



**No.1/10/14-Coord.**  
**GOVERNMENT OF INDIA**  
**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

6<sup>th</sup> Floor, 'B' Wing, Lok Nayak Bhawan,  
Khan Market, New Delhi 110003

Dated: 15/09/2014

To,

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

**Sub:- Summary record of the 60<sup>th</sup> Meeting of the Commission held at 11:30 hours on 25/08/2014.**

Sir,

I am directed to refer to the above subject and to say that 60<sup>th</sup> Meeting of the National Commission for Scheduled Tribes was held at 11:30 Hrs. on 25/08/2014 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 27/09/2014 positively.

- (i) Director (RU-I RU-III RU-IV & Coord.)
- (ii) Dy. Secretary (Admn. & 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. PPS to Joint Secretary,
5. Director/ 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

60<sup>th</sup> MEETING  
OF THE  
NATIONAL COMMISSION FOR SCHEDULED TRIBES  
SUMMARY RECORD OF DISCUSSIONS

**Date:** 25<sup>th</sup> August, 2014      **Time:** 11:30 hours

**Venue:** Conference Room, NCST, 6<sup>th</sup> Floor, Lok Nayak Bhawan, New Delhi.

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

List of Participants: Annexed.

At the outset, the Commission expressed its condolence at the sudden demise of Shri Bheru Lal Meena, Member of the Commission on 19/08/2014. The Commission remembered Shri Bheru Lal Meena, as a practical, dedicated and a truly affable person and always concerned with the issues concerning welfare of the Scheduled Tribes.

2. All the six listed Agenda Items were discussed and decided as below:

<b>Agenda Item I</b>	<b>Draft Note for consideration of Cabinet about the Proposal for Enhancing the Reservation of Women in Panchayats.</b>
----------------------	---

3. The Commission was informed that the Ministry of Social Justice and Empowerment by letter No. 19014/1/2014-CC dated 12/08/2014 and Ministry of Tribal Affairs vide letter No. 11029/01/2014-C&LM-II(Pt.) dated 11/08/2014, received in this Commission on 14/08/2014, have forwarded the draft note for the Cabinet on the above subject received from the Ministry of Panchayati Raj in their OM No. H-11029/2/2010-RBH(A)/DPE dated 31/07/2014, for comments/ views of the National Commission for Scheduled Tribes by 15/08/2014.

4. The Commission noted that the States of Assam, Andhra Pradesh, Bihar, Chhattisgarh, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Tripura, Uttarakhand and West Bengal have already made 50% reservation for women in the Panchayati Raj Institutions. The

*Rameshwar Oraon*



Ministry of Panchayati Raj has, however, proposed to enhance the reservation for women in PRIs from existing one-third to "as nearly as may be one half" to facilitate more and more women to enter the public sphere and to make Panchayats more inclusive Institutions. The term "as nearly as may be one half" is very ambiguous since this could allow the States to conduct elections to PRIs in such a way that the actual representation of women may never reach near one half. The Commission viewed that the reservation for women may be in fixed proportion/ percentage. As several States have already made 50% reservation for women in PRIs the Commission recommended to advise the Government for providing exact 50% reservation for women in the total number of seats in the Panchayats and also in the offices of Chairpersons of the Panchayats in all the three tiers.

<b>Agenda Item II</b>	<b>Inclusion of Karbi (Mikir) community residing in the plain area of Assam at Sl. No. 11 in the list of STs in Assam.</b>
-----------------------	--

5. The Commission noted that the above proposal had been discussed in the previous meetings of the NCST and accordingly Ministry of Tribal Affairs was requested for taking action on the recommendation of the Commission. It was noted that the Ministry of Tribal Affairs has given reply but the same was not found satisfactory, particularly w.r.t. consultation with the Governor of the State as per provision in the Sixth Schedule. It was directed by the Commission to analyze the case on file.

<b>Agenda Item III</b>	<b>Inclusion of 'Yobin' Community in the list of ST's of Arunachal Pradesh.</b>
------------------------	---

6. The Commission noted that the Constitution Orders specifying Scheduled Tribes in relation to NE States are unique in the manner of listing Communities and their synonyms and sub-tribes. The order specifies all the tribes with a common character as a group and considering the large members, avoids a detailed listing and for some cases, provides a few examples that would fall in that tribe but not as an exhaustive list. For instance the orders specify "Any Naga Tribes" in Arunachal Pradesh, "Any Kuki tribes, including: -(i) to (xxxvii) communities, "Any Mizo (Lushai) tribes" and "Any Naga tribes" in Assam State, "Any Mizo (Lushai) Tribes" in Manipur, "Any Kuki tribes, including" in Meghalaya, "Any Kuki tribes including" in Mizoram, "Bhutia (including Chumbipa, Dophthap, Dukpa, Kagatey, Sherpa, Tibetan, Tromop, Yolmo)" in Sikkim "Kuki, including the following sub-tribes:-" in Tripura. The words "Any"

*Rameshwar Oraon*



and "Any ..... Tribes including" indicate that all the synonyms and sub-tribes of the specified ST Community are eligible to get ST Certificate as the list is not intended to be an exhaustive list of all sub-tribes or synonyms. It has been argued that the Supreme Court Judgment in state of Maharashtra V. Milind + Ors discusses limited issue of certificates only to communities specifically mentioned in the Constitution Order, including synonyms or sub-tribes of a listed community, Therefore, the sub-tribes or synonyms were alleged to be not getting ST certificates which has become the basis for requesting the separate listing of these communities. The Commission observed that the considerations that went into the unique listing for the North Eastern States were different from the rest of the country and therefore, the Supreme Court orders have to be read harmoniously with the Presidential Order and not applied mechanically.

7. Further, the Commission was informed that initially when Arunachal Pradesh was part of Assam and known as NEFA, the list of Scheduled Tribes w.r.t. NEFA was specified as "All Tribes of North East Frontier Agency including: .....". NEFA was upgraded as a Union Territory in the year 1972 and renamed as Arunachal Pradesh. The Constitution (Scheduled Tribes) (Union Territories) order 1951 was amended and the same list of Scheduled Tribes w.r.t. Arunachal Pradesh was specified as "All Tribes of the Union Territory including:-" This list was not revised with the comprehensive revision Order of 1976. The Arunachal Pradesh UT got statehood in 1987. It is reported that people belonging to Yobin Tribe were getting ST Certificate as per the interpretation of the words "All Tribes of the Union Territory including:- ...."

8. The Communities currently specified in relation to the State of Arunachal Pradesh are listed as below:

All tribes in the State including:-

(i) Abor	(ii) Aka	(iii) Apatani	(iv) Nyishi
(v) Galo	(vi) Khampti	(vii) Khowa	(viii) Mishmi, Idu
(ix) Momba	(x) Any Naga Tribes	(xi) Sherdukpen	(xii) Singpho
(xiii) Hrusso	(xiv) Tagin	(xv) Khamba	(xvi) Adi

9. Given the circumstances and the views of the State Government of Arunachal Pradesh that the YOBIN Community is being disadvantaged by lack of mention of

*Rameshwar Oraon*

the YOBIN Community and denial of Community certificates, the Commission is of the view that the original intention in the Presidential Order needs to be understood and followed scrupulously. If there is any doubt whether a particular community is an indigenous tribe of the State, then a proposal needs to be formulated along with an ethnographic study. In all other cases, local inquiries with ethnographic study, where necessary, should suffice for the State to issue Community certificates. If the State Government continues to have doubts in respect of these indigenous communities, they may obtain clarification from the Ministry of Tribal Affairs. No amendment of the Presidential Order is accordingly required given its provisions, which are also not in conflict with the judgment of the Supreme Court.

<b>Agenda Item IV</b>	<b>Inclusion of Darlong Community in the list of STs in the State of Tripura.</b>
-----------------------	---

10. On examination of the file it was found that a reply and ethnographic study has been received from the Ministry of Tribal Affairs. The Commission directed for examination of the material received and adjourned the matter to the next meeting.

<b>Agenda Item V</b>	<b>EFC proposal for introduction of a new Central Sector Scheme, namely, National Young Leaders programme (NYLP).</b>
----------------------	---

11. The Commission was informed that the Ministry of Youth Affairs and Sports, Department of Youth Affairs vide OM No. 2-4/2014/NYKS dated 13/08/2014 have forwarded EFC proposal on the new Central Sector Scheme namely, National Young Leaders Programme (NYLP), formulated in pursuance to the announcement in the Budget Speech of the Hon'ble Finance Minister to this effect. As the proposal was at the initial stage, the Ministry of Youth Affairs and Sports was being advised to forward the draft note for the Cabinet, when finalized, for comments of this Commission.

<b>Agenda Item VI</b>	<b>Production of Caste Certificate and Validation Certificate by petitioners who approach the Commission for redress of their grievances</b>
-----------------------	--

12. The Commission was informed that several cases of obtaining service and benefits on the basis of false Scheduled Tribes Certificates had come to light and

*Rameshwar Oraon*



Commission had been advising the implementing authorities to ask the applicant to submit validation certificate along with his Caste Certificate as per the directive of the Supreme Court of India in Madhuri Patil Case. It was suggested that the petitioners employed in Government or Government controlled Organization who made representation to the Commission regarding any grievance or violation of safeguards may also be asked to submit a copy of their Caste Certificate and Validation Certificate along with their representations. It was also suggested that the Chairperson may be entrusted with the discretion to relax the requirement in individual, deserving cases for reasons to be recorded. The Chairperson observed that not all the affected State Governments have set up Caste Scrutiny Committees which would, therefore, place such petitioners into difficulties. It was, therefore, decided that the Ministry of Tribal Affairs may be asked to issue directions to the State Governments having ST Population to immediately establish Caste Scrutiny Committees as per the Supreme Court directives and that the requirement could be enforced for all States where such Committees were in place. It was, therefore, decided that (a) The Ministry of Tribal Affairs may be asked to issue directions to all the State Government having ST population to set up Caste Scrutiny Committees (Scheduled Tribes) to validate and scrutinize the Caste Certificates issued to Scheduled Tribes by the relevant authority in the State as per the Supreme Court directives in Madhuri Patil Case and (b) insist on ST Caste Certificate and Validation Certificate from petitioners employed in Government or Government controlled Organization and belonging to such States wherein Caste Scrutiny and Validation Committees have been established and were carrying out these tasks.

13. The meeting ended with a vote of thanks to the Chair.

*Rameshwar Oraon*  
Chairperson

National Commission for Scheduled Tribes  
New Delhi

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

**ANNEXURE**

**National Commission for Scheduled Tribes**

**60<sup>th</sup> Meeting of NCST,**

**held on 25/08/2014 at New Delhi**

**LIST OF PARTICIPANTS**

1. Dr. Rameshwar Oraon, Chairperson (In Chair)
2. Shri Ravi Thakur, Vice-Chairperson
3. Shri R. Vijaykumar, PhD, Secretary
4. Shri Santosh Kumar, Joint Secretary
5. Smt. K. D. Bhansor, Director
6. Shri Pramod Chand, Dy. Secretary
7. Shri. R.C. Durga, Consultant
8. Shri T.D. Kukreja, PS to Chairperson
9. Shri. S.P. Meena, Assistant Director