



भारत सरकार
राष्ट्रीय अनुसूचित जात आयोग
NATIONAL COMMISSION FOR SCHEDULED CASTES

राष्ट्रीय अनुसूचित जात आयोग, नई दिल्ली-110003

संख्या/ No.- No. 1/11/08-Coord

दिनांक/ Date: 09/01/2009

To

- 1) Smt. Urmila Singh, Chairperson
- 2) Shri Maurice Kujur, Vice-Chairperson
- 3) Shri Tsering Samphel, Member
- 4) Shri Oris Syiem Myriaw, Member

Sub: **Summary record of the 9th meeting of the National Commission for Scheduled Tribes held on 17.12.2008.**

Sir,

I am to refer to the above subject and to say that 9th meeting of the Commission was held at 11:30 P.M. on 17.12.2008 in the Conference Room of the Commission as scheduled. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. A copy of the Summary Record of the meeting is enclosed for information and record.

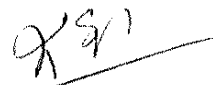

(R.C. Durga)
Director (Coord.)

Copy with copy of 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 30.01.2009 positively:

- (i) Director (RU-I & RU-II)
- (ii) Director (RU-III & Coord.)
- (iii) Dy. Secretary (RU-IV & Admn.)
- (iv) US (Admn.)
- (v) AD/ RO Incharge-RU-I/ RU-II/ RU-III/ RU-IV/ Coord/ SO (Admn.) / AD(OL).

Copy with copy of Summary Record of the meeting forwarded for information to:

1. PS to Chairperson/ PPS to Secretary/ PS to Joint Secretary.
2. Director/ Assistant Director/ Research Officer in Regional Offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi/Shillong.


(R.C. Durga)

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the 9th meeting of the National Commission for Scheduled Tribes held at 1200 hrs. on 17.12.2008.

The 9th meeting of the National Commission for Scheduled Tribes was held at 1200 hrs. on 17.12.2008 in the Conference room of the Commission in Lok Nayak Bhawan New Delhi. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. List of participants is enclosed at **ANNEXURE**.

2. Summary record of the discussions held in the meeting, **agenda item-wise**, is given below:

Agenda Item I Revised proforma for sending proposal for de-reservation of vacancies reserved for SCs and STs.

The Commission agreed with the proposal of Department of Personnel and Training for revising the proforma for sending proposal for de-reservation of vacancies reserved for SCs and STs. While re-iterating its earlier recommendations that the de-reservation of vacancies reserved for Scheduled Tribes in the matter of promotion should also be banned as in the case of Direct Recruitment/ amendment of RRs to provide for temporary diversion of unfilled vacancies from promotion quota to direct recruitment, the Commission was of the view that the following documents should also be annexed to proposals for dereservation:

- (a) Recruitment Rules of the post for which dereservation has been sought
- (b) Post-Based Rosters and updated seniority list of the officers holding the post for which dereservation is proposed
- (c) Recruitment Rules of the feeder post.
- (d) Post-Based Roster and updated seniority list of the feeder post
- (e) Reasons for non-availability of ST officers in feeder post
- (f) Efforts made by the department in the past to fill the vacancies reserved for ST in the feeder post as well as the post proposed for de-reservation and for temporary diversion of reserved vacancies from promotion to direct recruitment quota. HRD policy, if formulated, in this regard should also be quoted with extract thereof and status of its implementation.

Agenda Item II Note for the Cabinet for Amendment in Sec. 14 of the SCs & STs (PoA) Act, 1989.

The draft note for the Cabinet was discussed in detail and the suggestion made in the note for amendment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was agreed to.

Agenda Item III Age relaxation for the SCs, STs, and OBCs in case of appointment against unreserved vacancies

It was felt that since Scheduled Tribe children generally join School at very late stage, the grant of age relaxation is essential to make them eligible to compete

with the general candidates on an equal footing. Since age relaxation, without grant of concession or relaxation in minimum educational and other qualifications for the post would not be inconsistent with the maintenance of efficiency in administration, Scheduled Tribe candidates thus selected ought to be classified as having been selected on own merit; and the Commission recommended modification of DoPT's OM No 36011/1/98-Estt.(Res.) dated 1.7.1968 to this extent.

Agenda Item IV Recommendations of the Standing Committee on SJ&E on the Constitution (STs) (UTs) Order (Amendment) Bill, 2007 in relation to the UT of Lakshadweep

- (i) The Commission noted that Constitution (Scheduled Tribes) (Part C States) Order 1951 thus renamed and modified in the year 1956, as the Constitution (Scheduled Tribes) (Union Territories) Order 1951 specifying Scheduled Tribes in relation to the inhabitants of Lakshadweep for the first time, and after further amendments also, has the following entry:

Throughout the Union Territory:-

Inhabitants of Laccadive, Minicoy and Aminidivi Islands who, and both of whose parents were born in those Islands.

- (ii) The name of the Union Territory of Laccadive, Minicoy and Aminidivi Islands was substituted by the name Lakshadweep *vide* the Laccadive, Minicoy and Aminidivi Islands (Alteration of Name) Adaptation of Laws Order, 1974, for Part I- The Laccadive, Minicoy and Aminidivi Islands (w.e.f. 1.11.1973). As adequate Health and Medical facilities were not available in Lakshadweep Islands, many original inhabitants of the UT availed the Medical facilities for deliveries in Kerala and other States. These children of the original inhabitants who were not born on the Islands were not eligible to be treated as Scheduled Tribes as per the provision in the above Constitution Order **viz;.....whowere born in those islands.**
- (iii) On the earlier references on the subject, the Commission had observed that children born on the mainland for medical/ non-medical reasons should be treated as regular inhabitants of the islands (with a minimum period of residence of 10 years in the latter case). The Commission, had also concurred with the proposed definition of the term "settle permanently"
- (iv) The Commission also noted that the currently proposed amendment to the aforesaid order (2007) would enable children born on the mainland to be treated as Scheduled Tribes, but appears to dilute the requirement of permanent residence in the islands as "inhabitants".
- (v) The Commission discussed the issue in detail and noted that modification suggested by the Standing Committee implies that children of the inhabitants born on the mainland will be required not only to be ordinarily resident of the island but also be in possession of a dwelling unit. This is discriminatory in favour of the economically better-off sections. Since socio-economic backwardness arising from geographical isolation of the "inhabitants" of the

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islands has been the criterion for assigning Scheduled Tribes status to them (as also observed by the Parliamentary Standing Committee), the Commission felt that there is really no imperative reason to add a superfluous qualifying phrase "if such children settle permanently in the islands" in the new proviso to the order, and then attempt to define meaning by reference to unrelated statutes; and the same, including subsequent "Explanation" may be deleted from Clause 2 of the Bill.

- (vi) After implementation of the amendment of the Constitution (Scheduled Tribes) (Union Territories) Order 1951, as suggested above, and in view of the Government instructions dated 22.03.1977 relating to issue of SC and ST certificates mentioned above, all the indigenous families having permanent abode in Lakshadweep on 01.11.1956 will be eligible to be treated as Scheduled Tribes and the same status will devolve upon their children and grand children irrespective of their place of birth. No other person or his/ her family not having permanent abode in Lakshadweep on 01.11.1956 or those who have moved from other States to Lakshadweep will be eligible to be treated as Scheduled Tribes in relation to the Union Territory of Lakshadweep.

Agenda Item V Decisions taken in the third meeting of National Tiger Conservation Authority held on 21/05/2008 on the issues concerning the Scheduled Tribes

There are 4 important issues concerning the Scheduled Tribes on which decision was taken in the third meeting of National Tiger Conservation Authority held on 21/05/2008. These decisions of NTCA were discussed in the meeting. The following decisions were taken in the meeting w.r.t. each issue:

Decision taken by NTCA

Views of the NCST

- (i) In the context of relocation of villages from the tiger reserves, there is a need for effective surrender policy in extremist ridden areas where paramilitary forces have been deployed. A representative of Ministry of Home Affairs would be invited in future meetings.

A holistic approach should be made while considering the matter relating to conservation of tigers in the forest. The vital issues relating to subsistence of the STs who have been living in the forest for centuries and contributing towards the preservation of forest cannot be overlooked.

The villages and the inhabitants and their assets and properties to be relocated from the determined /proposed tiger reserves and protected areas should be identified on a priority basis as the issue of livelihood of inhabitants of relocated villages has to be planned and implemented in advance before execution of the project. This should be done after following the due consultation process with the Gram Sabha, in writing strictly as per provisions contained in the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2007(which has overriding effect over other provisions)

It should be ensured that relocation process is carried out peacefully and proper and effective measures are taken for rehabilitation of the people of relocated villages. Adequate security measures should also be essentially taken in

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the extremist ridden areas for the safety and the security of the habitats of these areas. It may also be explored whether relocation can be possible outside the extremist-ridden areas.

- (ii) The provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should also be kept in view while notifying new core or critical habitats under the Wildlife (Protection) Act, 1972.
- Provisions contained in Section 4(2) of the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2007 which lay emphasis on the protection of rights of local people, particularly Scheduled Tribes, while considering establishment of Tiger Reserves have overriding effect in view of Section 4 of this Act.

In order to ensure that

- (i) the provisions of the STs and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 are given due importance in carrying out the process of relocation of villages and
- (ii) there is no forceful relocation.

the Ministry of Tribal Affairs and Ministry of Environment & Forests together should keep a close watch on the relocation process to see that the provisions of the Act are not violated.

- (iii) Filling up of frontline staff vacancies under the Tiger Protection Force should be expedited by making adequate budgetary allocations. Proposal for raising a National Force for Tiger Protection (Special Tiger Protection Force) should be implemented.
- As local forest tribal and other forest dwellers, as defined under the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2007, are well versed with the forest areas, conservation of forests and the Wildlife, preference should be given to local forest dwelling tribal and other people, if necessary, by relaxing the prescribed qualifications for such posts. Similar provisions should be made while raising the proposed Special Tiger Protection Force.
- (iv) Technical Committee of NTCA will monitor the village relocation activities.
- A representative of the National Commission for Scheduled Tribes, preferably from the concerned Regional Office of NCST, should be associated with the Technical Committee of NTCA in monitoring the village relocation activities.

3. The meeting ended with vote of thanks to the Chairperson.

U. S. Srinivasan

ANNEX

National Commission for Scheduled Tribes

Meeting of the Commission held on 17.12.2008 at 1200 hrs. in the Conference Room of the Commission- List of participants.

<u>S.No.</u>	<u>Name and Designation</u>	
1.	Smt. Urmila Singh, Chairperson	(In chair)
2.	Shri Maurice Kujur, Vice-Chairperson	
3.	Shri Tsering Samphel, Member	
4.	Shri Oris Syiem Myriaw, Member	
5.	Shri R.S. Sirohi, Secretary	
6.	Shri Aditya Mishra, Joint Secretary	
7.	Shri R.C. Durga, Director	
8.	Shri Vinod Aggarwal, Director	
9.	Shri R.P.Vasishth, Deputy Secretary	
10.	Shri K.N. Singh, PS to Chairperson	