



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

6th Floor, 'B' Wing, Lok Nayak Bhawan,
Khan Market, New Delhi 110003

Dated: 30/12/2014

To,

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

Sub:- Summary record of the 64th Meeting of the Commission held at 12:05 hours on 21/11/2014.

Sir,

I am directed to refer to the above subject and to say that 64th Meeting of the National Commission for Scheduled Tribes was held at **12:05 Hrs. on 21/11/2014** 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 **09/01/2015** positively.

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

(K.D. Bhansor) Mrs.
Director



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

(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.-1/14/14-समन्वय

दिनांक/Date:30/12/2014

प्रति,

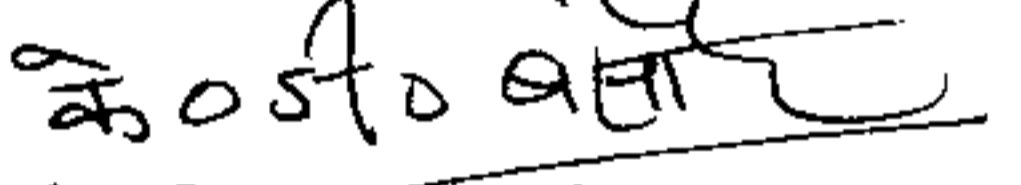
1. डा0 रामेश्वर उराँव, अध्यक्ष
2. श्री रवि ठाकुर, उपाध्यक्ष

विषय: राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 21-11-2014 को दोपहर 12.05 बजे सम्पन्न 64वीं बैठक का संक्षिप्त अभिलेख।

महोदय,

मुझे उपर्युक्त विषय का उल्लेख करते हुए यह कहना है कि आयोग की 64वीं बैठक आयोग के सम्मेलन कक्ष, लोकनायक भवन, नई दिल्ली में दिनांक 21-11-2014 को दोपहर 12:05 बजे हुई थी। बैठक की अध्यक्षता डा0 रामेश्वर उराँव, अध्यक्ष, अनुसूचित जनजाति आयोग द्वारा की गई। बैठक के संक्षिप्त अभिलेख की एक प्रति सूचना एवं अभिलेख हेतु संलग्न है।

भवदीय,

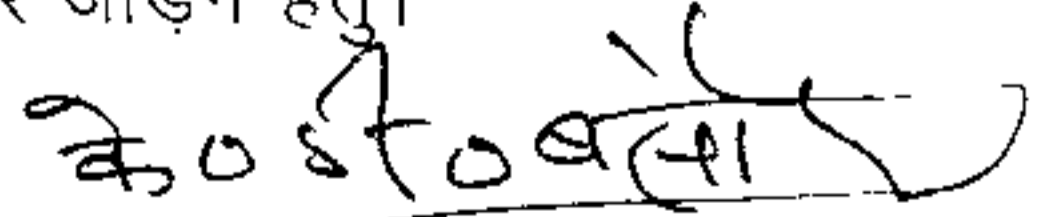

(के0डी0 बन्सौर) श्रीमती
निदेशक

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 09-01-2015 तक अवश्य ही समन्वय एकक को भेज दी जाए।

- (i) निदेशक (आर0यू0- III, आर0यू0-IV, समन्वय एवं प्रशासन)
- (ii) उप सचिव (आर0यू0-I एवं आर0यू0-II)
- (iii) अवर सचिव (प्रशासन)
- (iv) सहायक निदेशक/ अनुसंधान अधिकारी प्रभारी-आर0यू0-I/ आर0यू0-II/ आर0यू0-III/ आर0यू0-IV/ समन्वय/ सहायक निदेशक (राजभाषा)।

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

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


(के0डी0 बन्सौर) श्रीमती
निदेशक

**64TH MEETING OF THE
NATIONAL COMMISSION FOR SCHEDULED TRIBES
SUMMARY RECORD OF DISCUSSIONS**

Date: 21st November, 2014 **Time:** 12:05 hours

Venue: Conference Room, NCST, 6th Floor, Lok Nayak Bhawan, New Delhi.

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

List of Participants: Annexed.

At the outset Chairperson NCST mentioned that there are number of Non Govt. organizations who are working in the field of welfare of tribals and issues concerning tribals and advised that Commission may interact with such Non Govt. organizations to take feed back of their meaningful participation in safeguarding the interest of STs. The Vice-Chairperson, NCST mentioned that the post of Law Officer and Superintendent of Police are vacant in the Commission. Vice Chairperson suggested that in the absence of Law Officer Commission may allow trainees from various Law schools to assist the Secretariat of the Commission dealing with atrocity cases without any remuneration. This option was agreed by the Commission. However, NCST Secretariat should take early action for the regular appointment of Law Officer and Superintendant of Police.

Rameshwar Oraon

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

Agenda:

Item I	Displacement of tribals and others local people in Devaragodhi, Polavaram Mandalam, West Godavari District and Pudipall Panchayat in East Godavari District.
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Vide letter dated 03/12/2013, Minister of Tribal Affairs and Panchayat Raj forwarded the representation dated 01/12/2013 of Dr. Pulla Rao regarding oppression and brutality against tribals in Devaragodhi, Polavaram Mandalam, West Godavari Dist. Andhra Pradesh.

2. The Commission, vide letter dated 31/12/2013 called report from the concerned departments of Govt. of Andhra Pradesh and Ministry of Environment and Forest. The Commission constituted a team to visit the Polavaram Project. Smt. K. Kamala Kumari, ex-Member visited the Polavaram Project from 07/01/2014 to 11/01/2014 and submitted report dated 22/01/2014 (**Annexure- I**)

3. The observations and recommendations of the ex-Member were discussed and it was decided by the Commission to send the report to State Government to provide action taken on the report, to the Commission.

Rameshwar Oraon

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Item II	<p>Progress in the case of Shri Harishchandra Chavan, Hon'ble Member of Parliament, Lok Sabha, Dindori, Dist - Nasik -(Maha) for enquiry under Article 338A. (5) (a) (b) (c) (f) and instructing DOPT to cancel OM No. 36011/2/10-Estt.(Res.) dated 10th August, 2010 regarding appointment of candidates belonging to Halba Koshti/ Halbi Koshti/Koshti caste against vacancies reserved for the STs.</p>
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Pursuance to the discussions held in the matter in the Commission's 48th, 55th and 59th meetings, the Commission was apprised of the following :


i) Vide NCST letter dated 15/09/2014, Cabinet Secretary was requested for withdrawal of DoPT **OM No. 36011/2/10-Estt.(Res.) dated 10th August, 2010** regarding appointment of candidates belonging to Halba Koshti/ Halbi Koshti/Koshti caste against vacancies reserved for the STs.

ii) In response to NCST letter dated 15/09/2014, Cabinet Secretariat vide their letter No. 501/1/4/2014/CA.V dated 22/10/2014 informed that the matter is subjudice and proceedings in the case have been completed, hence it would be appropriate to wait for the judgment of the Supreme Court in the matter.

Rameshwar Oran
 Dr. RAMESHWAR ORAN
 Chairperson
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iii) NCST vide its letter dated 14/11/2014 interalia informed the following to the Cabinet Secretariat;

- (a) In the list of STs (SI No. 19) notified GOI for the state of Maharashtra only includes HALBA, HALBI tribes. Due to effect of OM of 10/08/2010 Halba Koshti/Halbi Koshti/Koshti Caste given status of STs which amounts to inclusion of these communities, in the list of Scheduled Tribes.
- (b) As per approved modalities (copy attached) (Letter No. 12016/36/96-SCD (RL Cell) dated 30/07/2002) , for inclusion/exclusion of tribes in the list of STs, it required recommendations of the State, to be processed by MoTA for Constitutional amendment after obtaining recommendation/ comments of RGI and NCST. The said O.M. of 10/08/2010 included Halba Koshti/Halbi Koshti/Koshti as ST by ignoring the due process as laid down by Constitution of India, of which the DoPT and Ministry of Law are not empowered with.
- (c) Thus inclusion of Halba Koshti/Halbi Koshti/Koshti tribes in the list of STs by the DoPT in consultation with Law Ministry, do not have sanction of the Parliament.


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iv) NCST vide its letter dated 30/09/2014 sought the advice of Attorney General of India in the matter about conflict of interest faced by Sr. Standing Council representing those departments as views of this Commission differed .

Item III	Note for the Committee of Secretaries on “ Streamlining of procedure for scheduling of communities as STs; revision of criteria for scheduling of communities as STs; and inclusion of names of communities in the STs lists, which have been left out being subsets, phonetic of spelling variations of Scheduled Tribes, and problems arising out of tribes names being written in English, cases of historical omission without any reason, and cases of ‘involuntary migration’”
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Commission was apprised that the Draft Cabinet Note circulated by the Ministry of Tribal Affairs (MoTA) on “scheduling of communities as STs; revision of criteria for scheduling of communities as STs; and inclusion of names of communities in the STs lists, which have been left out being subsets, phonetic or spelling variations of STs, and problems arising out of tribe names being written in English, cases of historical omissions without any reason, and cases of ‘involuntary migration’” was discussed in the 54th meeting of the Commission held on 25/06/2014, as agenda item No.I and accordingly MoTA was informed vide letter dated 25/06/2014.

Rameshwar Oraon

Dr. RAMESHWAR ORAON
Chairperson
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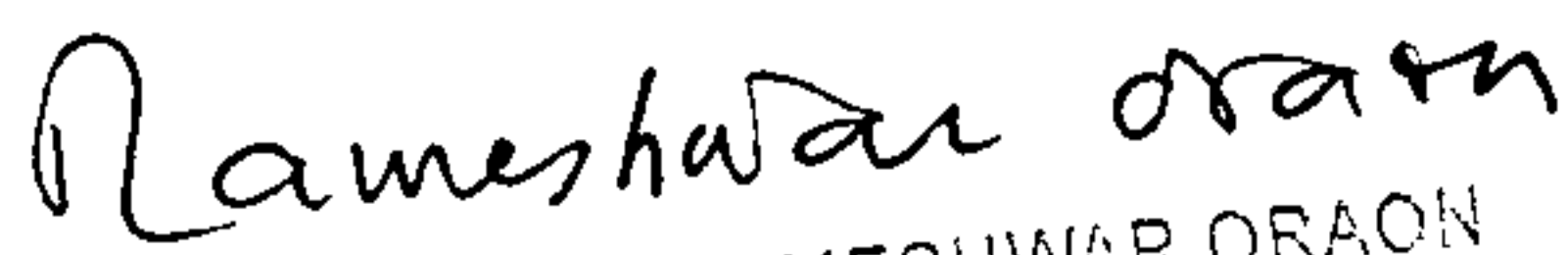
2. The Commission had received note for the Committee of Secretaries (COS) on the subject vide MoTA's letter No. 12026/03/2014-C&LM-I dated 31/10/2014. Cabinet Secretariat was informed about views of the Commission vide NCST letter No.17/5/Inclusion/2013/RU-III dated 03/11/2014. The meeting of the COS was held on 05/11/2014. The Minutes of the meeting of the COS held on 05/11/2014, received from Cabinet Secretariat, vide letter No. 703/2/1/2014-CA.V dated 12/11/2014, were apprised to the Commission as

(i) First of all MoTA will get the revised criteria and procedure, for scheduling/de-scheduling of communities as STs, approved by the COS.

(ii) MoTA will move separate proposal for consideration of the Cabinet for inclusion of names of communities in the ST list after the revised criteria and procedure are approved by the Cabinet and the Committee gives its recommendations.

(iii) Only proposals recommended by the State/UT would be considered by the Committee which will comprise of Secretaries of Ministries/Agencies concerned.

(iv) MoTA may move a separate proposal for consideration of the Cabinet to bring a legislation for a composite Presidential Order


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specifying all STs replacing existing multiple orders along with Devnagari version of names of STs to address the problems of phonetic deficiency of English alphabet.

(v) Inter ministerial committee, comprising of Secretaries of Ministries of Tribal Affairs, Home, Social Justice & Empowerment, Culture and National Commission for STs, may be more effective in sorting out inter ministerial differences and discussions of the committee may precede obtaining written comments of all stake holders.

3. It was apprised to the Commission that Committee of Secretaries has taken view in line with the recommendations of the Commission and accordingly taken decision /recommendations on the Draft Cabinet note.

Item IV	Draft Memorandum for Expenditure Finance Committee for creation of a Price Stabilization Fund (Revolving /Corpus fund) for procurement and distribution of perishable Agricultural and Horticultural Commodities.
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A Draft Memorandum for Expenditure Finance Committee for creation of a Price Stabilization Fund (Revolving/Corpus fund) for procurement (minimum support price) and distribution of perishable Agricultural and Horticultural Commodities of the Ministry of Agriculture, Department of Agriculture & cooperation vide letter No. 16014/5/2014-M.II (Pt.), dated 30.10.2014 has been received through MoTA vide letter


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No. 17014/06/2014-SG-I/473 dated 10/11/2014, for the comment/views of the Commission.

2. The Commission discussed the EFC proposal and suggested that Ministry of Agriculture may be advised that proposal does not mention about any plan about extension of benefits/implementation of the scheme in the Tribal and Scheduled Areas. Because the tribal areas contribute a lot towards Agriculture particularly Fruits and Vegetables, and these areas are not easily accessible and therefore the price stabilization/rates (Minimum Support Price) for procurement of their produce need special attention. With the above observation the Commission agreed to the proposal, provided there is a special mention about the procedure to be followed for extending the benefits of the scheme to the STs and the tribal/Scheduled Areas in the country.

Item V	Proposal for rectification of spelling error of Dhangad community in the Hindi Version of the Notification in ST list of Chhattisgarh.
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MoTA vide letter No. 12026/10/2014-C&LM-I dated 11/11/2014 has sent a proposal for rectification of spelling error of Dhangad community in the Hindi version of the Notification in ST list of Chhattisgarh. The Commission took note of the comments of the RGI,

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Comments of State Govt. of Chhattisgarh sent vide letter No. 6462/R307/GOI/2014/25-2 dated 30-09-2014 that :

जनजातीय कार्य मंत्रालय के पत्र दिनांक 03-09-2014 के संदर्भ में आदिम जाति तथा अनुसूचित जनजाति विकास विभाग, छत्तीसगढ़ शासन ने अपने पत्र संख्या 7462/आर-307/जीओआई/2014/25-2 दिनांक 30-09-2014 के द्वारा बताया है कि भारत सरकार द्वारा छत्तीसगढ़ राज्य हेतु जारी अनुसूचित जनजाति की अंग्रेजी सूची में अनुक्रमांक 33 पर Oraon के साथ DHANGAD शामिल है जिसका हिन्दी रूपांतरण धनगढ़ के रूप में किया गया है, जबकि छत्तीसगढ़ राज्य में उरांव की उपजाति धांगड़ (DHANGAD) कहलाती है।

2. उरांव अनुसूचित जनजाति के मिट्टी खोदने एवं कृषि मजदूरों को कुड़ूख बोली में धांगड़ कहा जाता है। राज्य में धांगड़ समुदाय के लोग मुख्य रूप से जांजीगीर-चांपा, जशपुर, बिलासपुर एवं रायगढ़ जिलों में निवासरत है। इनके गोत्र नाम, रीति-रिवाज, वैवाहिक संबंध खान-पान उरांव अनुसूचित जनजाति के ही है।

3. इनके स्वतंत्रता पूर्व के राजस्व अभिलेखों में जाति धांगड़ अंकित है। (संलग्न) जनगणना निदेशालय, छत्तीसगढ़ द्वारा भारत की जनगणना 2001 में प्रकाशित छत्तीसगढ़ की प्राथमिक जनगणना सार श्रृंखला में पृष्ठ क्रमांक 350 में अनुक्रमांक-33 पर उरांव, धानका के साथ धांगड़ लेख किया है। (संलग्न)

4. धनकड़ एवं धांगड़ की स्पेलिंग DHANGAD हालांकि एक समान है, किन्तु धनगढ़ एवं धांगड़ एक ही जाति समुदाय नहीं है। धनगढ़ मूलतः भेड़ पालक वर्ग (Shepherd group) के गड़रिया, धनगढ़ समूह की जाति है। गड़रिया, धनगढ़ जातियां राज्य के अन्य पिछड़ा वर्ग की सूची में शामिल है। उरांव अनुसूचित जनजाति की उपजाति धांगड़ जिसे राज्य की अनुसूचित जनजाति की हिन्दी सूची में धनगढ़ रूपांतरण किये जाने के कारण धांगड़ जाति के लोगों को उनका संवैधानिक लाभ प्राप्त नहीं हो पा रहा है।

Rameshwar Ora

5. छत्तीसगढ़ राज्य की अनुसूचित जनजाति की हिन्दी सूची में Rectification के तहत अनुक्रमांक-33 पर उरांव, धानका के साथ शामिल धनगढ़ को विलोपित करते हुए धनगढ़ के स्थान पर धांगड़ को प्रतिस्थापित किया जाना प्रस्तावित है।

6. The Commission felt it appropriate that Government may take necessary action for rectification of spelling error of 'Dhangad' (धांगड़) community in the Hindi version of the Notification in ST list of Chhattisgarh.

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



Chairperson

National Commission for Scheduled Tribes

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

ANNEXURE

National Commission for Scheduled Tribes
64th Meeting of NCST,
held on 21/11/2014 at 12:05 hours, New Delhi

LIST OF PARTICIPANTS

1. Dr. Rameshwar Oraon, Chairperson (In Chair)
2. Shri Ravi Thakur, Vice Chairperson
3. Shri Santosh Kumar, Joint Secretary
4. Smt. K. D. Bhansor, Director
5. Shri Pramod Chand, Dy. Secretary
6. Shri Rajesh Kumar, Under Secretary
7. Shri T.D. Kukraja, PS to Chairperson
8. Shri S.P.Meena, Assistant Director