्थ अग्रेषित:

1. सचिव के वरिष्ठ प्रधान निजी सचिव।
2. संयुक्त सचिव के निजी सहायक।
3. सचिव जनजातीय कार्य मंत्रालय नई दिल्ली।
4. अतिरिक्त सचिव, गृह मंत्रालय, नार्थ ब्लॉक, नई दिल्ली-110001।
5. संयुक्त निवास आयुक्त, अंडमान निकोबार प्रशासन, अंडमान निकोबार भवन, 12 चाणक्यपुरी, दूरभाष केन्द्र के पीछे नई दिल्ली-110021।
6. निदेशक/सहायक निदेशक/अनुसंधान अधिकारी, राष्ट्रीय अनुसूचित जनजाति आयोग के क्षेत्रीय कार्यालय, भोपाल/मुवनेश्वर/जयपुर/रायपुर/रांची/शिलांग।
7. आयोग की एनआईसी वेबसाइट पर डालने हेतु।



National Commission for Scheduled Tribes
Minutes of the 107th Meeting held on 30.10.2018

Agenda no. 1	Inclusion of Parivara and Talawara communities as synonyms of Nayaka, ST listed at S.No. 38 in the list of ST of Karnataka – clarification about name of community as 'Parivara' or 'Pariwara'.
कार्यसूची मद सं. 1	कर्नाटक की अनुसूचित जनजाति की सूची में क्रम सं. 38 पर सूचीबद्ध नायका समानार्थी के रूप में अनुसूचित जनजाति के परिवारा (Parivara) तथा तलवारा (Talawara) समुदायों का समावेशन— 'परिवारा' (Parivara) अथवा 'परिवारा' (Pariwara) के रूप में समुदाय के नाम के बारे में स्पष्टीकरण।

(MTA/1/2018/STGKN/DEINEX/RU-IV)

The Ministry of Tribal Affairs vide its letter No. 12016/12/2001-C&LM (FTS:2788) dated 19th September, 2018 has requested to clarify whether NCST has recommended for inclusion of 'Parivara' or 'Pariwara' along with 'Talawara' in the list of ST in Karnataka State (copy enclosed as annexure -1).

Earlier the proposal of inclusion of communities namely 'Parivara' and 'Talawara' or 'Pariwara' and 'Talawara' as synonyms of 'Nayaka' at Sl. No. 38 in the list of ST of Karnataka as sent by the Ministry of Tribal Affairs was discussed and considered in the Commission's 103rd meeting held on 22.03.2018 wherein, the Commission has decided that since, there is discrepancies in the spelling of 'Talavara' in State Government of Karnataka's proposal and Talwara in the Ministry's proposal. Hence, a clarification for inclusion of "Parivara and Talavara" community should be obtained from the Ministry of Tribal Affairs before finalization of name of community for inclusion in the list of Scheduled Tribes of Karnataka.


Thereafter, on receipt of the clarification from the Ministry of Tribal Affairs, the matter was again considered in 105th meeting held on 25.07.2018. The Commission has agreed and approved the proposal of Government of Karnataka for inclusion of communities namely 'PARIVARA' (wrongly spelled as "Pariwara") and "TALAWARA" at S. No. 38 as synonymous of 'NAYAKA' in the list of Scheduled Tribes of Karnataka State. The Commission's decision was also intimated to the Ministry of Tribal Affairs vide Commission's letter dated 28.08.2018.

The Ministry of Tribal Affairs has now written back to the Commission that the Ministry had sent proposal for inclusion of 'Parivara' and 'Talawara' as synonyms of 'Nayaka' at Sl. No. 38 in the list of ST of Karnataka. But the Commission has communicated approval of inclusion of 'Pariwara' community under the ST list of Karnataka, which seems to be contradictory and hence, there is a need to clarify the name of community as 'Parivara' or 'Pariwara'.

Here it is mentioned that the name of the community i.e. "PARIVARA" was correctly spelled and considered in the 103rd meeting of NCST. However, during the 105th meeting of NCST, the community name as "PARIVARA" was inadvertently mentioned as "PARIWARA" in the minutes of the meeting.

[बैठक में मामले पर विचार-विमर्श किया गया और जनजातीय कार्य मंत्रालय को "परिवारा" "PARIWARA" के बदले "परिवारा" "PARIVARA" के रूप में समुदाय का नाम स्पष्ट करने का निर्णय लिया।]

[The matter was discussed in the meeting and it was decided to clarify the name of the community as "PARIVARA" instead of "PARIWARA" to Ministry of Tribal Affairs.]


Nand Kumar Sai
Chairperson
National Commission for Scheduled Tribes
Govt. of India



National Commission for Scheduled Tribes
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Agenda Item-2	Himachal Pradesh Transfer of Land (Regulation) Amendment Bill, 2018.
कार्यसूची मद संख्या 2	हिमाचल प्रदेश भूमि अंतरण (विनियमन) संशोधन विधेयक, 2018.

(File No. Policy/1/2017/(MHA)Service/RU-I)

The Ministry of Home Affairs (Judl.& PP Section, CS Division) vide OM No. 17/54/20118-Judl & PP dated 13.11.2018 has forwarded the copy of the Bill "Himachal Pradesh Transfer of Land (Regulation) Amendment Bill, 2018" (Bill No. 9 of 2018) which has been passed by the Himachal Pradesh Legislative Assembly in its last session of 30.8.2018 and reserve by the Hon'ble Governor for the consideration of the Hon'ble President, for comments of NCST.

In this context, it is pertinent to mention that Himachal Pradesh Transfer of Land (Regulation) Amendment Bill, 2016 was forwarded by the MHA to the Commission for comments. The proposal was discussed as Agenda Item No. 2 in the 95th Meeting of the Commission held on 19.04.2017. Accordingly, the decision/ comments taken in the meeting as given below was forwarded to MHA vide letter No. Policy/1/2017/(MHA)Service/RU-I dated 22.05.2017:

It may be observed that the Government of Himachal Pradesh has only changed the term "Scheduled" in place of "Nationalized" used in the Himachal Pradesh Transfer of Land (Regulation) Amendment Bill, 2016 in the above proposed Bill, 2018. The "Scheduled" term has also been replaced in place of "Nationalized" in the Statement of Object and Reasons attached with the Bill, 2018.

[राष्ट्रीय अनुसूचित जनजाति आयोग, जनजातीय कार्य मंत्रालय से प्राप्त पूर्वकथित विधेयक में दिए गए प्रस्ताव से सहमत हुआ।]

[The National Commission for Scheduled Tribes agreed with the proposal in afore-mentioned Bill received from the Ministry of Home Affairs.]

Nand Kumar Sai
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi



National Commission for Scheduled Tribes
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Agenda Item 3	Fund allocation for the Administration of Tribal Areas in the Country under 6th Schedule of the Constitution of India by the 15th Finance Commission.
कार्यसूची मद सं. 3	15वीं वित्तीय आयोग द्वारा भारत का संविधान के छठी अनुसूची के अंतर्गत देश में जनजातीय क्षेत्रों के प्रशासन के लिए निधि आवंटन।

(File No. Policy/MFIN/1/2018/RU-IV)

The National Commission for Scheduled Tribes (NCST) is a Constitutional Body set up under Article 338A of the Constitution of India to investigate and monitor all matters relating to protection, welfare and socio-economic development of the Scheduled Tribes in the country. As per constitutional provision, the Union and every State Government shall consult the Commission on all major policy/decisions affecting Scheduled Tribes. The Commission is required to present to the Hon'ble President reports upon working of those safeguards and all such reports are to be laid before each House of the Parliament along with memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for non-acceptance, if any, of any of such recommendations.

2. In pursuance of the above Constitutional mandate, the National Commission for Scheduled Tribes visited Assam from 28th May to 1st June, 2018 mainly for on the spot assessment of conditions of Scheduled Tribes people in the Sixth Schedule areas viz. Bodoland Territorial Council area.

3. The Sixth Schedule cover areas that are situated in the North Eastern States and comprising of Assam, Meghalaya, Tripura and Mizoram. The Sixth Schedule gives tribe communities considerable autonomy. In the autonomous region under the Sixth Schedule the rule of the government and States are subject to significant limitations with greater powers devolved locally. The District Council and the Regional Council under the Sixth Schedule have real powers to make laws, possibility of receiving grant in aid from the consolidated fund of India, to meet the cost of schemes for development, health-care, education, roads and power. The mandate towards devolution, de-concentration determines protection of their customs, better economic development and most importantly ethnic security.

4. The 14th Finance Commission has recommended that:

Treatment of Excluded areas.

The previous Finance Commissions did consider the provision of grants to areas not covered by the 73rd and 74th amendments to the Constitution. While providing grants to these excluded areas, the FC-X noted that even in the States not required to have Panchayats, the addition amounts would be required to be given to supplement the resources of similar local level representative bodies. The FC-XI stipulated that its award for excluded areas should be made available to the respective States only after the relevant legislative measures for extension of the provisions of the 73rd and 74th amendments to such areas are completed. After noting the proposal for amending Schedule VI of the Constitution to include extension of certain provisions of the 73rd and 74th amendments to these excluded areas under consideration in the Ministry of Home Affairs, the FC-XII did not indicate separate grants for normal and excluded areas the left it to the States to distribute the grants between them.


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After considering Parts IX and IX-A, Article 244, 280 and 275 of the Constitution, the FC-XIII also recommended grants for excluded areas.

5. The tribal areas having under 6th schedule of Constitution of India does not have adequate fund to run the activities for the welfare of Scheduled Tribes living in tribal areas. The previous Finance Commissions have not considered to grant the funds to the tribal areas of 6th schedule of the Constitution of India on the lines of recommendation of 14th Finance Commission for 5th Scheduled Areas.

6. Since the 15th Finance Commission have been constituted and the Commission is going to be consider for allocation of funds to the States. Hence, in the interest of the Scheduled Tribes, it is proposed to recommend to the Finance Commission for considering the following Commission's recommendation in their report.

- (a) Special grant for administration, welfare and advancement of Scheduled Tribes in 6th Scheduled States and
- (b) Separate devolution of funds to Autonomous District Councils in Sixth Scheduled States i.e. Assam, Meghalaya, Tripura and Mizoram.

7. The matter was placed before the National Commission for Scheduled Tribes for its consideration: -

[मामले का विचार-विमर्श विस्तार से किया गया। हाल ही में आयोग द्वारा असम राज्य का दौरा किया गया था उस समय प्राप्त फीडबैक के आधार पर, आयोग ने देखा कि स्वायत्त जिला परिषद तथा राज्य विधानसभा प्रशासन के बीच हितों को लेकर लगातार संघर्ष हो रहा है। परिणामस्वरूप, राज्य सरकार द्वारा स्वायत्त जिला परिषदों को पर्याप्त निधि आवंटित नहीं की जा रही है जो कि जिला परिषद के विकासीय कार्य को प्रभावित कर रही है। ऐसी स्थिति में संघ सरकार से निधि का सीधा हस्तांतरण ही लाभकारी होगा। तदनुसार आयोग ने वित्तीय आयोग से निम्नलिखित सिफारिश करने का निर्णय लिया है:-

- (i) छठी अनुसूची राज्यों में अनुसूचित जनजातियों के लिए कल्याण व उन्नति, प्रशासन के लिए विशेष अनुदान तथा
- (ii) छठी अनुसूची राज्यों अर्थात् असम, मेघालय, त्रिपुरा तथा मिजोरम स्वायत्त जिला परिषदों को निधियों का अलग से हस्तांतरण।]

[The matter was discussed in detail. On the basis of feedback received by the Commission when it visited Assam recently, the Commission observed that there is frequent conflict of interest between the Autonomous District Council and the State Legislatures Administration. As a result, not sufficient fund is released to the Autonomous District Councils by the State Government, which affect developmental work of District Council. In such situation direct transfer of fund from Union Government to District Council's would be beneficial. Accordingly, the Commission decided to recommend to the Finance Commission the following: -

- (i) Special grant for administration, welfare and advancement of Scheduled Tribes in 6th Scheduled States and
- (ii) Separate devolution of funds to Autonomous District Councils in Sixth Scheduled States i.e. Assam, Meghalaya, Tripura and Mizoram.]

Nand Kumar Sai
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National Commission for Scheduled Tribes
Govt. of India



National Commission for Scheduled Tribes
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Agenda Item 4	Press Report dated 22.11.2018 appeared in "The News India Express" captioned American killed by Tribal in Andaman.
कार्यसूची मद सं. 4	22-11-2018 को "द न्यूज इंडिया एक्सप्रेस" में प्रकाशित प्रेस रिपोर्ट जोकि एक अमेरिकन को जनजातीय द्वारा मारे जाने के बारे में है।

(F. No. VP/1/2018/STGAN/DEOTH/RU-III)

A News item published in the New India Express on 22.11.2018 that an "American killed by Tribal in Andaman". The National Commission for Scheduled Tribes has expressed serious concern on the news report regarding one US National feared killed in by protected tribe in Andaman and Nicobar Islands. Calling this incident as unfortunate, the Commission has sought report from the Ministry of Home Affairs as well as Andaman and Nicobar Administration.

2. In this connection, the Hon'ble Vice-Chairperson has a press release regarding A News item published in the New India Express on 22.11.2018 that an "American killed by Tribal in Andaman"

3. In this regard, this Commission has received a report on the alleged killing of US National Citizen, John Allen Chau from the Office of the Director General of Police, Andaman & Nicobar Islands.

[बैठक में इस पर चर्चा की गई जहां पर गृह मंत्रालय के अधिकारी भी उपस्थित थे। विचार-विमर्श के बाद यह निर्णय लिया गया कि—

(i) अंडमान और निकोबार द्वीप समूह में प्रतिबंधित क्षेत्रीय अनुमति (आरएपी) को फिर से लाने की संभावना की जांच करने के लिए गृह मंत्रालय को एक नोट भेजा जाए।

(ii) वहां की स्थिति का पता लगाने के लिए आयोग को शीघ्र ही अंडमान एवं निकोबार द्वीप समूह का दौरा करना चाहिए।]

[This was discussed in the meeting of the Commission where officials from Ministry of Home Affairs were also present. After discussion it was decided that: -

- (i) A note may be sent to the Ministry of Home Affairs to examine the possibility of re-introducing Restricted Area Permit (RAP) in Andman & Nicobar Islands.
- (ii) The Commission should visit Andman & Nicobar Islands shortly to assess the situation there.]


Nand Kumar Sai
Chairperson
National Commission for Scheduled Tribes
Govt. of India
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National Commission for Scheduled Tribes
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Agenda Item 5	Proposal for introduction of the Reservation in appointment of Faculty by direct recruitment in teachers' cadre, in Central Educational Institutions Bill, 2018.
कार्यसूची सं. 5	मद केन्द्रीय शैक्षिक संस्थान विधेयक, 2018 में शिक्षकों के कैडर में सीधी भर्ती द्वारा संकाय की नियुक्ति में आरक्षण की शुरुआत के प्रस्ताव।

(F. No. DS/1/2018/MHRD2/MIMISC/RU-III)

The proposal I to introduce a legislation, namely the Reservation on appointment of Faculty by direct recruitment in teachers' cadre, in Central Educational Institutions Bill, 2018 to provide for the reservation of posts in appointment by direct recruitment of persons belonging to the Scheduled Castes Scheduled Tribes and the other Backward Classes, to teacher's cadre in certain Central Educational Institutions established, maintained or aided by the Central Government, and for matters connected therewith or incidental thereto has been proposed.

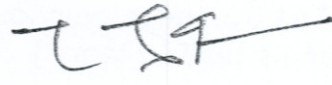
Pursuant to the impugned judgement data/statistics which have been collected by University Grants Commission show that the implementation of the reservation policy by taking each department/subject as a Unit, will impede the chances of fair selection of SC/ST candidates as well as OBCs and violate their fundamental rights under Articles 14, 16 and 21 of the Constitution. As per the data available, seats reserved for SC/STs and OBCs will reduce drastically in the cadre of Assistant Professors to even nil seats in some cadres.

The Hon'ble High court ruling will defeat the very purpose of the Central Government reservation policy (implemented through the University Grants Commission guidelines, to ensure adequate representation to SC/ST community members in services under various Central Universities, Deemed Universities, Colleges and other Grant-in-Aid institution and Centres.

This was discussed in the Commission's Meeting Scheduled for 27.11.2018.

[आयोग ने बैठक में प्रस्ताव पर चर्चा की तथा यह निर्णय लिया कि आयोग को मानव संसाधन विकास मंत्रालय से प्राप्त विधेयक का समर्थन करना चाहिए।]

[The National Commission for Scheduled Tribes discussed the proposal in the meeting and it was decided that the Commission should support the Bill received from the Ministry of Human Resource Development.]


3-12-18

Nand Kumar Sai
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi

राष्ट्रीय अनुसूचित जनजाति आयोग (एन.सी.एस.टी) की 108वीं बैठक में हुई चर्चा का कार्यवृत्त

(फाईल सं. 1/11/2018-समन्वय)

दिनांक : 28.11.2018

समय : 02.30 बजे

स्थान : सम्मलेन कक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग, छटा तल, लोकनायक भवन,
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अध्यक्षता : श्री नन्द कुमार साय, माननीय अध्यक्ष।

प्रतिभागियों की सूची :

1. श्री हरिकृष्ण डामोर, सदस्य
2. श्री हर्षदभाई चुन्नीलाल वसावा, सदस्य
3. श्रीमती माया चिंतामण इवनाते, सदस्या
4. श्री एस.के. रथ, संयुक्त सचिव
5. डा. ललित लट्टा, निदेशक
6. श्री पी.टी. जेम्सकुट्टी, उप सचिव
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10. श्री राजेश्वर कुमार, सहायक निदेशक
11. श्री हरि राम मीना, वरिष्ठ अन्वेषक

बैठक के लिए निर्धारित कार्य सूची मदों पर चर्चा की गई और निम्नलिखित निर्णय लिए गए :

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03 18/18
Manoj Kumar Sai
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi