



No.1/9/15-Coord.
GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

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

Dated: 14/09/2015

To,

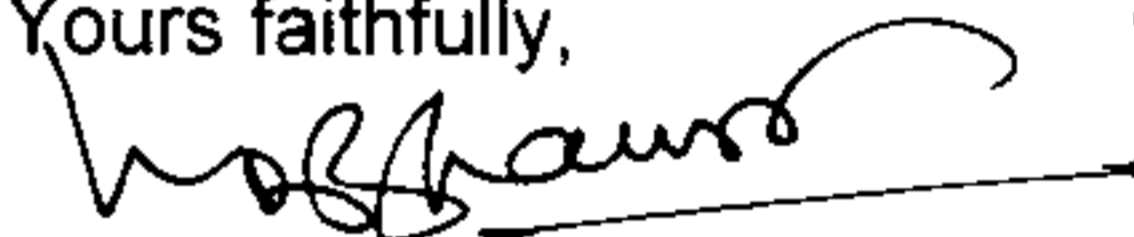
1. Dr. Rameshwar Oraon, Chairperson,
2. Shri Ravi Thakur, Vice Chairperson,

Sub:- Summary record of the 75th Meeting of the Commission held at 03:00 hours on 17/08/2015.

Sir,

I am directed to refer to the above subject and to say that 75th Meeting of the National Commission for Scheduled Tribes was held at 03:00 Hrs. on 17/08/2015 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,

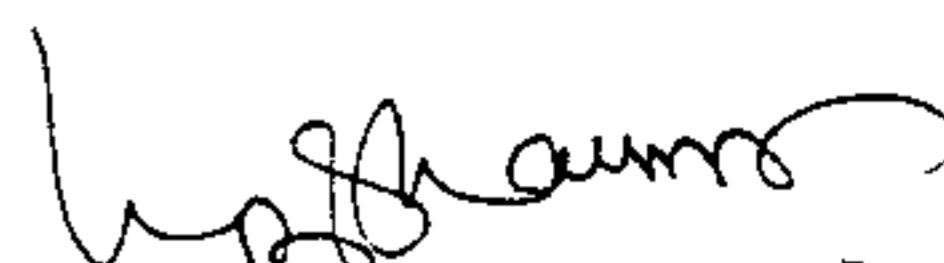

(K.D. Bhansor) Mrs.
Director

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 24/09/2015 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. PA to Chairperson,
2. PS to Vice Chairperson,
3. Office of the Secretary,
4. Office of the Joint Secretary,
5. Dy. Secretary/ Assistant Director/ Research Officer in Regional offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi and Shillong.
6. 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.1/9/15-समन्वय

दिनांक/Date: 14/09/2015

प्रति,

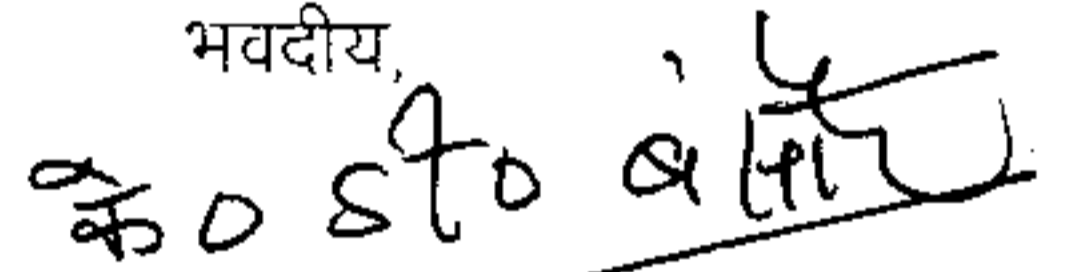
1. डा० रामेश्वर उराँव, अध्यक्ष
2. श्री रवि ठाकुर, उपाध्यक्ष

विषय: राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 17-08-2015 को अपराह्न 03:00 बजे सम्पन्न 75वीं बैठक का संक्षिप्त अभिलेख।

महोदय,

मुझे उपर्युक्त विषय का उल्लेख करते हुए यह कहना है कि आयोग की 75वीं बैठक आयोग के सम्मेलन कक्ष, लोकनायक भवन, नई दिल्ली में दिनांक 17-08-2015 को अपराह्न 03:00 बजे हुई थी। बैठक की अध्यक्षता डा० रामेश्वर उराँव, अध्यक्ष, अनुसूचित जनजाति आयोग द्वारा की गई। बैठक के संक्षिप्त अभिलेख की एक प्रति सूचना एवं अभिलेख हेतु संलग्न है।

भवदीय,

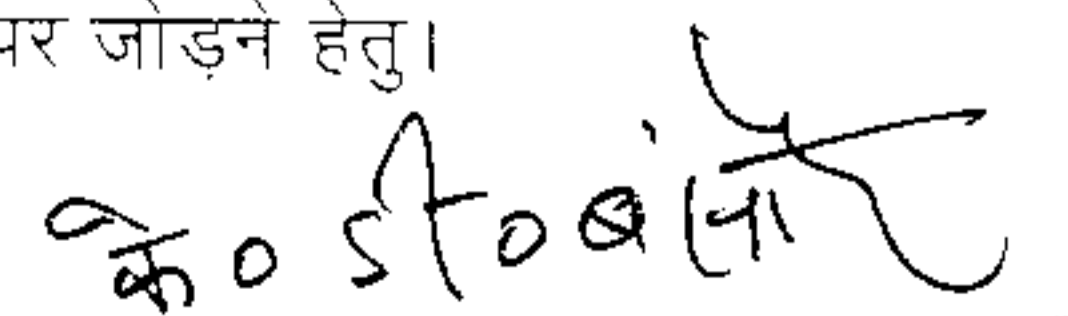

(के०डी० बन्सौर) श्रीमती
निदेशक

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 24-09-2015 तक अवश्य ही समन्वय एकक को भेज दी जाए।

- (i) निदेशक (आर०यू०- III, आर०यू०-IV, समन्वय एवं प्रशासन)
- (ii) उप सचिव (आर०यू०-I एवं आर०यू०-II)
- (iii) अवर सचिव (प्रशासन)
- (iv) सहायक निदेशक/ अनुसंधान अधिकारी प्रभारी-आर०यू०-1/ आर०यू०-II/ आर०यू०-III/ आर०यू०-IV/ समन्वय/ सहायक निदेशक (राजभाषा)।

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

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



**75TH MEETING
OF THE
NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST)
SUMMARY RECORD OF DISCUSSIONS**

Date: 17th August, 2015

Time: 3:00 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 as Annexure-I.

The scheduled Agenda Items for meeting discussed and decided as below:

Agenda Item I	Amendment to Article 243D of the Constitution of India for enhancing reservation for women in Panchayats and rotation of seats for reserved categories after a minimum of two terms.
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Ministry of Tribal Affairs (MoTA) vide letter No. 11029/01/2014-C&LM-II (Part) dated 3/8/15 forwarded Memorandum dated 28/7/2015 of Ministry of Panchayati Raj (MoPR) for NCST comments on Amendment to Article 243D of Constitution of India for enhancing reservation for women in Panchayats and rotation of seats for reserved categories after a minimum of two terms. Said memorandum dated 28/7/2015 was received in NCST on 7/8/2015.

2. A reference was earlier received in the Commission from MoPR wherein NCST comments were sought on enhancing reservation for Women in Panchayats. After 60th Meeting of the Commission (15/9/14), following comments were communicated to MoPR.

“Commission recommended to advice the Govt. for providing exact 50% reservation for Women in the total No. of Seats in the Panchayats and also in the Offices of Chairpersons of the Panchayats in all the three tiers.”

3. MOPR has now referred present draft Cabinet Note for NCST comments on Amendment to Article 243D of the Constitution of India for enhancing reservation for

women in Panchayats and rotation of seats for reserved categories after a minimum of two terms. Cabinet Note of MoPR inter-alia includes that

- (i) There is a need to further strengthen the participation of marginalized groups in Panchayats by enhancing reservation and increasing the tenure of reserved category Members and Chairpersons of Panchayats.
- (ii) Greater stability of tenure for Panchayat members and Chairpersons from Marginalized groups to enable them to exercise their leadership effectively.
- (iii) The practice of rotation of reserved seats and Offices of Chairpersons in Panchayats after every five years has impeded the development of the Governance capability of women and other members elected from reserved Constituencies.
- (iv) Lack of political and administrative background is an inhibiting factor for demonstration of governance skills which have to be acquired through experience.
- (v) Inability to contest elections for a second time due to rotation of reservations in every Panchayat election deprives women and other reserved candidate of this opportunity and pushes them out of Panchayats altogether, thereby blocking the development of grassroots leadership of women and other reserved communities.

4. Commission considered above proposal and recommends the following.

- (i) 50% reservation for women in Panchayati Raj(PR) set up and
- (ii) Ensuring minimum of two terms.

Agenda Item II	Declaration of Scheduled Areas in respect of States of Rajasthan and Kerala under Fifth Schedule to the Constitution of India.
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4.1 MoTA vide letter No. 18013/2/2014-C&LM-I dated 6/8/15 forwarded proposal on declaration of Scheduled Areas in respect of the States of Rajasthan and Kerala under Fifth Schedule to Constitution of India for NCST comments.

4.2 In the background note it is stated that the Scheduled Areas with regard to Rajasthan various orders were first notified in the year 1950. Changes were made in Scheduled Areas at the time of devising and adopting strategy of Tribal Sub-Plan (TSP) for socio economic development of STs during the 5th Five Year Plan, so as to make Tribal Sub-Plan areas co-terminus with Scheduled Areas. Accordingly, new Constitutional Orders specifying the Scheduled Areas were issued in 1975 in respect of Himachal Pradesh, in 1977 in respect of the States of Bihar, Gujarat, Madhya Pradesh and Odisha, in 1981 for Rajasthan, and in 1985 in respect of Maharashtra, after rescinding orders issued in 1950. Upon formation of new States of Chhattisgarh and Jharkhand vide Madhya Pradesh Reorganization Act, 2000 and Bihar Reorganization Act, 2000, respectively, Scheduled Areas for Madhya Pradesh, Chhattisgarh and Jharkhand were notified through Constitutional Order in 2003. Due to omission of some areas of Scheduled Areas of undivided Bihar State, Scheduled Areas for Jharkhand were notified through Constitutional Order in 2007.

4.3 The Scheduled Areas have been specified in the following districts in Rajasthan, vide C.O. 114 Scheduled Areas (State of Rajasthan) order, 1981 dated 12.02.1981.

- (i) Banswara District
- (ii) Dungarpur District
- (iii) The following in Udaipur District
 - (a) Tehsils of Phalasia, Kherwara, Kotra, Sarada, Salumbar and Lasadia
 - (b) Eighty one villages of Girwa Tehsil
- (iv) Pratapgarh Tehsil in Chittorgarh district
- (v) Abu Road block of Abu Road Tehsil in Sirohi District

4.4 Following in justification is cited for declaration of Scheduled areas in Rajasthan;

Government of Rajasthan has requested for extension of Scheduled Areas on basis of Census of 2011 and due to reorganization / creation of new districts in the

State. The proposal has approval of Rajasthan Cabinet. Present proposal is to declare Scheduled Areas afresh i.e., in supersession of existing notification, after taking into consideration re-organization of districts, and Scheduled Tribe population as per 2011 census, as proposed by Government of Rajasthan. Scheduled Areas are to be specified in districts of Banswara, Dungarpur, Udaipur (partially), Rajsamand (partially), Chittorgarh (partially) Pratapgarh (partially), and Sirohi (partially) in Rajasthan State.

4.5 On examination of the proposal, some discrepancies / inconsistencies were noticed viz a viz number of villages / tehsils. Government of Rajasthan was asked to submit requisite clarification and complete proposal along with names of districts, tehsils, municipalities and villages in English as well as in Devnagari script. In June, 2015, Government of Rajasthan deputed State Govt. officials for discussion / providing clarification on the proposal. Government of Rajasthan has accordingly provided requisite details. Government proposes to issue a Constitutional Order, specifying revised Scheduled Areas in Rajasthan State, after rescinding the Constitution Order, 114 in so far as it relates to Rajasthan. A copy of draft Constitution Order, specifying Scheduled Areas in Rajasthan, as drafted by Legislative Department, Ministry of Law and Justice has been received along with draft Cabinet Note.

4.6 Regarding justification in respect of Kerala it has been stated that

- i). Government of Kerala has requested for declaration of Scheduled Areas to bring some vulnerable tribal pockets under Fifth Schedule. Government of Kerala has identified these areas considering their backwardness, poor infrastructure facilities, inadequate livelihood avenues, very poor Human Development Index (HDI), land alienation problems and problem of Left Wing Extremism (LWE). Intent of Government of Kerala is for bringing tribal populated areas under Provisions of Panchayats (Extension to the Scheduled Area) Act, 1996 (PESA). Accordingly, Government of Kerala has proposed for declaration of Scheduled Areas in selected blocks / settlements of Wayanad, Idukki, Kannur, Palakkad and Malappuram Districts in the State.

- ii) Principal Secretary to Governor of Kerala had submitted proposal in January, 2015. Said proposal did not have population figures as per 2011 census and Devnagari script of proposed areas was also not provided. Government of Kerala was asked to submit the proposal with 2011 census data, along with names of district, gram panchayats and hamlets / settlements in Devnagari. In revised proposal of Kerala Government, it was noticed that names of some hamlets were repeated similar within various Gram Panchayats. Therefore, Government of Kerala was asked to submit authenticated list of hamlets proposed to be specified as Scheduled Area. Government of Kerala has thereafter furnished revised list of hamlets and submitted population details of proposed hamlets in July, 2015.
- iii) MoTA has proposed to issue a Constitutional Order, specifying Scheduled Areas in State of Kerala.
- (iv) A draft Constitutional Order, specifying Scheduled Areas in State of Kerala, as drafted by Legislative Department, Ministry of Law and Justice has also been received along with present draft Cabinet Note.
- (v) MoTA in implementation schedule has stated that project benefits / results in the Scheduled Areas, having preponderance of ST population of Rajasthan and Kerala will get benefits of protective measures available under Fifth Schedule to Indian Constitution as well as benefits of Tribal Sub Plan.
- (vi) About Public Accountability and how does the proposal advances this goal, it is mentioned that Government of Rajasthan and Kerala will be accountable for implementation of the provisions of Fifth Schedule to Constitution of India in Scheduled Areas.

4.7 Commission, after due deliberations, agreed to proposal of inclusion / exclusion of scheduled areas subject to following and thereafter the matter need to be worked out and put in next meeting of the Commission.

- (1). Whether such villages Panchayats are contiguous to scheduled areas. This would be done by Map verification.

(2). Population criteria is fulfilled / met, as per 2011 census data

Principles for declaration of scheduled areas are met.

(3). Increase in - area

- population

of existing area and newly revised area.

Agenda Item III	Cancellation of DoPT OM dated 10.8.10 conferring benefits to candidates of Halba Koshti/Halbi Koshti/Koshti community to continue to occupy vacancies reserved for genuine Scheduled Tribes.
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5.1 In pursuance to discussion's held in 48th, 55th and 59th meetings, NCST vide letter No. HCC/Maha /1/2013/RU-IV dated 30.9.14 requested Central Vigilance Commission to investigate matter of issuance of order fraudulently at JS level which was notified by DoPT vide its O.M. No. 36011/1/10-Estt. (Res.) dated 10.8.10 about appointments of candidates belonging to non ST Halba Koshti / Halbi Koshti / Koshti caste against vacancies reserved for STs. Central Vigilance Commission vide its letter No. 014/DPT/008/290640 dated 30.7.15 intimated

“that the matter was got investigated through Secretary, DoPT. The CVO, DoPT in its report did not find any irregularity/lapse on the part of officials of DoPT. The Commission has accepted the report of DoPT and decided not to pursue the matter further”.

5.2 The Commission observed that due to issuance of DoPT O.M. No. 36011/2/2010-Estt.(Res.) dated 10.8.10 posts which were meant and reserved for STs were utilized by non-STs and consequently it has deprived Scheduled tribes of benefits available under Constitutional provisions since Govt. of Maharashtra has stated by virtue of OM of DoPT about 20000 persons were provided employment. The Commission decided that Maharashtra Govt. may be asked to identify such

number of posts and take immediate remedial action so as to ensure that same number (equivalence of such posts) are carried forward so as to provide benefit to eligible genuine STs, which were filled by ineligible non-STs candidates. If needed so, necessary statutory amendments may be carried out in this respect.

5.3 NCST Secretariat will call for organization-wise details of such posts, which were filled up with non-eligible candidates and put up to NCST for perusal and necessary follow up.

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

Rameshwar Oraon

Chairperson

National Commission for Scheduled Tribes

डा. रामेश्वर उरांव/Dr. RAMESHWAR ORAON
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

ANNEXURE-I

National Commission for Scheduled Tribes
75th Meeting of NCST,
held on 17/08/2015 at 3:00 hours, New Delhi

LIST OF PARTICIPANTS

1. Dr. Rameshwar Oraon, Chairperson (In Chair)
2. Dr. Shyam Agarwal, Secretary
3. Shri Santosh Kumar, Joint Secretary
4. Smt. K. D. Bhansor, Director
5. Shri Pramod Chand, Deputy Secretary
6. Shri Rajesh Kumar, Under Secretary
7. Shri S.P. Meena, Assistant Director