

**Agenda Note for Agenda Item No.II
for 12th meeting of the Commission to be held on 30.06.2009**

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Comments of NCST on the proposed amendment to Part 1 of the Schedule to the Constitution (STs) (UTs) Order, 1951 under Article 342 of the Constitution – in relation to the revision of the list of STs pertaining to the UT of Lakshadweep.

Issue: Timely Communication of the views/comments of the NCST to the Government on policy issues.

Background:-

The Ministry of Tribal Affairs requested for the views of this Commission in the above matter vide their letter, dated 14-11-2008 (received on 15-11-2008) with reference to the recommendations in the 36th Report of the Standing Committee on Social Justice & Empowerment. Views of the Commission were requested within a period of one week as the matter was to be submitted for directions of the Cabinet before the re-opening of the Parliament on 10th December 2008. The issue was discussed in the meeting of the Commission held on 17-12-2008 and the minutes of the meeting were issued on 09-01-2009. The views of the Commission were sent to the Ministry of Tribal Affairs on 19-01-2009. In the meantime, the proposed amendment had been notified by the Government on 09-01-2009. Ministry of Tribal Affairs has now informed that the views of the Commission have not been taken into consideration as the same were not received in time.

Chronological details of the action taken in dealing with the proposal by the Commission

- (i) Proposal received in the Commission vide Ministry of Tribal Affairs's d.o. letter, dated 14-11-2008 (actually received in the Commission on 15-11-2008).
- (ii) Ministry of Tribal Affairs's d.o. letter reached DS (RU-IV & Admn.) on 19-11-2008 and the proposal circulated to the Members on 20-11-2008.
- (iii) A reminder received from the Ministry of Tribal Affairs on 26-11-2008.
- (iv) An interim reply sent to the Ministry of Tribal Affairs on 27-11-2008 informing them that the matter would be considered in the next meeting of the Commission.
- (v) Some further papers were requested from the Ministry of Tribal Affairs on 27-11-2008 which were received on 04-12-2008 and circulated in the Commission on 10-12-2008.
- (vi) Notice issued on 12-12-2008 for the Commission's meeting scheduled to be held on 17-12-2008.

- (vii) Draft Agenda note put up in file on 15-12-2008 and approved by Secretary on the same date. Agenda Note circulated in the meeting.
- (viii) Draft minutes of the meeting submitted to Secretary on 19-12-2008.
- (ix) Minutes cleared by Secretary on 22-12-2008 (20th and 21st Dec. 09 being Saturday & Sunday) and file submitted to Hon'ble Chairperson on 23-12-2008.
- (x) **As the Hon'ble Chairperson was on tour to Madhya Pradesh, minutes were sent to her by the office of the Chairperson by e-mail through Bhopal Office on 06-01-2009. Photocopy of the minutes signed by the Hon'ble Chairperson received on 07-01-2009.**
- (xi) **Minutes circulated vide letter, dated 09-01-2009 which was received by the concerned officers in the Commission on 12-01-2009 (10th and 11th January 2009 being Saturday and Sunday respectively).**
- (xii) **Draft letter communicating the views of the Commission to the Ministry of Tribal Affairs put up to JS by DS(RU-IV & Admn.) in file on 13-01-2009. Approved by JS on 15-01-2009.**
- (xiii) File received back by DS (RU-IV & Admn.) on 19-01-2009.
- (xiv) Views of the Commission communicated on 19-01-2009.

Proposed Suggestions

The Commission may prescribe a standard time-frame for dealing with policy issues. Draft guidelines to this effect are enclosed as **ANNEX** to this Note.

National Commission for Scheduled Tribes

Sub: Guidelines for preparation and circulation of Agenda Notes for the meeting of the Commission.

The following guidelines may be followed for preparation and circulation of Agenda Notes and Minutes of the meeting of the Commission:

A. Selection and approval of Agenda Item.

(i) Chapter IV of the Rules of Procedure of the Commission lays down the procedure for holding meeting and the matters required to be placed before the Commission for discussion. Rule 21 of the Rules of Procedure of the Commission prescribe that the Secretary shall be responsible for having the agenda prepared for the meetings of the Commission and circulating the minutes.

(ii) Therefore, the Agenda should be submitted for approval through the Secretary, NCST. Items suggested by any Member of the Commission may be forwarded to the Secretary for including in the agenda of forthcoming meetings of the Commission.

(iii) Any Court case having policy implication or any matter received from Ministry of Tribal Affairs, Ministry of Social Justice & Empowerment, DoPT or any other Ministry/ Deptt. for comments/ views/ advice of the Commission may be brought to the notice of the Secretary, NCST, immediately to decide whether the matter needs immediate attention of the Chairperson or that of the Vice-Chairperson (in case the Chairperson is unavailable) and whether the matter requires discussion in the meeting of the Commission.

(iv) After an agenda item is approved by the Secretary, the material received from Members of the Commission/ Ministry/ Deptt. for discussion should be immediately circulated by the Officer of the Unit concerned, for comments amongst all Members and Sr. Officers of the Commission through a letter addressed to all Members (including the Chairperson and Vice-Chairperson) with endorsement (alongwith copies of enclosures) to Secretary, Joint Secretary and Directors, DS, DD, US and PS to Chairperson. A copy of this letter alongwith enclosure may also be endorsed to Coordination Unit for record and for obtaining date and time for the meeting of the Commission as per convenience of Hon'ble Chairperson. Thereafter, the concerned Unit will undertake consolidation of the comments received in the Unit into the Agenda Note. JS will monitor the progress of preparation & circulation of all agenda notes in all cases which have been directed/ approved for circulation by the Secretary.

B. Format of the Agenda Note

(i) The note should begin with the information relating to the source from where the agenda item has been received and the content, nature

and urgency, if any, of the communication forwarding the agenda item. This should be followed by the Background information on the issue.

(ii) The Officer concerned with the Agenda Item will examine the background of the case and whether the subject matter was earlier received in the National Commission for Scheduled Tribes (or in the erstwhile National Commission for Scheduled Castes and Scheduled Tribes) for comments/ advice or for a change in the policy through any representation highlighting the negative effect of the policy or non-implementation of the policy for Scheduled Tribes. These details should form part of the agenda note as Background information.

(iii) If the matter had been received by the Commission (or its predecessor NCSC & ST) earlier, the comments/ advice rendered earlier may be indicated in the note. It may also be mentioned whether such comment/ advice was communicated to the concerned Ministry/ Deptt. and/ or whether such comment/ advice was also incorporated in any report of the NCSCST or NCST as the case may be.

(iv) If the matter had been received earlier, then the purpose of referring the matter again needs to be discussed in the Agenda Note; and, in view of the circumstances causing for re-referral of the matter, the validity of the comment/ advice rendered or stand taken by the Commission earlier also needs to be discussed, along with suggestions for fresh opinion, if necessary.

(v) Draft comment/ views/ advice of the Commission proposed to be communicated to the concerned authorities, after discussion in the meeting of the Commission, may be included at the end of the note or as **Annex** to the Note to facilitate recording/ communication of the decision subsequently.

(vi) Copies of all references made in the Agenda Note may be added as **Annexes** to the Note.

C. Presentation of the Agenda Note

(i) The copies of the Notes **should be made on A-4 size paper**;

(ii) The Agenda of the Note should preferably be made ***in both English and Hindi versions and both versions should be made available together to the Coordination Unit*** for placing before the Commission for consideration;

(a) The note should be typed in ***at least one and half space (in font size 12-14)*** and both sides of the paper should be used. Care should be taken to ensure that the impression is legible and clear in all the pages in all the copies/ photocopies;

(b) **A wide margin (not less than 1.2 inch)** should be left towards the edge of the paper (the left edge on the obverse and the right edge on the reverse) which is put in the pads for the meetings; and

(c) All the Paragraphs and sub-paragraphs of the Notes should be appropriately numbered and bullets and such markings should be avoided.

- (iii) On the top right hand corner of the 1st page of the Note, the words "Agenda Note" for "Agenda Item No....." for "Meeting of the Commission to be held on" should be mentioned.
- (iv) On the bottom of each page (footer), in the centre, the file number of the concerned Unit/ Section dealing with the subject should be indicated;
- (v) All the pages in the Note, including the annexes, should carry continuous page numbers on the bottom extreme right hand corner, simultaneously indicating total number of pages, in the manner "page x of y", where "x" is the running serial number of the page and "y" is the total number of pages in the note;
- (vi) The fact that Appendices/Annexes are attached with the note, should be indicated at appropriate place in the main note. Continuous page numbers of the Appendices/Annexes should also be indicated in bracket against each. On each Appendix/Annex the relevant paragraph of the main note should be indicated, for easy reference.
- (vii) Note should be properly tagged or stapled.
- (viii) 12 sets of complete papers for discussion should be **sent to the Coordination Unit well in advance of the meeting** at which they are sought to be considered. It should be borne in mind that under Rule 48 of the Rules of Procedure, the Agenda of the meeting is required to be circulated among the members of the Commission **normally Seven (7) days before the date of the meeting. Coordination Unit will ensure that the Agenda notes are supplied to Members at least 3 days before the date of the meeting where notice of the meeting has already been issued earlier.**

D. Preparation/ issue of Minutes

- (i) The draft proceedings of the discussion held in the meeting will be put up by Director (Coord.) on file on the next working day (same day in emergent cases) to the Secretary, NCST for approval by the Hon'ble Chairperson. Concerned officers who have prepared the Agenda Note will assist Director (Coord.) by furnishing the gist of the discussion relating to the Agenda Item (s) pertaining to their Unit(s) immediately after the meeting on the same day.
- (ii) In the event that Hon'ble Chairperson is on tour, the draft proceedings would be sent to the Chairperson by the Office of the Chairperson by e-mail or FAX for approval.
- (iii) The Coordination Unit will issue the Minutes as approved by Hon'ble Chairperson on the date of its receipt.
- (iv) The views/ comments of the Commission will be communicated to the concerned Ministry/ Department by the concerned Unit within 2 working days of issue of Minutes (same day in emergent cases).