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राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

F.No Review/29/IGNFA/2023-SSW

Dated: - 04.10.2023

To,

Shri Bharat Jyoti
Director
Indira Gandhi National Forest Academy (IGNFA)
Post Office New Forest
Dehradun – 248006 (Uttarakhand)
Email:- director@ignfa.gov.in, Phone:- 0135-2757316

Sub: Constitutional Safeguards pertaining to reservation, roster and other issues related to Scheduled Tribes-Meeting thereof.

Sir,

I am directed to enclose herewith a copy of the minutes of the meeting held under the Chairmanship of Smt. Alka Tiwari, Secretary to the Govt. of India, National Commission for Scheduled Tribes (NCST) on 15.09.2023 at IGNFA Campus, Dehradun (Uttarakhand) on the above mentioned subject.

It is requested that the action taken/ to be taken in the matter may be submit to NCST within stipulated time from receipt of the letter, for taking appropriate action.

Yours faithfully,

(आर.एस.मिश्र / R.S. Misra)

अनुसंधान अधिकारी / Research Officer

Tel:-011-24641640

Copy for information

1. PS to Secretary, NCST
2. NIC, NCST for uploading on the website of the Commission.

National Commission for Scheduled Tribes

REPORT AND RECOMMENDATIONS UNDER ARTICLE 338A (5)(d) & (e) OF THE CONSTITUTION OF INDIA ON THE MEASURES TO BE TAKEN BY THE INDIRA GANDHI NATIONAL FOREST ACADEMY (IGNFA) FOR EFFECTIVE IMPLEMENTATION OF CONSTITUTIONAL SAFEGUARDS FOR SCHEDULED TRIBES EMPLOYEES AS WELL AS TRAINEES IN IGNFA AND FOR ADEQUATE SENSITIZATION OF INDIAN FOREST SERVICE OFFICER TRAINEES TO IMPORTANT ISSUES OF SCHEDULED TRIBES BY WAY OF SPECIFIC INCLUSION OF APPROPRIATE 'CURRICULUM' IN VARIOUS TRAINING PROGRAMMES OF IGNFA.

[File No. Review/29/IGNFA/2023-SSW]

Date of Review: 15th September, 2023

Venue: IGNFA, Dehradun, Uttarakhand

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 Scheduled Tribes in the Country. As per Constitutional provisions, the Union and every State Govt. shall consult the Commission on all major policy or decisions affecting Scheduled Tribes. In terms of clause (5)(d) and (e) of Article 338A, the Commission is required to present to the Hon'ble President of India, Reports upon the working of those safeguards and all such reports are to be laid before each House of Parliament alongwith 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, Smt. Alka Tiwari, Secretary, National Commission for Scheduled Tribes (NCST) took a review meeting with the Director, IGNFA in the presence of Director, NCST, Additional Professor, IGNFA and Associate Professor (Admn), IGNFA. The List of officers who were present in the Review Meeting is Annexed.

3. Secretary, NCST initiated the Review Meeting and highlighted the following issues pertaining to Constitutional Safeguards of the Scheduled Tribes:-

(A) Inclusion of adequate sensitization and exposure to issues concerning Scheduled Tribes and the various Constitutional and Statutory Safeguards provided for them in the Training Curriculum of IFS Probationers and In-Service Training Programmes for Indian Forest Officers conducted by IGNFA.

4. Keeping in view the importance of Forests to Tribals especially those who are dependent on forest produce for their livelihoods, the Commission has always felt the need to sensitise Forest Officers who are posted with the Tribals in the Forest Areas on various aspects of the Constitutional as well as Statutory Safeguards given to the Scheduled Tribes in various provisions of the Constitution as well as in various Acts *viz* Fifth and Sixth Schedules to the Constitution [Articles 244 (1) and (2)]; Protection of Civil Right Act, 1955; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (POA); Panchayat (Extension to Scheduled Areas) Act, 1996 (PESA); The Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA); The Right to fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013; etc.
5. In reply to the NCST Questionnaire, IGNFA have stated that their extant Training Curriculum do not have any of these aspects pertaining to Constitutional and Statutory Safeguards provided specifically for the Scheduled Tribes. The Secretary, NCST thereupon highlighted the imperative need for special inputs focussed on Tribal issues in the training curriculum of IGNFA. Director, IGNFA while appreciating the point, readily agreed to include in the IGNFA Training Programme, specific curriculum by way of 'Sensitisation/Awareness' Sessions during training in the Academy for both IFS Probationers as well as other In-Service Training Officers. It was also decided during the Meeting that Tour/Field visits of minimum of 2 days/nights stay in Tribal villages/Hamlets be stipulated as part of the study visits during Training Programmes of IGNFA. Director, IGNFA pointed out that the IFS Training Regulations, 2023 are presently under finalisation which *inter-alia* seeks to bring about changes in the curriculum in the IFS Training Module. While the Regulations will identify the 'Subject Area' on which Training is to be inculcated amongst the IFS Trainee Officers, the Academic Council of the IGNFA will have the power to bring appropriate detailing in the design and delivery of Training Modules. Adequate scope will, therefore, be there to incorporate specific academic inputs on Tribal Related Topics as well as Design Study Tour/Field visits to Tribal Villages/Hamlets after tying up with NGOs/Organisations working in the area. It was felt that study tour on Tribal areas with at least 1-2 days stay in the area and not 'Touch & go' types may bring about experiential sensitisation. The module is already there in the extant training

curriculum in collaboration with NGOs/Institutions working in the area for in-depth comprehensive exposure to the issues identified. Similar Study/Field visits to Tribal areas can be added to the Training Module.

(B) Internal Grievance Committee for Scheduled Tribes

6. Secretary, NCST also pointed out that as per the reply to NCST Questionnaire, there was no Internal Grievance Committee for STs in IGNFA. The Director, IGNFA thereupon decided and directed that Associate Professor (Admn), IGNFA may be nominated as the Grievance Officer for handling Grievances pertaining to ST Employees of IGNFA as well as ST Trainees of the Academy.

(C) Scheduled Tribes Employees Reservation Roster

7. On being asked by Secretary, NCST about the Reservation Rosters for ST Employees in the IGNFA, it was pointed out that there were only 03 (Three) ST Employees belonging to Group 'C' in the IGNFA as permanent regular Staff and Reservation Rosters have been maintained whereas for Group 'A' Officers (Total 16) belonging to the Indian Forest Service (IFS) who are deputed to IGNFA under Central Secretariat Staffing (CSS) of MoFF & CC, no reservation rosters are being maintained as they are deputation posts. Similar is the case for 02 other posts which are isolated in nature and belongs to the Library and Rajbhasha Units. As per data furnished by IGNFA as on 01.01.2023, 01 (one) ST Employee out of total 18 sanctioned posts and 15 present Employees amounted to 6.66% in Group 'C' (other than all MTS) and 02 (two) ST Employees out of total 29 sanctioned post and 21 present Employees amounted to 6.8% in Group 'C' (MTS only other than Safai Karamchari). No ST Employees were present in the Group 'B' (Non-Gazetted) out of total 3 Employees and in Group 'C' (MTS Safai Karmachari) out of Total Employee.

Recommendations

8. As deliberated during the Review Meeting and as assured to by the Director, IGFNA, the action taken on the following recommendations may be furnished within a period of 15 days from the receipt of this Report:-

(i) Requisite provisions may be made in the IFS Training Regulations, 2023 and relevant orders of the Academic Council of IGNFA for inclusion of a systematic and periodic Training Curriculum in IGNFA for IFS Probationers as well as other In-Service Training Programmes for a more Institutionalised

exposure and capacity building on aspects pertaining to Constitutional and other Statutory Safeguards for Scheduled Tribes alongwith mandatory Study/Field visits to Tribal Areas for Hands on Work Experience on Tribal Issues;

(ii) Internal Grievance Committee for ST Employees and Trainees of IGNFA may be setup with provision for a robust and transparent Online Grievance Management System;

(iii) Requisite exercise may be carried out as per DoPT Guidelines for maintenance of ST Reservation Rosters for all eligible category of posts in IGNFA and the same may be uploaded in the website for more transparency;

(iv) Keeping in view the fact that the fundamental task of the IGNFA is to equip the IFS cadres to effectively manage 23% of India's geographical area with the overall objective to train a cadre of competent forest managers at various levels to manage forest resources, appropriate attitudinal Training module be also incorporated so that tribal issues are adequately sensitised to Officers manning the Forest Department so as to enhance the level of harmony and co-existence of tribals in forest areas and ensure a sustainable livelihood for them as guaranteed to them in the Constitution as well as in various other Statutory provisions.

Annexure

List of Participants of the meeting held on 15.09.2023 in IGNFA at Dehradun under the Chairmanship of Smt. Alka Tiwari, Secretary to the Govt. of India, NCST regarding constitutional Safeguards pertaining to reservation, roster and other issues related to Scheduled Tribes.

National Commission for Scheduled Tribes, New Delhi

Smt. Miranda Ingudam, Director

IGNFA, Dehradun

1. Shri Bharat Jyoti, Director
2. Shri Raj Kumar Bajpai, Addl. Professor
3. Shri Tulsi Das, Associate Professor (Admin.)
