

6/4/NCST/2004 C. Cell

MINUTES OF THE FOURTH MEETING OF THE NATIONAL COMMISSION FOR SCHEDULED TRIBES HELD ON 01-12-2004 AT 11.00 A.M. IN THE OFFICE CHAMBER OF HONBLE CHAIRMAN.

The Fourth Meeting of the National Commission for Scheduled Tribes (NCST) was held at 11.00 A.M. on 01-12-2004 under the Chairmanship of Shri Kunwar Singh, Chairperson, NCST, in his Chamber. The list of participants is at Annexure-I.

2. At the outset, Secretary welcomed the Chairman and Members of the Commission and thereafter, the agenda items were taken up for consideration

**Agenda Item No.1**                      **Confirmation of Minutes of the Second Meeting of the National Commission for Scheduled Tribes held on 29-6-2004.**

3. The Commission approved the minutes of the Second Meeting of the NCST held on 29-6-2004.

**Agenda Item No.2**                      **Action Taken on decisions of the Second meeting of the National Commission for Scheduled Tribes.**

4. The action taken and decisions of the Second meeting of the Commission were noted and approved.

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5..... Agenda Item No.3 Confirmation of Minutes of the Third Meeting  
6..... of the National Commission for Scheduled  
7..... Tribes held on 06-7-2004.  
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10..... 5. The Commission approved the minutes of the Third Meeting of the  
NCST held on 06-7-2004.

Agenda Item No.4 Action Taken on decisions of the Third  
meeting of the National Commission for  
Scheduled Tribes.

4. The following action taken position on decisions of the Third Meeting  
of the Commission were noted:-

(i) The State Governments/UT Administrations had been requested to  
furnish information relating to allocation, utilization and diversion of funds  
under the SCP and TSP during the last ten years along with their comments.  
The information was still awaited from seven States. It was decided that a  
d.o. letter from the level of Joint Secretary/Secretary should be sent to these  
States. (Action: ESDW)

(ii) State Governments and UT Administrations, particularly, Tamil Nadu  
State Government was requested to follow the pattern of Maharashtra and  
Uttar Pradesh regarding implementation of SCP and TSP. It was decided  
that a letter would be sent to the State Offices of the Commission at Pune  
and Lucknow to obtain details of practice pattern being followed by U.P.  
and Maharashtra Governments regarding implementation SCP and TSP.  
(Action: ESDW)

(iii) State Administrations/UT Administrations were requested to furnish information relating to allocation, utilization and diversion of funds under SCP and TSP for the last ten years. It was noted that information from some States/UTs had been received and the rest of States/UTs were being reminded. It was decided that this requisite information on allocation & utilization funds under Article 275 (1) and under the scheme of Special Central Assistance to Tribal Sub Plan (TSP) to the States/UT Administrations should be collected from the Ministry of Tribal Affairs.

**(Action: ESDW)**

(iv)(a) The Commission noted that the Chairman-cum-Managing Director, Air India Ltd. Mumbai had been reminded to furnish information regarding their recently advertised posts in which no mention was made about the posts reserved for Scheduled Castes and Scheduled Tribes. It was decided that a d.o. letter from Joint Secretary/Secretary should be sent to the CMD, Air India to furnish information on the same alongwith a note on the policy of reservation being followed by Air India. **(Action: SSW)**

(iv) (b) The Commission noted that the Chief Secretary, Govt. of Haryana, Chandigarh had been requested to send a report regarding reservation in promotion in Haryana Government. In this regard, Director (SSW) stated that only an interim reply had been received. It was decided that a d.o. reminder should be sent by the Joint Secretary **(Action: SSW)**

(iv) (c) It was also decided that the Secretary, University Grants Commission and the Registrars of all the Central Universities should be asked to furnish factual information regarding implementation of

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1884/2004. The Commission was informed that the University. In this regard, Director(SSW) informed that a circular was issued on 16/17<sup>th</sup> September, 2004. He also informed that Aligarh Muslim University and Lal Bahadur Shastri Sanskrit Vidyapeeth were not giving benefit of reservation in some faculty posts. It was decided that minutes of the meeting attended to by the Director(SSW) in the UGC should be obtained and put up immediately. It was also decided that the matter should also be taken up with the concerned Joint Secretary in the Department of Secondary and Higher Education, M/O HRD looking after the work of UGC. (Action: SSW)

(v) The Chairman advised that the Commission might review two or three Ministries/Departments of Central and State Governments each month. He further stated that a Questionnaire should be sent to all the Ministries/Departments of Central and State Governments to collect the information. The Chairman was informed that such an action was being taken. In this regard, Joint Secretary informed the Commission that Questionnaire for the review of States had been prepared and a smaller Questionnaire for review of Ministries and districts was under preparation. It was also decided that a schedule for review of Ministries should be prepared and reviews taken after receipt of information from the Ministries to ensure fruitful discussions (Action: SSW)

(vi) The Ministry of Social Justice & Empowerment was requested to look into the matter regarding reservation in private sector and intimate action taken. It was noted that the Ministry of Social Justice & Empowerment had been requested to take necessary action in this regard. (Action: SSW)

(vii) The Secretary, Department of Personnel and Training was requested to look into the matter regarding recognition of Scheduled Castes and Scheduled Tribes Employees Association and intimate action taken thereon. In this regard, Joint Secretary informed that DoPT had expressed inability to accept the proposal of the Commission on the ground that unions are usually formed according to labour laws of the country which include SCs & STs. (Action: SSW)

(viii) The Director General, Employment & Training, Ministry of Labour was requested to send data on un-employed youth belonging to Scheduled Castes registered in Employment Exchange. In this regard, Director(SSW) informed that the desired information for the calendar year 2003 has since been received. Secretary desired that the same should be put up for information of the Commission Members. (Action: SSW)

**Agenda Item No.5**

**Non filling of Scheduled Tribes seats in B-Pharma and D-Pharma Courses in Delhi University during the session 2004-2005.**

The issue regarding seats reserved in MBBS Courses for Scheduled Tribes Students in Delhi University is already under consideration of the Commission. It was decided that the above issue need also to be dealt in the same file and submitted immediately (Action: ESDW)

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It was decided unanimously that representations received from individual associations regarding inclusion/exclusion of certain Tribes in the scheduled list of the States should be sent to the concerned State Government under intimation to the petitioner associations for taking necessary action and sending their recommendations to the Commission. It was decided that cases for inclusion/exclusion of certain Tribes in the Scheduled list of the States should be put up to the Commission only after obtaining the recommendation/comments of the concerned State Government and the Registrar General of India. (Action: SSW)

**Agenda Item No.7** To create awareness among the law enforcing agencies by way of training/workshop in various States/UTs and in Police Training Colleges & a special study focused on Rape of ST women in Madhya Pradesh.

In this regard, DS(APCR) informed that the Commission had organized some training programmes/workshop with the help of the State Government for police personnel of the West Bengal and Kerala Governments. The impact of this training was that DG(Police) Kerala and Home Department, West Bengal had immediately issued the orders regarding implementation of SC/ST (POA) Act, 1989 in their States. It was decided that suitable training programmes for police officers and lower judiciary officers should be organized in all the States/UTs. It was also decided that a d.o. from Joint Secretary Secretary might be sent to the Registrar General of the High Courts and DG(Police) and Chief Secretaries

of the State Government. The Commission will also programme a  
implementation of the provisions of the Act. The officers of the  
Commission would assist the State Government in spreading the knowledge through  
presentations/lectures. It was also decided that two brochures captioned  
"Know your Rights and Duties" and "Some Frequently Asked Questions on  
the SCs and STs (POA) Act, 1989" prepared by the APCR Division might  
be sent to the State Offices of the Commission advising them to get those  
translated in the regional languages and for printing sufficient number of  
copies for wide distribution. (Action: APCR/General Admn.)

**Agenda Item No.8** Any other item with the permission of the  
chair.

8.1 Secretary informed the Commission that a letter had been received  
from the Ministry of Tribal Affairs that the President of India is pleased to  
direct that the terms of reference in respect of the National Commission for  
Scheduled Tribes shall be expanded to incorporate the following:

- (i) Measures that need to be taken over conferring ownership rights in  
respect of minor forest produce to STs living in forest areas
- (ii) Measures to be taken to safeguard rights of the tribal communities  
over mineral resources, water resources etc. as laid down by law.
- (iii) Measures to be taken for the development of tribal to plug  
loopholes and to work more viable livelihood strategies
- (iv) Measures to be taken to improve the efficacy of relief and  
rehabilitation measures for tribal groups displaced by development  
projects.

A MEETING OF DIRECTORS/SHAREHOLDERS HELD ON .....

The ..... Day ..... of ..... 20 .....

At .....

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- (vi) Measures to be taken to ensure maximum cooperation and involvement of tribal communities for protecting forests and undertaking social afforestation
- (vii) Measures to be taken to ensure full implementation of the provision of Panchayat (Extension to Scheduled Areas) Act, 1990.
- (viii) Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by tribals that lead to their continuous disempowerment and degradation of land and the environment

8.1.2 The Commission noted that the Ministry of Tribal Affairs had requested the Commission to look after the above issues in addition to the duties mentioned under Clause 5 of Article 338A of the Constitution.

8.1.3 The Commission observed that it was ever willing to accept any additional function for promoting the welfare of STs, but felt that additional responsibilities could not be effectively discharged unless adequate staff and funds were made available. The Commission noted with unhappiness that it was already facing the problem of shortage of staff due to non-filling of a number of vacant posts as also due to non-creation of certain posts for which proposals had already been sent to Ministry of Tribal Affairs. In this backdrop, the Commission expressed apprehension whether it would be in a position to do justice with the eight additional duties assigned to it by the Government in the absence of requisite supporting staff. It was decided that



in order to enable the Commission to take on the additional responsibilities, it was essential that Ministry of Tribal Affairs is approached to provide requisite funds under a Plan Scheme and also sanction additional posts under the proposed Plan Scheme. (Action : Admn.)

8.1.4 Member(BS) mentioned that during his visit to the State of Karnataka he wanted to meet the Chief Secretary of the State to review implementation of TSP programmes in the State but his PS told him that Chief Secretary had no time to meet him as he was busy. Secretary informed that a d.o. letter had already been sent to the Chief Secretaries of all the States requested by them to extend full cooperation to the Members of the Commission whenever they visited the State in connection with review of the implementation of the various constitutional safeguards available for the members of the Scheduled Tribes. (Action: ESDW)

8.1.5 It was decided that the file regarding reservation in the services to the Scheduled Tribes in the NCT Government of Delhi be submitted to the Secretary immediately. It was also decided that a copy of the order of High Court in this regard should also be obtained from the Registrar, High Court. (Action: SSW)

8.1.6 Chairman desired that Members/Officers of the Commission should also monitor the schemes/programmes being implemented in the block/districts by the State Governments. It was decided that a small Questionnaire would be prepared and sent to the district authorities and after receipt of reply from them, the Member/Officers would visit the place. (Action: ESDW)

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4. 8.1.7 It was decided that MD (Tribes) and MD, Scheduled Tribes  
5. Finance Development Corporation may be called in the Commission  
6. requesting them to make a presentation about their schemes for the welfare  
7. of Scheduled Tribes. (Action: ESDW)  
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8.1.8 The Chairman mentioned about some cases of bonded labour in  
Rice Mills of Tanjaur district in Tamil Nadu. In this regard, Secretary  
mentioned that action has been initiated by the State Govt on the report of  
the National Commission for Women. Chairman desired that it should be  
ensured that the State Govt was providing educational, health and  
rehabilitation facilities to the affected persons. It should also be ascertained  
whether the minimum wages were being paid to them. (Action: APCR)

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

Annexure-1

**FOURTH MEETING OF THE NATIONAL COMMISSION FOR  
SCHEDULED TRIBES HELD ON 01-12-2004 AT 11.00 A.M. IN THE  
OFFICE CHAMBER OF HON'BLE CHAIRMAN.**

Participants

1. Shri Kunwar Singh, Chairman
2. Smt. Prem Bai Mandavi, Member
3. Shri Buduru Srinivasulu, Member

**Shri Manoj Kumar, Secretary**

**In attendance:**

1. Shri K.N. Singh, Joint Secretary
2. Shri M.A. Sattar, Director
3. Shri Babu Lal, Director
4. Shri R.S. Garg, Director
5. Dr. A. Bhattacharya, Deputy Secretary
6. Shri Ajit Singh, Deputy Director