



No.1/3/12-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: 27/04/2012

To

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

**Sub:- Summary record of the 33<sup>rd</sup> Meeting of the Commission held at 12:00 hours on 23 April, 2012.**

Sir,

I am directed to refer to the above subject and to say that 33<sup>rd</sup> Meeting of the National Commission for Scheduled Tribes presided over by Dr. Rameshwar Oraon, Chairperson of the National Commission for Scheduled Tribes was held at 12:00 Hrs. on 23 April, 2012 in the Chamber of the Hon'ble Chairperson at Lok Nayak Bhawan, New Delhi. A copy of the Summary Record of the meeting is enclosed for information and record.

Yours faithfully,

(K.D. Bhansor) Mrs.  
Dy. 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 7<sup>th</sup> May, 2012 positively.

- (i) Dy. Director
- (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:

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



सं० 1/3/12-समन्वय  
भारत सरकार  
राष्ट्रीय अनुसूचित जनजाति आयोग

छठी मंजिल, 'बी' विंग,  
लोकनायक भवन, खान मार्केट,  
नई दिल्ली-110003  
दिनांक: 27/04/2012

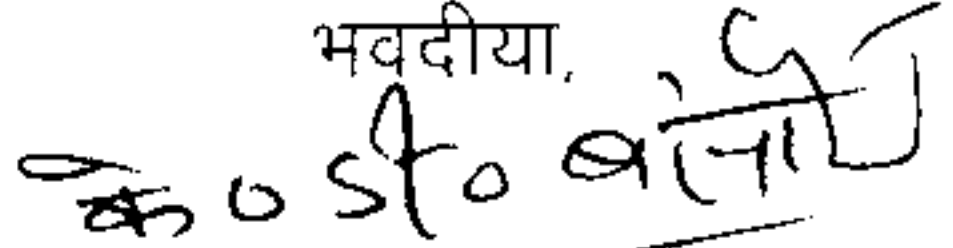
सेवा में,

- 1) डा० रामेश्वर उरॉव, अध्यक्ष
- 2) श्रीमती के० कमला कुमारी, सदस्य
- 3) श्री भैरू लाल मीणा, सदस्य

विषय: आयोग की 23 अप्रैल, 2012 को 12.00 बजे आयोजित की गयी 33वीं बैठक का सारांश रिकॉर्ड।

महोदय / महोदया,

मुझे उपर्युक्त विषय का संदर्भ लेने और यह कहने का निदेश हुआ है कि राष्ट्रीय अनुसूचित जनजाति आयोग की 33वीं बैठक आयोग के माननीय अध्यक्ष, डा० रामेश्वर उरॉव की अध्यक्षता में दिनांक 23 अप्रैल, 2012 को 12.00 बजे (दोपहर) अध्यक्ष महोदय के कक्ष, लोकनायक भवन, नई दिल्ली में आयोजित की गयी थी। बैठक के सारांश रिकॉर्ड की एक प्रति सूचना एवं रिकॉर्ड के लिए संलग्न है।

भवदीया,  
  
(के०डी० बन्सौर)  
उप निदेशक

बैठक के सारांश रिकॉर्ड की प्रतिलिपि के साथ एक प्रति निम्नलिखित अधिकारियों को इस निवेदन के साथ भेजी जाती है कि प्रत्येक संबंधित एकक/कार्यालय के संबंध में बैठक में लिए गए निर्णयों पर की गयी कार्रवाई के बारे में सूचना समन्वय एकक को 7 मई, 2012 तक अवश्य भेज दी जाए।

- 1) उप निदेशक
- 2) अवर सचिव (प्रशासन)
- 3) सहायक निदेशक/प्रभारी अनुसंधान अधिकारी-अनुसंधान एकक-I/ अनुसंधान एकक-II/ अनुसंधान एकक-III/ अनुसंधान एकक-IV/ समन्वय एकक/सहायक निदेशक (रा.भा.)

बैठक के सारांश रिकॉर्ड की प्रतिलिपि के साथ एक प्रति सूचनार्थ प्रेषित

- 1) सचिव के वरिष्ठ प्रधान निजी सचिव/संयुक्त सचिव के प्रधान निजी सचिव।
- 2) राष्ट्रीय अनुसूचित जनजाति आयोग के भोपाल/भुवनेश्वर/जयपुर/रायपुर/रांची और शिलांग के क्षेत्रीय कार्यालयों में निदेशक/उप निदेशक/सहायक निदेशक/अनुसंधान अधिकारी।
- 3) वरिष्ठ प्रणाली विश्लेषक (एनआईसी प्रकोष्ठ, रा.अनु.जनजाति आयोग) को वेबसाइट पर डालने के लिए।

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Subject: Summary record of the 33rd meeting of the Commission held at 12:00 Hrs. on 23-04-2012.**

The 33rd meeting of the Commission was held at 12:00 Hrs. on 23-04-2012 in the Conference Room of the Commission in Loknayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Chairperson, NCST. List of participants is enclosed at Annexure. Seven Agenda Items were circulated for discussion in the meeting. All items were discussed.

2. The Commission was informed that all the agenda Items, received from Ministry of Tribal Affairs sought views/ advice of the National Commission for Scheduled Tribes on the draft Note for the Cabinet on various policy/ legislative proposals prepared by various Ministries. The observations made and the proposed views on behalf of the Commission suggested in the Agenda Note in respect of each Item were discussed in the meeting. The views on behalf of the Commission, as suggested in the Agenda Note were approved as mentioned below:

**Agenda Item-I Draft Note for Cabinet Committee on Infrastructure (CCI) for extension of time by two years upto 2012-14 for completion of projects sanctioned till March 2012 and extension of period of implementation of reforms, etc. under the Sub-Mission on Basic Services to the Urban Poor (BSUP) and Integrated Housing and Slum Development Programme (IHSDP) under Jawaharlal Nehru National Urban Renewal Mission (JNNURM).**

3. The **Jawaharlal Nehru National Urban Renewal Mission (JNNURM)** comprises four components of which two, viz., the sub-Mission for Urban Infrastructure and Governance (UIG) and the Sub-Mission for Basic Services to the Urban Poor (BSUP) are implemented in 65 cities. Other two components, namely, Urban infrastructure Development Scheme for Small and Medium Towns (UIDSSMT) and Integrated Housing and Slum Development Programme (IHSDP) are implemented in other cities/towns. While UIG and UIDSSMT are implemented by the Ministry of Urban Development (UD), the Ministry of Housing and Urban Poverty Alleviation (HUPA) is implementing BSUP and IHSDP.

4. The position in respect of 65 cities, where Mission was being implemented, has been checked up. The list includes only the following cities/UA which fall in Scheduled Areas:-

1. Ranchi
2. Jamshedpur
3. Dhanbad
4. Raipur.

5. TSP areas in 25 States also include Scheduled Areas. Besides, VI Schedule States in the North East are Tribal majority States and all these areas

do have cities/UA which need to be covered under the project. However, the proposal seeks approval only of the existing projects/ Programmes and does not mention about sanction of new projects under BSUPO and IHSDP after 31<sup>st</sup> March 2012. While agreeing to extension of the project period as sought in the Note for the Cabinet, the Commission recommended that the concerned Ministry may also be advised that the scope of the project may be amended to cover cities/ UA within the Tribal Sub-Plan areas and the Sixth Scheduled Areas.

**Agenda Item-II Draft Cabinet Note on National Policy on Electronics prepared by Department of IT, Ministry of Communication and IT**

6. The strategy for all development programmes, particularly the major missions/ schemes of the Ministries/ Departments, should comprise sub-Chapters for accelerated development of the tribal areas. In particular, it is necessary to have specific Tribal Sub Plan (TSP) component in all the major missions/ schemes/ programmes of all Ministries/ Deptts to have a clear focus on formulation of schemes/ programmes concerning the STs and their effective implementation and monitoring.

7. In line with the earlier views of the Commission, the Commission emphasized that a sub-Chapter in the draft National Policy on Electronics concerning STs should be incorporated with a clear focus on formulations of schemes/ programmes concerning well defined Scheduled Areas and Tribal areas and the Scheduled Tribes and effective implementation/ monitoring of the programmes should be taken up as per sub-Chapter.

**Agenda Item-III Draft Note for the Cabinet for Amendment to Article 243T of the Constitution to provide for 50 percent reservation for women including that of Chairpersons in Urban Local Bodies.**

8. The Commission supported the proposal in principle. However, in line with the earlier recommendations of the Commission in relation to reservation of seats within Zila Parishad and Panchayat Samiti, the Commission recommended that out of proposed reservation of 50% for women in the urban local bodies, the seats should be permanently reserved for women in the local bodies having women population more than 50%, and in the remaining local bodies where women population is less than 50%, the principle of rotation should be applied.

**Agenda Item-IV Draft Cabinet Note on relaxation in PMGSY norms to 78 selected tribal and backward districts**

9. The Commission noted from **Annexure-II** to the Draft Cabinet Note that the assessment of funds required under PMGSY for the 12th F.Y.P., *inter-alia*, include funds for new habitations of 250+ population in 78 selected districts and the funds required for providing connectivity to habitations having 100-249 persons in these districts. However, the main Draft Note for the Cabinet does not make any proposal for connecting habitations having 100-249 persons, though this proposal in respect of Desert and Tribal (Schedule V) areas logically should have been clearly highlighted in the Draft Note.

10. The Commission expressed that the Constitution provides a special role for the Central Government in the administration of Scheduled Areas. Special Central

Assistance (SCA) for the Tribal sub-Plan has made limited impact to bridge the development gaps in Scheduled Areas. The Government of India should bear the responsibility for infrastructure development/ upgradation of Administration in Scheduled Areas under Art. 275 of the Constitution, rather than confining itself to the issue of directions for its development. The cost of governance in tribal areas should also be funded under Article 275. Besides, allocation for Tribal Sub-Plan should not be per population share but according to "problem-share" and "need-based". The unutilized TSP fund of various Central Ministries / Departments should be placed in a non-lapsable development fund administered by the Ministry of Tribal Affairs and the fund should be used for infrastructure development in the TSP areas. It is also necessary to prepare detailed guidelines for expenditure out of this fund, to make optimum use of those funds and to ensure that the desired benefits reach the Scheduled Tribes and the tribal areas.

11. The proposal is to relax the norms under PMGSY in respect of selected 78 tribal and backward districts in 9 States. In the light of foregoing, approval for relaxation of norms for 78 Selected Tribal and Backward Districts in 9 States under Integrated Action Plan (IAP) to revise their Core Network for inclusion of left-out habitations (as per 2001 census) and for upgradation of some selected roads out of the roads; the assessment of surface condition of which could not be carried out properly was agreed to by the Commission, subject to maintaining transparency in the Note for Cabinet by furnishing details of areas to be covered in the 12th Five Year Plan so that proper assessments of the targets fixed may be made regularly.

#### **Agenda Draft Cabinet Note on National Competition Policy Item-V**

12. Article 46 of the Constitution stipulates that "The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation". In terms of these enabling provisions, various safeguards have been provided for socio-economic and educational development of Scheduled Tribes (and Scheduled Castes) in the Constitution of India. The Tribal Sub-Plan approach of the Government of India envisages formulating Sub-Plans for the Scheduled Tribes out of the General Plans of each Ministry/ Department and the State Government. Tribal Sub-Plan Areas are well earmarked; the concerned Government should earmark schemes and funds for development of Tribal Sub-Plan Areas. Since TSP Areas also include Scheduled Areas, for protection of which special provisions have been made in the Constitution. The Commission has therefore, taken a view that each Policy and Legislative Proposal should devote a separate chapter regarding "Applicability to Scheduled Areas and Scheduled Tribes".

13. In the context of the present proposal also, the Commission considered it desirable not only to watch the interests of ST Traders, entrepreneurs and industrialists but also to provide various incentives to them so that they can stand in the competitive market. The suggestions made by Government of Madhya Pradesh and Punjab broadly support the above views. Accordingly, the National Competition Policy should take care of this aspect relating to Scheduled Tribes and Scheduled Areas. This can best be achieved by adding a separate special sub-Chapter in the NCP. In addition to this, the Advisory Committee proposed to

be set up under the NCP may have Secretary, Ministry of Tribal Affairs also as one of the representatives.

**Agenda Item-VI** **Draft Note for Cabinet Committee on Infrastructure (CCI) for relaxation of reform conditionalities under Urban Infrastructure Development Scheme for Small and Medium Towns (UIDSSMT) for release of second installment of funds.**

14. The Commission noted that the proposed recommendations dilute the accountability of the implementing agencies towards proper utilization of funds. As regards implementation of this scheme in tribal areas, there is an imperative need to have fool-proof mechanism, susceptible to verification, and to ensure proper utilization of funds. Names of Urban Agglomerations and ULBs in Tribal/ Scheduled Areas under Vth and VIth Schedule to the Constitution already covered, being covered and those to be covered in future may be clearly spelt out in the Draft Note for the Cabinet so that proper assessments of the targets fixed may be monitored regularly. The Commission further noted from Para 3.6 of the Cabinet Note that the Planning Commission has suggested that MoUD may explore the option of releasing funds equivalent to second installment of ACA (Additional Central Assistance) as interest free loan to the State Govt., with stipulation that significant progress is achieved in carrying out the reforms, this loan element be suitably converted in to a Grant. The Commission expressed similar views, and recommended that the proposed conversion of loan to grant should be based on utilisation certificate verifiable through documentary evidence towards the progress of the Reforms.

**Agenda Item-VII** **Draft Cabinet Note for Introduction of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Bill, 2012 in the Parliament.**

15. India has the second largest concentration of tribal population in the World. Indian tribes constitute around 8.2 percent of nation's total population, constituting nearly 84.3 million according to Census 2001. There are 635 tribes in India located in five major tribal belts across the country. There are in all 35 States and Union Territories (UTs) in India, of which in about 14, the proportion of scheduled tribe population to the total population is more than 10 percent. These states and UTs are Manipur, Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Jharkhand, Bihar, Orissa, Chattisgarh, Madhya Pradesh, Gujarat, Rajasthan, Maharashtra, Andaman & Nicobar and Lakshadweep. The main concentration of tribal people in India is the central tribal belt and the north-eastern States. Barring a few states, they have their presence in all States and Union Territories of the country. Predominantly rural, they mainly stay in forests and hilly regions. The literacy level among Scheduled Tribe is 47.1% which is much lower than the national average of 64.8% (Census, 2001). A comparison of the recent classification of high-prevalence, moderate prevalence, highly vulnerable and vulnerable states by the National AIDS Control Organisation (NACO) with the predominantly tribal states shows that barring one state (Rajasthan) almost all the states fall in high prevalence of HIV vulnerable States.

16. The Commission noted that the National AIDS Control Programme (NACP) in its third Phase envisaged going beyond the high risk behavior groups covered by Targeted Interventions. This entails extension of interventions to populations

that are vulnerable to HIV such as the Tribal people and socially disadvantaged sections of the population in both rural and urban areas. This necessitated undertaking a rural risk/ vulnerability assessment and a Social Assessment of HIV/AIDS among Tribal People in India which was carried out by ORG Centre for Social Research. The Social Assessment among Tribal People documented the prevalence and risk of HIV/AIDS among tribal people, their levels of knowledge, social and behavioural causes and consequences of HIV/AIDS (including stigma), and strategies used for prevention, diagnosis, treatment and care (PDTC) of HIV/AIDS in order to ensure appropriate programme design and implementation to reduce the spread of HIV/AIDS and improve its management. Primary data collection, review of existing literature and programmes, consultation with stakeholders and development of Tribal Action Plan was an integral part of the assessment.

17. The Commission further noted that the tribal population in the country has poor health generally due to, among other factors, their poverty and social vulnerability. Tribal people are known to have sexual practices that differ from those of mainstream cultures, and are reported to have prevalence of sexually transmitted infections. The prevalence of STI/HIV/AIDS among tribal people has also been reported in some of the tribal states of the North-East of India. The tribal population in the country is high and their sheer number makes it imperative for the Government to bring them in the fold of the national programme. To be able to do so, it is essential to understand the behaviors, practices that drive the vulnerability and risk among the tribal people. This would help guiding evidence-based design of HIV/AIDS prevention, diagnosis, treatment and care programmes oriented towards tribal population. Besides, important State and National Highways pass through Tribal Areas and various industrial, irrigation and power projects have been set up in Tribal Areas and consequently, the Tribals living in and around those areas, directly or indirectly are likely to get exploited and many of them become also stand exposed to victims of various kinds of exploitation including sexual exploitation. It has also been noted that the Tribals on their own never catch STI, it is only when the outsiders such as Contractors (Thekedars) and Transporters visit their areas, they leave behind such problems.

18. As it is well known, the Tribal Areas also include well specified Scheduled Areas under Vth and VIth Schedule to the Constitution. That is why the Tribal Sub-Plan approach envisages integrated area development approach through preparation of TSP and ITDPs for the smaller administrative units in TSP Areas. In the context of the above proposal relating to HIV/ AIDS in the country, also there is a need to give a special focus on Tribal areas. It is supported by the fact that the NACP-Phase III for Tribal population of India was initiated. However, despite this plan, the proposed Bill and the Note for the Cabinet for introduction of the Bill is practically silent on these issues. The Commission decided that the Ministry of Health and Family Welfare may be advised to ensure that the Bill as well as Note for the Cabinet should give due focus on the problems of Scheduled Tribes and Tribal areas including Scheduled Areas,

#### **Additional Items**

19. The Commission was briefed that consequent upon taking up the matter with the Cabinet Secretariat regarding non-consultation by various Ministries on policy and Legislative matters affecting Scheduled Tribes, the Cabinet Secretariat had issued instructions to all Ministries that consultation with the National

Commission for Scheduled Tribes must be done before submitting the Note on the proposal for consideration by the Cabinet and the consultation may be made through the administrative Ministry (i.e. Ministry of Tribal Affairs). In pursuance to those Instructions the Ministries concerned were geared up to seek views/ advice of the National Commission for Scheduled Tribes before submitting the Note to the Cabinet and therefore, National Commission for Scheduled Tribes is continuously receiving proposals from various Ministries for advice/ views of the Commission. However, the Commission was having acute shortage of Staff at all levels in the Headquarter as well as Regional Offices. The Commission noted that one post of Director and Deputy Director each only in the Commission was filled and more than 40% of the sanctioned posts were vacant and therefore, Commission was facing various difficulties in administering the Headquarter as well as Regional Offices, thereby severely affecting the performance of its functions and duties.

20. The Commission recalled that various letters sent to the Ministry of Tribal Affairs regarding filling up the vacant posts, sanctioning of additional posts to meet the requirements, grant of administrative, legal and financial autonomy by giving power of the Department to the Commission and allocation of additional funds under various Heads of expenditure, have not yielded any result. The proposals pertaining to selection of PPS for the Chairperson's Secretariat, as well as residential office for the Chairperson are also awaiting approval of the MTA for a considerable period. The Commission decided that a sitting with the Secretary and FA in Ministry of Tribal Affairs may be held on 14/05/2012 before the full Commission to discuss these issues.

21. The Commission also noted that Ministry of Social Justice & Empowerment has not taken timely action to fill up the posts belonging to Joint Cadre. Similarly, the posts in respect of which National Commission for Scheduled Castes is the Cadre Controlling Authority have not been filled. As a result, these posts are lying vacant for considerable period and the functioning of the Commission has been adversely affected on this account. The Commission therefore, decided that Secretary, MSJ&E should be called for discussion in the meeting.


22. To meet the immediate requirement of administering Bhubaneshwar, Raipur and Ranchi Regional Offices and other vacant posts of DD and AD in the Commission, it was decided that these posts may be filled by Deputation. In the meanwhile all vacant posts at Non-Gazetted level may be filled on Deputation/ contract basis till filling of the vacancies on regular basis, so as to improve the functioning of the Commission. Since Ranchi Regional Office falls in the Central to the tribal belt of India, it was decided that one post of Assistant Director may be transferred in due course at Ranchi and an Officer may be urgently posted as AD at Ranchi.

23. The Commission also noted that many persons had been visiting the Commission Office in violation of the system relating to visits and the visiting hours. These visitors generally peep into every room, enter the rooms without permission and also fiddle with files, papers and machinery kept in the rooms, even in absence of concerned officers. The Commission felt that one guard posted at the facilitation/ reception centre of the Commission was not adequate to check infiltration of unwanted persons and therefore, recommended that the Commission may have two Guards, one at each entry to the office so that genuine



visitors only may get entry into the Office and the working atmosphere in the office is not spoiled. The Chairperson emphasized that administration may ensure that the Guards were paid Salary at rate not below the prescribed minimum wages from time to time and other benefits admissible to such workers

24. The Meeting ended with a vote of thanks to the Chair.

  
डा० रामेश्वर उरांव / Dr. RAMESHWAR ORAON  
अध्यक्ष / Chairman  
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**

33rd Meeting of the Commission held on 23/04/2012 in the Conference Room of the Commission- List of participants.

<u>S. No.</u>	<u>Name and Designation</u>	<u>Signature</u>
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 R.C.Durga, Consultant	