



No.1/01/2020-Coord.
Government of India
National Commission for Scheduled Tribes

6th Floor, 'B' Wing, LokNayakBhawan,
Khan Market, New Delhi -110003
Dated: 04th March, 2020

To,

1. Shri Nand Kumar Sai, Hon'ble Chairperson
2. Smt. Maya Chintamlnvate, Hon'ble Member

Subject: Summary Record of discussions of 124th Meeting of National Commission for Scheduled Tribes (NCST) held on 27.02.2020 at 12:00P.M.

Sir/Madam,

I am directed to refer to the above subject and to say that 124th meeting of the National Commission for Scheduled Tribes was held on 27.02.2020 at 12:00 P.M. in the Conference Room of NCST at Lok Nayak Bhawan, New Delhi. The Meeting was presided over by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes. A copy of the Summary Record of discussions of meeting is enclosed for information and record.

Yours faithfully,

(S.P. Meena)

Assistant Director

Copy for necessary action, a copy of the Summary Record of discussions of 124th meeting of NCST is enclosed. The action taken report in the matter may be intimated to Coord. Section by 27.03.2020.

- (i) Director
- (ii) Deputy Secretary
- (iii) Assistant Director (Coord&RU-II)
- (iv) Assistant Director (Admin&RU-III)
- (v) Assistant Director (RU-I & OL)
- (vi) Research Officer (RU-IV)

Copy for information of the Summary Record of discussion of 124th Meeting of NCST:

1. PS to Hon'ble Member(MCI), NCST
2. PSO to Secretary, NCST
3. PA to Joint Secretary, NCST
4. Secretary, MoTA, ShastriBhawan, New Delhi.
5. Director/Assistant Director/Research Officer in Regional Office of NCST at Bhopal/Bhubaneshwar/Jaipur/ Raipur/ Ranchi/Shillong
6. NIC, NCST for uploading on the website.



National Commission for Scheduled Tribes
Minutes of the 124th Meeting held on 27-02-2020

राष्ट्रीय अनुसूचित जनजाति आयोग (एन.सी.एस.टी) की 124वीं बैठक में हुई चर्चा का कार्यवृत्त

(फाईल सं. 1/01/2020-समन्वय)

दिनांक : 27.02.2020

समय : 12.00 बजे

स्थान : सम्मलेन कक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग, छठा तल, लोकनायक भवन, नई दिल्ली-110003.

अध्यक्षता : श्री नन्द कुमार साय, माननीय अध्यक्ष।

प्रतिभागियों की सूची :

1. डॉ नंदकुमार साय, माननीय अध्यक्ष
2. श्रीमती माया चितामण ईवनाते, माननीया सदस्य
3. श्री सरस्वती प्रसाद, सचिव
4. के. तऊथंग, संयुक्त सचिव
5. डॉ. ललित लट्टा, निदेशक
6. श्री एस.पी.मीना, सहायक निदेशक .
7. श्री राकेश कुमार दुबे, सहायक निदेशक (प्रशासन)
8. श्री रामजन्म चौधरी, सहायक निदेशक (राजभाषा)
9. श्री वाई.के.बंसल, अनुसंधान अधिकारी
10. श्री आर एस मिश्रा, वरिष्ठ अन्वेषक
11. श्री हरिराम मीणा, वरिष्ठ अन्वेषक
12. श्री पंकज लाल, बैरवा, सहायक अनुभाग अधिकारी
13. श्री के. पी. सिंह, सलाहकार

बैठक के लिए निर्धारित कार्यसूची मंदों पर चर्चा की गई और निम्नलिखित निर्णय लिया गए:




National Commission for Scheduled Tribes
Minutes of the 124th Meeting held on 27-02-2020

Item No.124.01	Draft of 14th Annual Report of the National Commission for Scheduled Tribes for the year 2018-19 for consideration and approval.
-----------------------	--

The draft of the 14th Annual Report of the Commission for the year 2018-19 is enclosed. The report comprises of four Chapters as detailed below:

- Chapter.1 NCST: Structure and Functioning
- Chapter.2 Meetings of the Commission.
- Chapter.3 Review of Ministries, Organisations, States, And Districts by the Commission
- Chapter.4 Recommendations at a Glance

The draft of the report was submitted for consideration and approval of the Commission. (The Commission approved the draft Annual Report 2018-19 and also authorised Secretary, NCST to take necessary action for correcting drafting errors and reformatting the report, where ever required.)


डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi



National Commission for Scheduled Tribes
Minutes of the 124th Meeting held on 27-02-2020

Agenda item No. 124.2	Research Study Reports of Quality Council of India on important issues concerning the Scheduled Tribes.
-----------------------	--

National Commission for Scheduled Tribes had the Quality Council of India conducted research studies on following three important issues concerning the Scheduled Tribes:

1. Alienation/Transfer of Tribal land in Schedule V Areas.
2. Development induced displacement in Schedule V Areas.
3. Financial inclusion of Scheduled Tribes.

The Quality Council of India has completed the studies and submitted three reports on the above verticals in which various recommendation have been made for the better implementation of existing programmes and also indentified areas where policy changes are required. Important suggestions/recommendations of these reports can be made a part of recommendations of the Annual Report of the NCST for the year 2019-20.

The above reports were placed before the Commission for consideration and approval.

(After detailed discussion on the reports, the Commission approved these reports and decided to include the major recommendations in the Annual Report of NCST for the year 2019-20 to be presented to the President of India in due course.)

डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi



National Commission for Scheduled Tribes
Minutes of the 124th Meeting held on 27-02-2020

Agenda item No. 124.3	Proposal for inclusion of 'PaudiBhuyan (PVTG)' and 'ChuktiaBhunja(PVTG)' communities in the list of Scheduled Tribes of Odisha.
------------------------------	--

Ministry of Tribal Affairs, vide their letter No. 12026/20/2014-C&LM-I dated 18.02.2020 has forwarded a proposal for inclusion of 'Paudi Bhuyan(PVTG)' and 'Chuktia Bhunja(PVTG)' communities in the list of Scheduled Tribes of Odisha State. Report/Updated proposal and information received from Govt. of Odisha, ST & SC Development Department and comments of the ORGI have also been enclosed with the proposal.

On perusal of the proposal, it is noticed that Govt. of Odisha had submitted report/updated proposal for inclusion in the ST list of Odisha as synonyms (including sections/sub-sets and phonetic variations) of the existing entries pending with MoTA, Govt. of India which included 16th communities. The present proposal sent to the Ministry partly covers Sl. No. 3 and 5 of the above list of communities.

The ORGI, vide their letter dated July 13, 2016 has supported the proposal for inclusion of 'PaudiBhuyan(PVTG)' and 'ChuktiaBhunja(PVTG)' communities in the list of Scheduled Tribes of Odisha State.

The proposal received from Ministry of Tribal Affairs was placed before the Commission for consideration.

(After detailed discussion, the Commission decided to support the proposal of the Ministry of Tribal Affairs, Govt of India for inclusion of 'Paudi Bhuyan (PVTG) and 'Chuktia Bhunja (PVTG) in the list of Scheduled Tribes of Odisha State.)

डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi



National Commission for Scheduled Tribes

Minutes of the 124th Meeting held on 27-02-2020

Agenda item No. 124.4	Writ Petition (Civil) No. 23105 of 2019 in High Court of Madhya Pradesh regarding inclusion of various communities in the list of Scheduled Tribes of Madhya Pradesh State.
-----------------------	---

Ministry of Tribal Affairs, vide their letter no. 12016/14/2001-C&LM dated 26.02.2020 forwarded a proposal for Inclusion of various communities in the list of Scheduled Tribes of Madhya Pradesh State which is lying in High Court of Madhya Pradesh in **Writ Petition (Civil) No. 23105 of 2019**. The Ministry of Tribal Affairs has informed that it has received a proposal of Government of Madhya Pradesh regarding inclusion of various communities i.e. Dheemar, Kahar, Bhoi, Kevat, Mallah & Nishad as synonyms of Majhi and Majhwar in the list of Scheduled Tribes of Madhya Pradesh on the basis of their primitive traits, distinctive culture, occupation, backwardness etc. It has also been informed that currently, these communities are in the list of **other Backward Tribes (OBCs) of Madhya Pradesh**.

2. The Government of Madhya Pradesh since the year 2003, 2005, 2008, 2011, 2013 had submitted their recommendation for inclusion of Dheemar, Kahar, Bhoi, Kevat, Mallah & Nishad as synonyms of Majhi and Majhwar in the list of Scheduled Tribes of Madhya Pradesh. Subsequently, on many occasions the Ministry sought further justification on the observation of O/o Registrar General of India (ORGI) and the State Government continue to submit their proposals without substantive justification on the proposal. However, Government of Madhya Pradesh again vide letter dated 30.04.2016 recommended for inclusion of these communities in STs list of Madhya Pradesh. Ministry of Tribal Affairs vide letter dated 31.05.2018 requested Govt. of Madhya Pradesh to furnish comments/additional information on the observation of ORGI and also to furnish fresh ethnographic report and justification to support the recommendation. The Govt. Madhya Pradesh vide letter dated 29.08.2018 enclosing there with report of expert committee dated 08.08.2018 furnished additional information/comments. The same had been sent to ORGI for comments as per extent modalities vide this Ministry's letter dated 19.11.2018, in response the ORGI, vide their letter dated 27.01.2019 again reiterated that they had already considered the said proposal as a second reference twice earlier and it is of the view that the facts and grounds on the basis of which the ORGI disagreed with the proposal still remain valid, as the State Govt. did not furnish any additional relevant facts/justification in support their proposal.

3. Now the issue is of importance due to writ petition (Civil) No. 23105 of 2019 filed by Shri Rakesh Kumar, Petitioner, before the Hon'ble High court of Madhya Pradesh (Jabalpur Bench) praying to the Hon'ble High Court to direct the respondent No. 1 (i.e. Ministry of Tribal Affairs) to proceed further with the proposal of the State Government for inclusion of castes Dhimar, Dheemar, Kevat, Bhoi, Mallah, Kahar, Nishad as synonyms of caste Majhi and treat them at par with Majhi which is scheduled tribes list in respect to State of Madhya Pradesh.

6

डॉ. नन्द कुमार साहू DR. Nand Kumar Sai
अध्यक्ष/Chairperson



National Commission for Scheduled Tribes
Minutes of the 124th Meeting held on 27-02-2020

4. With regard to the above writ petition, Hon'ble High Court issued order dated 17.12.2019 with the directions to this Ministry, being the respondent No. 1,2 to take final decision in the matter and pass appropriate order on the recommendation of the State Govt. dated 08.08.2018. The Hon'ble High Court directed that the aforesaid exercise would have to be completed within a period of three months (i.e. by 16.03.2020) from the dated submitting certified copy of the said order dated 17.12.2019.

5. In view of the above, the Ministry of Tribal Affairs has requested NCST to make it convenient to arrange to furnish opinion of NCST in the matter to the Ministry urgently, to enable it to take final decision on the proposal of the State Government of Madhya Pradesh dated 29.08.2018 for inclusion of Dhimar, Dheemar, Kevat, Bhoi, Mallah, Kahar, Nishad as synonyms of caste Majhi and the court matter, as per the directions of Hon'ble High Court of Madhya Pradesh, on time bound matter.

6. Accordingly, the matter was placed before the Commission for consideration.

(The Commission observed that this is a proposal for inclusion of various communities in the list of Scheduled Tribes of the states of Madhya Pradesh as synonyms of Castes "Majhi and Majhwar" (ST). These Communities are already included in the list of other backward classes (OBC) of the State. The Government of Madhya Pradesh has many times recommended for inclusion of these Communities, however the office of Registrar General of India (RGI) has disagreed with the proposal on each occasion on several facts and grounds. The Commission also noted that the list of Scheduled Tribes in the State of Madhya Pradesh has been amended many times since the issuance of the Constitution (Scheduled Tribes) order, 1950 and many Committees had been informed earlier to examine the social status of marginalized groups but the Committees did not recommend for inclusion of these communities proposed by the State Government.

After detailed discussion, the Commission is of the view that inclusion of these communities in the list of Scheduled Tribes of Madhya Pradesh State are not desirable and they are appropriately placed in the list of OBCs as on date. Such inclusion shall be detrimental to the interest of Scheduled Tribes communities of the state. Accordingly, the Commission did not approve the proposal.)

डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi