



**MOST  
IMMEDIATE  
BY HAND**

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग  
GOVERNMENT OF INDIA

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

संख्या/ No. 1/4/10-Coord.

दिनांक/ Date: 29.04.2010

To

- 1) Shri Maurice Kujur, Vice-Chairperson
- 2) Shri Tsering Samphel, Member
- 3) Shri Oris Syiem Myriaw, Member

**Sub: 19th Meeting of the Commission to be held at 11:30 AM on 06/05/2010 – NOTICE FOR MEETING.**

Sir/ Madam,

I am directed to say that the next meeting of the Commission will be held on 06/05/2010 at 11:30 AM in the Conference Room of the Commission. The meeting will be presided over by Shri Maurice Kujur, Acting Chairman. The Agenda for the meeting is to consider the Draft of the 4th Report of the Commission for the year 2008-09. The Chapter Plan of the Report is given below for convenience:

Chapter No.	Name of the Chapter	Draft prepared by	Revised draft Circulated with letter/ OM No. and date
1	Organisational Set up and Functioning of the Commission	DS(RPV)	4/2/10-Coord. dt. 09/04/2010
2	Planning and Development for Scheduled Tribes	Dir(RCD)	Being circulated separately
3	Service Safeguards (including De-reservation)	Dir(VA) DD(KDB)	4/5/09-Coord. dt. 23/12/2009
4	Relief and Rehabilitation of displaced tribals	Dir(VA)	Being circulated separately
5	Scheduled Tribes and Forest Rights	Dir(RCD)	4/3/10-Coord. dt. 27/4/2010
6	Scheduled Tribes and Caste Certificates – Issues	Dir(RCD)	4/10/09-Coord. dt 27/4/2010
7	Atrocities on Scheduled Tribes	DS(RPV)	4/2/10-Coord. dt. 12/4/2010
8	Case studies	DD(KDB)	Being circulated separately 30/4/10
9	Consultation on Policy Related Issues	Joint Secretary	4/9/09-Coord. dt. 02/02/2010
10	Summary of Recommendations	Dir(RCD)	To be compiled after approval of other Chapters

2. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,

  
(Aditya Mishra)  
Joint Secretary

Copy for information and necessary action to: Secretary/ Joint Secretary/ Director (RU -I & RU -II)/ Director (RU – III & Coord.)/ DS (Admn.)/ DD(RU-IV)

Copy for information and record in F. No. 1/3/10-Coord



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. RU-IV/Service/Karnataka-2/2007

छठी मंजिल, 'बी' विंग, लोक नायक भवन  
खान मार्केट, नई दिल्ली-110003  
6th Floor, 'B' Wing, Lok Nayak Bhawan  
Khan Market, New Delhi-110 003

Dated .....24.05.2012.....

To,

- (1) Shri Maurice Kujur, Hon'ble Vice-Chairperson
- (2) Shri Tsering Samphel, Hon'ble Member
- (3) Shri Oris Syiem Myriaw, Hon'ble Member

**Sub: Proposal of Inclusion of 'Medara' community as a synonym of 'Meda' community in the ST list of Karnataka.**

Madam/Sir,

I am directed to enclose herewith a copy of Agenda Note on the above proposal for comments, if any.

2. The above proposal is likely to be discussed in the next meeting of the Commission.

Yours faithfully,

  
(Aditya Mishra)  
Joint Secretary

**Copy alongwith copy of the enclosure for information and necessary action to:-**

- (i) Secretary
- (ii) Joint Secretary
- (iii) Director (RU-I & RU-II)
- (iv) Director (RU-III & Co-ord.)
- (v) Deputy Secretary (RU-IV & Admn.)
- (vi) DD (RU-IV)
- (vii) PS to Chairperson

**Issue : Proposal for including 'Medara' community as a synonym of 'Meda' community in the ST list of Karnataka.**

**Background**

The proposal of the State Govt. of Karnataka for inclusion of 'Medara' community as synonym of 'Meda' community in the ST list of Karnataka had earlier come up for discussion in the Commission's meeting on 12.05.2008 when it was decided to call for certain additional information from the Govt. of Karnataka and the Ministry of Tribal Affairs. On receipt of the requisite information, the issue was again discussed in the meeting of the Commission on 22.01.2009 when it was found that the case need further consideration. Accordingly, the proposal was discussed at length in the Commission's meeting held on 02.09.2009. The gist of deliberations and the views of the Commission on the proposal as given in the minutes of the above meeting are as under:-

"Secretary, NCST referred to the observations made in the judgment of the Madras high Court and pointed out that unlike the 'Meda' who were hillsmen, the 'Medara' community are bomboo workers living in the urban areas and speak a variety of languages including Marathi and Telugu. The Commission noted that the State Govt. of Karnataka first recommended inclusion of four communities namely **Medara, Medari, Gauriga and Burud** as synonyms of **Meda** community in the list of Scheduled Tribes of the State vide their letter dated 19.10.1995. The proposal of the State Government was considered by the Government of India. It was, however, found that while the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002, notified on 07.01.2003, included **Medari, Gauriga and Burud** as synonyms of **Meda** community, it did not include **MEDARA** community as synonym of **MEDA** community. This omission was pointed out by the State Govt. vide their letter dated 19.03.2003. The State Govt. stated that in case the omission was due to oversight, action might be taken by the Govt. of India to include 'Medara' also as synonym of 'Meda'. Apart from the State Govt's above mentioned letter, the Commission took into consideration the following documents/inputs in support of its decision to agree to the proposal of the State Govt:

- (i) Letter dated 27.12.2006 from the office of Registrar General of India, new Delhi specifically recommending inclusion of 'Medara' as synonym of 'Meda' in the ST list of Karnataka.

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(ii) Additional inputs provided by the State Govt. vide their letter dated 05.06.08 in reply to the Commission's letter dated 21.09.07 regarding social customs, dialects, way of living, occupation, religious practices and practice of inter-marriage among the people belonging to 'Meda' and 'Medara' communities.

(iii) Additional inputs provided by the report of the Hon'ble Member of the Commission (Shri Tsering Samphel) dated 05.03.08 after his visit to the districts of Dharwar, Belgaum, Haveri and Uttara Kannada regarding the social customs, dialects and educational & economic status of the people belonging to Meda, Medara and Medari communities.

**The Commission noted that in his report dated 05.03.2008 (referred to above) the Hon'ble Member, inter-alia, stated that some of the members of 'Medara' community, as in the case of any other Scheduled Tribe community, had shifted to urban areas due to educational needs and in search of source of livelihood, but their original family members continued to live in the original tribal habitats, mostly in hills and therefore, the fact that some of the 'Medara' community members were inhabiting in urban areas and to that extent were not geographically isolated, could not be a valid reason to deny them their due rights admissible as Scheduled Tribes. The commission, therefore, expressed its agreement to the proposal for inclusion of 'Medara' community as a synonym of 'Meda' community in the ST list of Karnataka."**

2. The ministry of Tribal Affairs was informed of the above views of the Commission vide letter dated 11.09.2009. In response, the MTA vide letter dated 12016/12/01-TA(RL)/C&LM-I(Part) dated 30.11.2009 (Annexure-1) stated that the criteria for considering any community/tribe for inclusion in the list of Scheduled Tribes of any State/UT is (a) Indications of primitive traits (b) Distinctive Culture (c) Geographical isolation (d) Shyness of contact with the community at large and (e) Backwardness. On the basis of the aforesaid criteria, the MTA expressed the view that the statement of the Commission contained in the last para of the minutes (reproduced above) was contradictory and needed to be clarified.

p.577/c

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3. The Commission vide letter dated 14.12.2009 clarified to the Ministry that the views of the Commission were finalized after taking into account all relevant aspects. Copies of the Agenda Note circulated for the meeting held on 02.09.2009 alongwith tour report of Member(TS) and other relevant papers were also sent to MTA for information.

4. Vide their letter, dated 15.03.2010 (Annexure-II), MTA has informed the Commission that the papers sent by the Commission would not help the Ministry for consideration of the recommendations of the Commission. The Ministry has re-iterated their stand that the statement of the Commission as contained in its recommendation was contradictory and has requested for the specific views/comments of the Commission on the proposal of inclusion of Medara as synonym of Meda in the ST list of Karnataka.

**Proposed suggestion**

5. The Commission may re-iterate that the views of the Commission as communicated to the Ministry vide Commission's letter, dated 11.09.2009 are not contradictory. The Commission has made a clear recommendation for the conclusion of MEDARA community as a synonym of MEDA community in the ST list of Karnataka.

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29.09/2009  
02/12/09

F. No. 12016/12/01-TA (RL)/C&LM-I(Part)  
Government of India  
Ministry of Tribal Affairs  
\*\*\*\*

Shastri Bahwan, New Delhi-115  
Dated: 30<sup>th</sup> November, 2009.

To,  
The Secretary,  
National Commission for Scheduled Tribes  
Lok Nayak Bhawan.  
New Delhi.

Subject: Inclusion of 'Medara' as synonym of 'Meda' ST notified at Sl. No. 37 in the list of STs of Karnataka.

Sir,

I am directed to refer to the National Commission for Scheduled Tribes (NCST)'s letter No. RU.IV/Serv./Karnataka-2/2007 dated 11-9-09 on the subject cited above and to say that the criteria for considering any community/tribe for inclusion in the list of Schedule Tribes of any State/UT is:-

- a) Indications of primitive traits;
- (b) Distinctive culture;
- (c) Geographical isolation;
- (d) Shyness of contact with the community at large; and
- (e) Backwardness

RO/RLV  
SP/ST

2. However, in Commission's aforesaid letter of 11-9-09 in Para 3 it has been stated that 'the Commission further noted that in his report dated 5-3-08 (referred to above), the Hon'ble Member, inter-alia, stated that some of the member of 'Medara' community, as in the case of the any other ST community, had shifted to urban areas due to education needs and in search of source of livelihood, but their original family members continued to live in the original tribal habitats, mostly hills and therefore, the fact that some of the 'Medara' community members were inhabiting in the urban areas and to the extent were not geographically isolated, could not be valid reason to deny them their due rights admissible as ST.

3. This is clearly a contradictory statement and needs to be clarified in view of the criteria laid down for scheduling, as referred above.

Yours faithfully,

(Dr. N.K. Ghatak)  
Joint Director  
Telefax. 23383965

DD

2:12:09  
J.S. may please  
at least

21/12/09  
ABIRCO

May please pick up  
clarification rephrasing  
21/12/09  
RD (M. V.) / RO IV on file H.  
21/12/09

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F. No. 12016/12/01-TA (RL)/C&LM-I(Part)  
Government of India  
Ministry of Tribal Affairs  
\*\*\*\*

Shastri Bahwan, New Delhi-115  
Dated: 15<sup>th</sup> March, 2010.

To,

The Secretary,  
National Commission for Scheduled Tribes  
Lok Nayak Bhawan.  
New Delhi.

Subject: Inclusion of 'Medara' as synonym of 'Meda' ST notified at Sl. No. 37 in the list of STs of Karnataka.

Sir,  
65/649  
17/3/10

I am directed to refer to the National Commission for Scheduled Tribes (NCST)'s letter No. RU.IV/Serv./Karnataka-2/2007 dated 14-12-09 on the subject cited above and to say that the documents / information furnished by the Commission with the aforesaid letter are the papers which have been considered by the Commission during the deliberations in the Commission's meeting held on 2.9.09. These documents would not help the Ministry for consideration of the recommendations of the NCST

DDB/DB/

In this regard it is mentioned that this Ministry has requested the NCST, vide letter of even no dated 30.11.09 to clarify a contradictory statement furnished by the Commission in their letter No. RU.IV/Serv./Karnataka-2/2007 dated 11.09.09. As per the criteria laid down for scheduling a community as Scheduled Tribe, the clear and specific views/comments of the Commission for inclusion of 'Medara' as synonym of 'Meda' ST of Karnataka are required, which are still awaited.

D.S. 1000  
17/3/10

The NCST is therefore, requested to furnish its clear and specific views/ comments for inclusion of 'Medara' as synonym of 'Meda' ST of Karnataka .

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Please put up in

file  
17-3-10

DDB/DB/

17/3/10

Yours faithfully,

(Dr. N.K. Ghatak)  
Joint Director  
Telefax. 23383965

17-3-10

Note

We have already communicated commission's recommendation dated 06.11.2009 in the 15th meeting for providing 7.5% reservation to STs in Delhi's educational institutions. See page "2" sir.

Similarly our recommendation should be on the same line consequent to the judgement 04.08.2009 of Hon'ble Supreme Court of India. Hence at page "4" the word "residents of Delhi" should be deleted.

Hence submitted sir, for your Hon'ble approval.

J. Lompal  
25/3/10

Hon'ble Vice-Chairman

Approved

May send dly  
All

H. 08/3/10

JL Alh  
8/2

Secretary

The recommendations have to be seen in the context of the proposal received from MHA (migrated SCs/STs: inclusion in SC/ST lists) and the proposal placed for consideration in the agenda etc. if necessary, the record can be amended after further discussion in the next meeting of the Commission.

Vice-Chairperson

8/3/10

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3. वरिष्ठ सिस्टम विश्लेषक (NIC Cell, NCSST) आयोग की वेबसाइट पर जोड़ने हेतु।
2. निदेशक/सहायक निदेशक/अनुसंधान अधिकारी, राष्ट्रीय अनुसंधान जनजाति आयोग के माध्यामिक/सहसहायक/उपसहायक/राष्ट्रीय/हिजांग शिक्षण क्षेत्रीय कार्यालय।
1. उपाध्यक्ष के निजी सचिव/सहायक सचिव महोदय के प्रधान निजी सचिव/सहायक सचिव के निजी सचिव।
- प्रतिनिधि, बैठक के सक्षिप्त अभिलेख की एक प्रति सहित, सूचनाएं आशिल्वः
- (v) समन्वय/अनुसंधान अधिकारी (प्रशासन)/सहायक निदेशक (राजभाषा)।  
सहायक निदेशक/अनुसंधान अधिकारी प्रभासी - आर०यू०-I/आर०यू०-II/आर०यू०-III/आर०यू०-IV/  
(iv) उप निदेशक (आर०यू०-IV)  
(iii) उप सचिव (प्रशासन)  
(ii) निदेशक (आर०यू०-III एवं समन्वय एकक)  
(i) निदेशक (आर०यू०-1 एवं आर०यू०-II)

हस्ताक्षर दिनांक 10.06.2010 तक अवश्य ही समन्वय एकक को भेज दी जाए।  
अभिलेख कि बैठक में लिए गए निर्णयों पर की गई कार्रवाई के संबंध में जानकारी प्रत्येक संबंधित एकक/कार्यालय प्रतिनिधि, बैठक के सक्षिप्त अभिलेख की एक प्रति सहित, निम्नलिखित अधिकारियों को देना अनुसंधान के साथ

समन्वय सचिव

(आशिल्व निष्ठा)

महोदय,

हे।  
राष्ट्रीय अनुसंधान जनजाति द्वारा की गई। बैठक के सक्षिप्त अभिलेख की एक प्रति सूचना एवं अभिलेख हेतु संलग्न  
कक्ष में दिनांक 6 और 7 मई 2010 को प्राप्त: 11:00 बजे हुई थी। बैठक की अध्यक्षता श्री मरिस कुंजर, उपाध्यक्ष,  
मुख्य उपसचिव विषय का उल्लेख करते हुए यह कहना है कि आयोग की 19वीं बैठक आयोग के समन्वय

- महोदय,  
विषय: राष्ट्रीय अनुसंधान जनजाति आयोग की दिनांक 6 और 7 मई 2010 को हुई 19वीं बैठक का  
सक्षिप्त अभिलेख।
- 1) श्री मरिस कुंजर, उपाध्यक्ष
  - 2) श्री छविग सम्कल, सदस्य
  - 3) श्री वरीस सीम मरीयाद, सदस्य

पति,  
संख्या/No.- 1/4/10-समन्वय  
दिनांक/Date: 29/05/2010

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**  
**GOVERNMENT OF INDIA**  
राष्ट्रीय अनुसंधान जनजाति आयोग  
भारत सरकार



दस्तावेज/लोक द्वारा



BY  
HAND/POST

भारत सरकार  
राष्ट्रीय अनुसूचित जनजाति आयोग  
GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED TRIBES

संख्या/ No.- 1/4/10-Coord

दिनांक/ Date: 29/05/2010

To

- 1) Shri Maurice Kujur, Vice-Chairman
- 2) Shri Tsering Samphel, Member
- 3) Shri Oris Syiem Myriaw, Member

**Sub: Summary record of the 19th meeting of the National Commission for Scheduled Tribes held on 6th and 7th May, 2010.**

Sir,

I am to refer to the above subject and to say that 19th meeting of the National Commission for Scheduled Tribes was held at 1100 Hrs. on 6th and 7th May, 2010 in the Conference room of the Commission in Lok Nayak Bhawan New Delhi. The meeting was presided over by Shri Maurice Kujur, Vice-Chairman, National Commission for Scheduled Tribes. A copy of the Summary Record of the meeting is enclosed for information and record.

Yours faithfully,

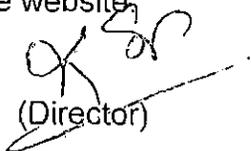
  
(Aditya Mishra)  
Joint Secretary

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 10.06.2010 positively:

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

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

1. PS to Vice-Chairman/ 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.
3. Sr. System Analyst (NIC Cell, NCST) for uploading on the website.

  
(Director)

## NATIONAL COMMISSION FOR SCHEDULED TRIBES

**Sub : Summary record of the 19th meeting of the National Commission for Scheduled Tribes held on 06/05/2010 and 07/05/2010.**

The 19th meeting of the National Commission for Scheduled Tribes was held at 11:30 hrs. on 06/05/2010 in the Conference room of the Commission in Lok Nayak Bhawan New Delhi and was presided over by Shri Maurice Kujur, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes. The Agenda of the meeting was to consider the first draft of the 4th Report of the Commission for the year 2008-09. Draft Chapters had been circulated separately. As the discussions on all the Chapters of the draft Report could not be completed on 06/05/2010, the Commission met again on 07/05/2010 to complete the discussion. List of participants is enclosed at ANNEXURE.

2. The decisions taken and the action points that emerged out of the discussions held in the meeting are given below:

**Agenda Item 1** To consider the draft Chapters of 4th Report of the NCST for the period 2008-09.

Chapter No.	Name of the Chapter
1	<b>Organisational Set up and Functioning of the Commission</b>

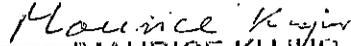
Details of the cases/ Files mentioned in Annexure I and II may be rechecked and information about composition of the Commission during the year 2008-09 may be added in para 1.3 of the Chapter.

2	<b>Planning and Development for Scheduled Tribes</b>
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This Chapter was discussed on 06/05/2010. The Secretary, NCST informed the Commission that the information about implementation of Tribal Sub-Plan during first 3 years of the 11th Five Year Plan was called from the State Governments, Central Ministries, Planning Commission and the Ministry of Tribal Affairs for incorporating in this Chapter. Planning Commission as well as Ministry of Tribal Affairs has not furnished the requisite information. Response is also not encouraging in respect of the States and Central Ministries/ Departments. It was, therefore decided that

(i) for the present this Chapter may be kept in abeyance and after updating the material, this Chapter may be included in the next Annual Report of the Commission.

(ii) the material of the draft Chapter may be converted into Discussion Paper and the same may be discussed in a meeting with the Member

  
 मोरीस कुजुर/MAURICE KUJUR  
 उपाध्यक्ष/Vice-Chairperson  
 राष्ट्रीय अनुसूचित जंगजाति आयोग  
 National Commission for Scheduled Tribes  
 भारत सरकार/Govt. of India  
 नई दिल्ली/New Delhi

(PC), Advisor (PC), and Secretary, Ministry of Tribal Affairs.

(iii) a meeting may also be held with the Secretaries of the TW Department of the States which have not responded.

### 3 Service Safeguards

The Chapter includes the measures taken by various authorities with regard to implementation of the policy regarding reservation for STs in services and posts under various Departments/ Organisations. The Secretary, NCST mentioned that the representation of the STs, both in the teaching as well as in the non-teaching staff, in Jamia Millia Islamia University had been consistently poor. Further, in respect of Aligarh Muslim University the representation of STs in teaching as well as in the non-teaching staff is nil. A meeting was, therefore, planned to be held shortly with these Universities as well as with the UGC and the Ministry of HRD to ascertain the reasons of lack of representation of STs in these Universities. In this connection, the Secretary mentioned that it was necessary to seek reasons and clarification from the Ministry of HRD and UGC regarding exemption from reservation for STs in respect of the Institutions having minority status. The contents of the Chapter would be updated as per the outcome of the meeting.

The Chapter also includes information about the proposals received in the Commission during the period of the Report from various Ministries/ Departments regarding de-reservation of various categories of posts reserved for STs. It was decided that the latest status of each proposal should also be reported. Members were of the view that the dereservation in promotion may also be banned and a workable solution for solving the problem of shortfall of STs in various categories of posts may be suggested in the Chapter.

### 4 Relief and Rehabilitation of displaced tribals

Secretary, NCST mentioned that in the recent times, due to liberalization, globalization, industrialization and economic growth, a number of industries, in addition to various multipurpose hydro power projects were coming up in the country. These industrial units and hydro power projects require land in large quantity. Tribals are traditional occupants of land resource in the country. Such projects are resulting in large scale displacement of people, mostly tribals. In this connection, Secretary also mentioned that two important Bills viz; Land Acquisition (Amendment) Bill, 2007 and the Rehabilitation and Resettlement Bill, 2007 were presented in the Lok Sabha regarding which the NCST has not been consulted. While the Bills may have lapsed, however, considering the importance of the issue in relation to the tribals, it is proposed to include comments on various provisions of the Bills in the Chapter.

The Commission made following observations for appropriately reflecting in the Chapter:

- (i) There should be a consistency in provisions of Resettlement and Rehabilitation Acts of various Ministries/ States/ UTs. At present, the focus of existing resettlement and rehabilitation Acts of various

*Maurice Kujur*  
 मोरीस कुजुर/MAURICE KUJUR  
 उपाध्यक्ष/Vice-Chairperson  
 राष्ट्रीय अनुसूचित जाति आयोग  
 National Commission for Scheduled Tribes  
 भारत सरकार/Govt. of India  
 नई दिल्ली/New Delhi

State Govts and the Ministries is on providing compensation, whereas in case of displacement of tribals, they are deprived of their livelihood, social binding, traditional customs and society, emotional and social attachment with the land, forest rights, etc. Therefore, the resettlement and rehabilitation Act should invariably account for these aspects with their related impacts.

- (ii) In case land is acquired for a project and the project is abandoned or the intended land use is changed, the land should be returned to its original owner without insisting repayment of compensation.
- (iii) It should be ensured that RR Plan should encompass facilities / infrastructure resulting in a better rehabilitation than earlier one.
- (iv) All out efforts should be made to avoid acquisition resulting in displacement or at least to minimize displacement in case it is unavoidable.
- (v) Tribals should be provided land in lieu of the acquired land.
- (vi) In case of displacement from forest villages, tribals should be resettled in forests only.
- (vii) Each State should have its own RR policy on the lines of the NRRP and the NTP with special attention to the local problems.
- (viii) In case land is acquired for a development project, its benefit i.e. the public purpose it serves, and the loss it causes to the displaced persons, should be accounted for. As a matter of principle, no development project should be commissioned at the cost of poor tribals.
- (ix) NCST may proffer detailed comments on the LA/ R&R Bills to the concerned Ministry/ MTA so that these concerns are also incorporated into the proposed legislation at an appropriate juncture.

#### 5. Scheduled Tribes and Forest Rights

This Chapter was discussed on 07/05/2010. After the discussion it was decided that the following points may be highlighted in the Chapter:

- (i) Reasons for large-scale rejection of the claims for Forest Rights may be ascertained from the State Governments and mentioned.
- (ii) The Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides for certain conditions for diversion of the forest land under certain conditions, but the Act does not mention about rehabilitation of the tribals displaced due to diversion of the land for other uses.

#### 6 Scheduled Tribes and Caste Certificates – Issues

This Chapter was discussed at length on 06/05/2010. The following points need to be attended/ revised/ highlighted

- (i) A copy of the instructions issued by the Government in the year 1999 for adopting the criteria for identifying the communities as

*Maurice Kujur*  
 मोरीस कुजुर/MAURICE KUJUR  
 उपाध्यक्ष/Vice-Chairperson  
 राष्ट्रीय अनुसूचित जनजाति आयोग  
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 नई दिल्ली/New Delhi

Scheduled Tribe may also be enclosed and the contents of the para 6.14 may be revised accordingly.

- (ii) Para 6.16 under the sub-title **Synonyms and Sub-Tribes** mentions about Supreme Court's ruling in the case of Bhaiya Ram Munda Vs. Anirudh Patar. The decision held by the Court may also be mentioned in the Report.
- (iii) Para 6.24 under the sub-title **Competent Authorities to amend the lists of Scheduled Tribes and issue clarifications** mentions about certain directions issued by Government of Bihar and Madhya Pradesh. Copies of these directions, if available, may be annexed and the contents of the para may be revised accordingly.
- (iv) [Member (OSM) informed that] Various authorities/ NGOs other than the Revenue authorities are stated to have been authorized to issue the caste certificates. This may be got confirmed and if it is found true, a suitable comment may be added in para 6.25 of the Chapter.
- (v) The suggestions about content of the format of the caste certificate may be revised so that the format is easy to understand and fill correct and capable of computerized record keeping in future. Therefore, relevant paras relating to the format may be revised accordingly.
- (vi) Emphasis may also be laid on the procedure for issuing the caste certificate on the basis of certificate already issued to any of the family member.
- (vii) All children studying in the Schools should be given benefit on the basis of certificate of the father. Steps may also be initiated to issue certificate in the name of the child at the School stage itself so that he/ she doesn't find difficulty in availing the benefits admissible to the Scheduled Tribes after leaving the School for higher education, employment or such other activity.

## 7 Atrocities on Scheduled Tribes

The Secretary. NCST mentioned that the draft Chapter included special features of the SCs and STs (PoA) Act, 1989, procedure adopted by the Commission in dealing with atrocity related cases, analysis of data compiled by NCST on atrocities and also comments on the amendment to the existing Act and Rules proposed by the MSJE.

Secretary mentioned that analysis of the cases received in the Commission has also been included in the Report. He emphasized that the timeliness and the quality of investigation was a matter of concern in most of the cases. There was an imperative need to sensitize Police Personnel in every State/ UT about the importance of effective implementation of the SCs and STs (PoA) Act, 1989. He also proposed that the details of frequency of holding of the State Level Vigilance and Monitoring Committees, in various schemes wherever available, may also be indicated in the Chapter, to reflect a proper assessment of their effective

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 राष्ट्रीय अनुसूचित जनजात आयोग  
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working in implementation of the SCs and STs (PoA) Act, 1989.

Secretary, NCST further mentioned that the feedback received from examination of the atrocity related cases in the Commission was being shared with the concerned State Govts. to identify corrective mechanisms for effective implementation of the SCs and STs (PoA) Act, 1989. In this connection, meetings have been held with the concerned DGPs and Secretaries of the concerned Deptts. of the Andhra Pradesh, Tamil Nadu, Rajasthan and Chhattisgarh. Further meetings with the State Govts. of Madhya Pradesh, Jharkhand, Orissa and Government of NCT of Delhi are proposed to be held shortly. Based on the position/ feedback emerged from the discussion held in these meetings, the draft Chapter will be modified with appropriate recommendations on various issues.

### 8 Case studies

The Secretary, National Commission for Scheduled Tribes mentioned that a few successful cases for the year 2008-09 have been included in the Report. These include the cases handled by the Hqrs. as well as by the Regional Offices. The information relating to each case may be updated and presented correctly.

### 9 Consultation on Policy Related Issues

The Secretary, NCST mentioned that the Commission has been communicating its views on various policy related issues which fall in following categories:

- (i) Proposals received from the Central and the State Governments/UT Administrations pursuant to Clause 9 of Article 338A of the Constitution
- (ii) Suo-moto recommendations by the Commission on various tribal issues mostly contained in the reports which are submitted to the President in terms of Clause 5(d) of Article 338A.
- (iii) Submissions, made in Court cases in which the Commission is one of the Respondent

During the year 2008-09, the Commission communicated its views on several policy related issues with reference to the above, which have been included in the draft Report with the action taken by the concerned Ministry/ Deptt. wherever available. In this connection, Secretary, NCST also mentioned that a reference was made at the level of the Chairperson to seek the position regarding action taken by the concerned Ministries/ Deptts on various policy related issues. However, details of the action taken were not communicated by majority of the Ministries/ Deptts. The position in this regard has been accordingly reflected in the draft Report.

### 10 Summary of Recommendations

The Recommendations contained in various Chapters of the Report are summarized in this Chapter. Therefore, this Chapter will be prepared after approval of the main 9 Chapters of the Report.

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

*Maurice Kujur*

मोरीस कुजुर/MAURICE KUJUR  
उपाध्यक्ष/Vice-Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
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**ANNEXURE**  
(w.r.t. Para 1 of the Summary Record)

**National Commission for Scheduled Tribes**

Meeting of the Commission held on 06/05/2010 and 07/05/2010 in the Conference Room of the Commission- List of participants.

**S.No.    Name and Designation**

1. Shri Maurice Kujur, Vice-Chairperson (In chair)
2. Shri Tsering Samphel, Member
3. Shri Oris Syiem Myriaw, Member
4. Shri R.S. Sirohi, Secretary
5. Shri Aditya Mishra, Joint Secretary
6. Shri R.C. Durga, Director
7. Shri Vinod Aggarwal, Director
8. Shri R.P. Vasishtha, Dy. Secretary
9. Smt. K.D. Bhansor, Deputy Director



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BY HAND**

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

संख्या/ No. 1/5/10-Coord.

दिनांक/ Date: 28.05.2010

To

- 1) Shri Maurice Kujur, Vice-Chairperson
- 2) Shri Tsering Samphel, Member
- 3) Shri Oris Syiem Myriaw, Member

**Sub: 20th Meeting of the Commission to be held at 11:00 AM on 11/06/2010 – NOTICE FOR MEETING.**

Sir/ Madam,

I am directed to say that the next meeting of the Commission will be held on 11/06/2010 at 11:00 AM in the Conference Room of the Commission. The meeting will be presided over by Shri Maurice Kujur, Hon'ble Vice-Chairperson. The Agenda Items for consideration in the meeting are given below:

S. No.	Subject	Received from	Concerned F.No. / Circulated with letter/ OM No.	Member concerned	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1	4th Report of the Commission for 2008-09 – Revised draft for consideration and approval	As per mandate of the Commission	@		
2	Proposal for inclusion of 'MEDARA' community as a synonyms of 'MEDA' ST of Karnataka - reconsideration	Ministry of Tribal Affairs	RU-IV/ Service/ Karnataka-2/ 2007	M(TS)	
3	Land Acquisition (Amend-ment) Bill, 2007	Suo-moto proposal of NCST (concerns Min of RD)	RU-II	M(OSM)	
4	Rehabilitation and Resettlement Bill, 2007	Suo-moto proposal of NCST (concerns Min of RD)	RU-II	M(OSM)	

@ 1st draft was discussed in 19th meeting of the Commission held on 6th and 7th May, 2010. The report has 8 main Chapters and 9th Chapter contains Summary of Recommendations contained in 8 main Chapters.

2. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,

  
(Aditya Mishra)  
Joint Secretary

Copy for information and necessary action to: Secretary/ Joint Secretary/ Director (RU -I & RU -II)/ Director (RU - III & Coord.)/ DS (Admn.)/ DD(RU-IV)/ SO(Admn.)

Copy for information and record in F. No. 1/3/10-Coord

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GOVERNMENT OF INDIA**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

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संख्या/ No. 4/5/10-Coord.दिनांक/ Date: 07.06.2010

To

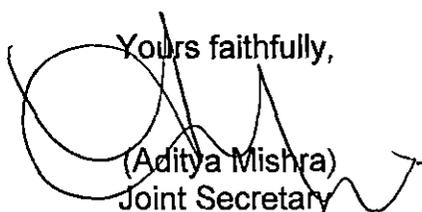
- 1) Shri Maurice Kujur, Vice-Chairperson
- 2) Shri Tsering Samphel, Member
- 3) Shri Oris Syiem Myriaw, Member

**Sub: Finalization of 4th Report of the National Commission for Scheduled Tribes for the year 2008-09 – Agenda Item I in the 20th Meeting of the Commission to be held at 11:00 AM on 11/06/2010.**

Sir,

I am directed to refer to this Commission's letter No. 1/5/10-Coord. dated 28/05/2010 regarding next meeting of the Commission to be held on 11/06/2010 at 11:00 AM in the Conference Room of the Commission and to enclose a copy of the revised draft of the 4th Report for consideration and approval by the Commission in the proposed meeting. The draft of the Report has been revised on the basis of suggestions made in the discussions on the draft Report held in the Commission on 6th and 7th May, 2010. The revised draft has 9 Chapters including Chapter 9 on Summary of Recommendations made in main 8 Chapters of the Report. Since it is final draft of the Report, + the contents of the report may not be kindly reproduced or made public or shared with any outsider in any form. Similarly, reference to any content or recommendation contained in the report, may also be kindly avoided in any communication in written or verbal form till the same has been placed before Parliament.

Yours faithfully,



(Aditya Mishra)  
Joint Secretary

Copy with a copy of the revised draft Report for information and necessary action to:

1. Secretary
2. Joint Secretary
3. Director (RU -I & RU -II)
4. Director (RU – III & Coord.)
5. DS (Admn.)
6. DD(RU-IV)

Copy for information and record in F. No. 1/3/10-Coord and 1/5/10-Coord.





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GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

संख्या/ No.- 1/5/10-Coord

दिनांक/ Date: 29/06/2010

To

- 1) Shri Maurice Kujur, Vice-Chairman
- 2) Shri Oris Syiem Myriaw, Member
- 3) Shri Raghuvendra Singh Sirohi, Secretary

**Sub: Summary record of the 20th meeting of the National Commission for Scheduled Tribes held on 11th June, 2010.**

Sir,

I am to refer to the above subject and to say that 20th meeting of the National Commission for Scheduled Tribes was held at 1:00 Hrs. on 11th June, 2010 in the Conference room of the Commission at Lok Nayak Bhawan New Delhi. The meeting was presided over by Shri Maurice Kujur, Vice-Chairman, National Commission for Scheduled Tribes. A copy of the Summary Record of the meeting is enclosed for information and record.

Yours faithfully,

  
(Aditya Mishra)  
Joint Secretary

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 15th July, 2010 positively:

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

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

1. PS to Vice-Chairman/ 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.
3. Sr. System Analyst (NIC Cell, NCST) for uploading on the website.

(Director)

## NATIONAL COMMISSION FOR SCHEDULED TRIBES

**Sub : Summary record of the 20th meeting of the National Commission for Scheduled Tribes held on 11/06/2010.**

The 20th meeting of the National Commission for Scheduled Tribes was held at 11:00 hrs. on 11/06/2010 in the Conference room of the Commission in Lok Nayak Bhawan New Delhi and was presided over by Shri Maurice Kujur, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes. List of participants is enclosed at ANNEXURE. There were four Agenda Items for discussion in the meeting. All the Agenda Items were discussed in detail. Agenda Items relating to **Land Acquisition (Amendment) Bill, 2007** and **Rehabilitation and Resettlement Bill, 2007** were taken up first since suggestions made in the Agenda Note on these Items were also part of the Chapter 3 on Rehabilitation and Resettlement of Displaced Tribals and therefore outcome of the discussion on these items would help finalise Chapter 3 of the 4th Report.

2. The decisions taken and the action points that emerged out of the discussions held in the meeting are given below:

**Agenda Item I To consider and approve the revised draft of the 4th Report of the National Commission for Scheduled Tribes for the period 2008-09.**

3. There are 9 Chapters in the Report as mentioned below:

- 1) Organisational Set up and Functioning of the Commission
- 2) Service Safeguards
- 3) Rehabilitation and Resettlement of displaced tribals
- 4) Scheduled Tribes and Forest Rights
- 5) Scheduled Tribe Certificates-Issues
- 6) Atrocities on Scheduled Tribes
- 7) Case Studies
- 8) Consultation on Policy Related Issues
- 9) Summary of Recommendations

4. The Commission discussed all the Chapters and expressed satisfaction that the suggestions made in respect of each Chapter in the last meeting of the Commission have been suitably incorporated in the revised draft. The Commission, however, observed that the Report needed editorial corrections and resetting of the formats of each Chapter in the Report. The Commission authorized the Secretary, National Commission for Scheduled Tribes to incorporate consequential refinements/ modifications to Chapter 3 as

*Maurice Kujur*  
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 उपाध्यक्ष/Vice-Chairperson  
 राष्ट्रीय अनुसूचित जनजाति आयोग  
 National Commission for Scheduled Tribes

land owners, as is evident from the provisions relating to urgency, computation of market value and inordinately long time limits for the determination/ payment of compensation etc. Since it vests land free of all encumbrances in a country where title documents did not exist, convenience of capital financing seems to have made compulsory acquisition as the preferred mode of mobilizing land for corporate industrial ventures in recent years, instigating frequent resort to this expropriatory law and inciting widespread resentment among tribals. Secretary, National Commission for Scheduled Tribes emphasized that considering the involuntary nature of the transaction, only limited rights of usage for the intended purpose should be acquired through land acquisition (as in a lease), especially in the case of ancestral tribal lands. In this connection, Secretary, National Commission for Scheduled Tribes mentioned that this fundamental change of approach was necessary to facilitate continued profit-sharing from alternative usage of land in future e.g. in case of mining projects, besides land rent a sum equal to royalty be paid on behalf of the land owners into the fund proposed to be constituted under Cl.22 for the duration of mineral extraction; and land returned to the owners thereafter or future earnings from the land shared if non-agricultural use is considered in another form.

8 Secretary, National Commission for Scheduled Tribes emphasized that as mentioned in para 7 of the Agenda Note, the definition of public purpose was very wide covering all sorts of infrastructure projects, which may not necessarily serve public interest. Under the Public Private Partnership (PPP), surrogate acquisition by the Government on behalf of industries/ developers, etc. has assumed threatening dimension in recent times, because larger extents of land, than required, are being commandeered as a substitute for capital mobilization by the State. In these circumstances, Secretary, National Commission for Scheduled Tribes suggested that the definition of public purpose should preferably be restricted for acquisitions of land for re-development, as in the British law and State owned/ managed institutions only.

9 To minimize resort to involuntary acquisition and limit deprivation of tribal land, Secretary, National Commission for Scheduled Tribes suggested that a rigorous process to be followed by any requiring body seeking involuntary acquisition of land should be inserted into the Bill. The provision should, inter-alia, require that the body should justify the minimum total area required for the project to establish the need for acquisition, before any purchase of land is contracted. This land requirement should be made known through public hearings before tribal land transfers are permitted by concerned

*Maurice Kyjir*

मोरीस कुजुर/MAURICE KYJIR  
उपाध्यक्ष/Vice-Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
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approved by the Commission w.r.t. Agenda Item III & IV and make necessary editorial corrections in all the Chapters of the Report and submit the final Report to the Hon'ble Vice-Chairperson, alongwith the forwarding letter for submission of the Report to the President of India.

**Agenda Proposal for inclusion of 'MEDARA' community as a synonyms of 'MEDA'**  
**Item II ST of Karnataka – reconsideration**

5. The Commission was informed that the Ministry of Tribal Affairs has sought clear view of the Commission about inclusion of 'MEDARA' community as a synonym of 'MEDA' community of Karnataka State. The Commission re-iterated its earlier decision to recommend inclusion of 'MEDARA' community as a synonym of 'MEDA' ST of Karnataka

**Agenda Land Acquisition (Amendment) Bill, 2007**  
**Item III**

and

**Agenda Rehabilitation and Resettlement Bill, 2007**  
**Item IV**

6. Secretary, NCST stated that normative definition/ implementation of rehabilitation and resettlement measures through law was a crying need in the country. The Secretary explained in detail the provisions/ processes embedded in the two draft Bills i.e. Land Acquisition (Amendment) Bill, 2007 and Rehabilitation and Resettlement Bill, 2007; and indicated that though both the Bills have since lapsed, the same have been placed before the Commission for formulating the Commission's views to be communicated to the concerned Ministry for consideration while re-introducing the Bill in Parliament. The Secretary, National Commission for Scheduled Tribes highlighted that though both the processes were inter-dependent, critical event-relationships appeared to have been overlooked in the Bills, especially with regard to commencement of the rehabilitation programme and its completion, e.g. linkage of (a) SIA (Social Impact Assessment) with the Enquiry into objections/ purpose of acquisition, clearance of (R&R) expert committee and the agreement with the Companies as per Sec 41 of the Act, (b) Full payment of compensation and adequate rehabilitation with actual displacement/ possession of land etc. Secretary, National Commission for Scheduled Tribes emphasized that it was necessary to harmonize key stages of the processes involved to ensure successful implementation of both Bills in letter as well as spirit, as proposed in the flow diagram circulated (as ANNEXURE 3.VII of the draft Chapter 3 of the Annual Report for 2008-09).

7. Secretary, NCST stated that the Land Acquisition Act was overwhelmingly weighted in favour of the Government, even at the expense of the genuine concerns of

*Maurice Kujur*  
 मोरीस कुजुर/MAURICE KUJUR  
 उपाध्यक्ष/Vice-Chairperson  
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 National Commission for Scheduled Tribes

authorities, respecting the same considerations which would govern determination of public purpose.

10 Referring to the inordinate delays in payment witnessed in the case of Mapithel Dam (Manipur), Secretary, National Commission for Scheduled Tribes suggested that besides limiting the time taken by the land acquisition process, there should be other safeguards to reduce the monetary/ hardship costs to land owners. The entire process should invariably be completed within 5 years (or started afresh if possession has been taken in advance). Advance possession should invariably be accompanied by advance payment also. In the event of delay in payment of compensation upto three years after taking possession, besides interest payable @15%, a penal interest of similar order should also be paid; and a new award as per prevailing market rate should be made in case payment is delayed beyond 5 years.

11. Referring to the Rehabilitation and Resettlement Bill 2007, Secretary, NCST suggested that in order to avoid impoverishment of tribals through land alienation, it was necessary to extend the scope of this legislation to voluntary land transfers or changes in land use of agricultural/ forest lands resulting in displacement. Also, to avoid dereliction/ fragmentation of responsibility, the onus of resettlement should squarely be placed on the displacers, who should be required to do all which is deemed necessary as per the laws in force, under the supervision of the agencies appointed by the State. Further these initial efforts should be supplemented by corporate bodies in future through Corporate Social Responsibility endeavor, by allocating a significant part of retained profit comparable with the returns provided to the shareholders.

12. After detailed deliberations on the Amendment Bills, the Commission agreed to the above suggestions and approved the comments on the Bill as proposed in the Annexure to the Agenda Note, with appropriate modifications as suggested above. In view of above, the Commission also approved corresponding refinements in Chapter 3 on Resettlement and Rehabilitation of Displaced Tribals. The views of the Commission may also be appropriately communicated to the Ministry of Rural Development, Ministry of Tribal Affairs, Ministry of Mining and Ministry of Environment and Forests for taking suitable action.

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

*Maurice Kujur*  
मोरीस कुजुर/MAURICE KUJUR  
उपाध्यक्ष/Vice-Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत, सरकार/Govt. of India

**ANNEXURE**  
**(w.r.t. Para 1 of the Summary Record)****National Commission for Scheduled Tribes**

Meeting of the Commission held on 11/06/2010 in the Conference Room of the Commission- List of participants.

**S.No. Name and Designation**

1. Shri Maurice Kujur, Vice-Chairperson (In chair)
2. Shri Tsering Samphel, Member
3. Shri Oris Syiem Myriaw, Member
4. Shri R.S. Sirohi, Secretary
5. Shri Aditya Mishra, Joint Secretary
6. Shri R.C. Durga, Director
7. Shri R.P. Vasishtha, Dy. Secretary
8. Smt. K.D. Bhansor, Deputy Director
9. Shri N.K. Kaushik, Assistant Director



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग  
GOVERNMENT OF INDIA

NATIONAL COMMISSION SCHEDULED TRIBES

(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.-1/6/10-समन्वयन

दिनांक/Date:01/10/2010

प्रति,

- 1) श्री मोरीस कुजुर, उपाध्यक्ष
- 2) श्री वरीस सीखं मारीयाव, सदस्य
- 3) श्री रघुवेन्द्र सिंह सिराही

विषय: राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 21 सितम्बर, 2010 को हुई 21वीं बैठक का संक्षिप्त अभिलेख।

महोदय,

मुझे उपर्युक्त विषय का उल्लेख करते हुए यह कहना है कि आयोग की 21वीं बैठक आयोग के सम्मलेन कक्ष में दिनांक 21 सितम्बर, 2010 को प्रातः 11:00 बजे हुई थी। बैठक की अध्यक्षता श्री मोरिस कुजुर, उपाध्यक्ष, अनुसूचित जनजाति आयोग द्वारा की गई। बैठक के संक्षिप्त अभिलेख की एक प्रति सूचना एवं अभिलेख हेतु संलग्न है।

भवदीय,  
  
(आदित्य मिश्रा)  
संयुक्त सचिव

प्रतिलिपि, बैठक के संक्षिप्त अभिलेख की एक प्रति सहित, निम्नलिखित अधिकारियों को इस अनुरोध के साथ अग्रेषित कि बैठक में लिए गए निर्णयों पर की गई कार्रवाई के संबंध में जानकारी प्रत्येक संबंधित एकक/ कार्यालय द्वारा 15 अक्टूबर, 2010 तक अवश्य ही समन्वय एकक को भेज दी जाए।

- (i) निदेशक (आर0यू0-I एवं आर0यू0-II)
- (ii) निदेशक (प्रशासन)
- (iii) उप निदेशक (आर0यू0-III एवं आर0यू0-IV)
- (iv) सहायक निदेशक/ अनुसंधान अधिकारी प्रभारी-आर0यू0-I/ आर0यू0-II/ आर0यू0-III/ आर0यू0-IV/ समन्वय/ अनुभाग अधिकारी (प्रशासन)/ सहायक निदेशक (राजभाषा)।

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

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

**BY HAND/SPEEDPOST**



**No.1/6/10-Coord.  
Government of India  
National Commission for Scheduled Tribes**

**6<sup>th</sup> Floor, 'B' Wing,  
Loknayak Bhawan,  
Khan Market,  
New Delhi-110003**

**Dated: 01-10-2010**

To

- 1) Shri Maurice Kujur, Vice-Chairperson
- 2) Shri Oris Syiem Myriaw, Member
- 3) Smt. K. Kamala Kumari, Member
- 4) Shri Raghuvendra Singh Sirohi, Secretary

**Subject: Summary record of the 21<sup>st</sup> Meeting of the Commission to be held at 11.00 AM on 21-09-2010.**

Sir/Madam,

I am to refer to the above subject and to say that the 21st meeting of the National Commission for Scheduled Tribes was held at 11.00AM on 21-09-2010 in the in the Conference Room of the Commission. The meeting was presided over by Shri Maurice Kujur, Acting Chairperson. A copy of the Summary Record of the meeting is enclosed for information and record.

Yours faithfully,

  
(Aditya Mishra)  
Joint Secretary

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 15th October, 2010 positively:

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

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

1. PS to Vice-Chairperson/PPS to Secretary/PS to Joint Secretary.
2. Director/Assistant Director/Research Officer in Regional Offices of NCST at Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi and Shillong.
3. Senior System Analyst (NIC Cell, NCST) for uploading on the website.

## National Commission for Scheduled Tribes

Subject: Summary record of the 21st meeting of the NCST held on 21-09-2010.

The 21st meeting of the NCST was held at 11.00hrs. on 21/09/2010 in the Conference Room of the Commission in Loknayak Bhawan New Delhi and was presided over by Shri Maurice Kujur, Hon'ble Vice-Chairperson, NCST. List of participants is enclosed at Annexure. There were four Agenda Items for discussion in the meeting. All the Agenda Items were discussed in detail.

2. The decisions taken and action points that emerged out of the discussions held in the meeting are given below:

Agenda Item I	Guidelines for dealing with cases relating to matters/complaints received in the Commission
---------------	---

The Secretary, NCST emphasized the need to formulate guidelines for dealing with cases relating to matters / complaints received in the Commission. He also mentioned that the draft guidelines circulated earlier on 11/11/2009 were required to be updated/edited before issue. The Commission agreed, in principle, to adopt standard guidelines in order to have transparency and streamlining the procedures. The Commission further authorized the Secretary, NCST to finalise the guidelines after necessary modifications.

Agenda Item II	Views on the Mines and Minerals (Development and Regulation) Bill, 2010.
----------------	--

The Secretary, NCST, informed that it was understood from media reports that the Ministry of Mines was preparing a new Mines and Minerals (Development and Regulation) Bill, 2010 (MMDRB) to replace its earlier version of 1957. He emphasized that as mining affects tribals in large measure, particularly their livelihood, settlements, environment and culture, certain important provisions concerning these areas, as under, need to be adequately addressed in the proposed new Bill:

Maurice Kujur

मोरीस, कुजुर/MAURICE KUJUR  
उपाध्यक्ष/Vice-Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes

- (i) Indian land laws, in general, do not confer ownership rights on the tenure holders, though tenures are held in perpetuity (subject to conditions) besides being heritable and transferable. Ownership is generally vested in the State (except in NE) which also retains the right to sub-soil resources. Exploitation of mineral resources by the Govt. is generally through grant of mining leases awarded with the consent of the land rights holders, but with no provision for grant of substitute land, profit-sharing & alternative vocations for loss of livelihood. These features are perceived as counter-intuitive and grossly inequitable by tribal communities, who nurture memories of ancestral ownership for generations preceding the imposition of current land laws.
- (ii) Land is the primary means of production and represents the greater asset in the tribal society. The expropriation of tribal lands, whether by collision or by ill-informed consent, is the cause of widespread impoverishment and latent resentment in tribal areas. As per the Judgement of the Supreme Court in SLP(C) No. 17080-81/95, in Scheduled areas, minerals are to be exploited by tribals themselves with financial assistance of the State, or the State itself. If mineral extraction is authorized in such areas by private entities for techno-economic reasons, the Govt. should be willing to shoulder vicarious responsibility for ensuring habitat and livelihood security for affected tribals.
- (iii) In order to identify the gamut of repercussions on tribal habitat, population and livelihood, a comprehensive SIA should be conducted by a competent agency before awarding the lease for mining of any mineral in Scheduled Areas, in consultation with Gram Sabha and District Councils and forest rights holders in case of mining leases in forest areas. Comprehensive impact assessment, appropriate compensation, suitable R&R practices and efficacious restoration of habitat should form an important aspect of the proposed National Sustainable Development Framework, along with explicit guidelines for rehabilitation and resettlement of displaced / project-affected persons.
- (iv) As, mineral extraction is generally destructive of soil surface, it may be more helpful if damage compensation, or a part thereof, is paid at the outset to supplement livelihood security / change efforts. To ensure livelihood security to tribals, the Govt. must ensure alternative land in case they will be substantially deprived of the use of their holdings since it is one of the principal beneficiaries of mineral extraction through royalty payment. Besides,

free skill training, etc. the mining enterprise must ensure that at least one person of each tribal household is given a suitable regular job in the mining project. The compensation and source of livelihood should be adequate to assure living standards comparable with the surrounding community, or even better.

- (v) Besides annual compensation in lieu of land surface rights, future (and sometimes windfall) earnings from mining activity should also be shared with land rights holders in reasonable measure. The draft Bill provides 26 % (sweat) equity to the land rights holders, which has created apprehensions amongst the industry. Moreover, it may not assure minimum regular income to the land losers. Redesigned sweat equity including arrangements to pay a sum equal to royalty to the land rights holders for the duration of mineral extraction and redemption of equity holdings by the lessee to purchase lifelong annuity payments after mining operations have ceased in a particular location may be more useful for affected land rights holders.
- (vi) Obligations/responsibilities of the lessee towards the project-affected/displaced persons should be specifically delineated under the lease. R & R plan and Mine closure plans should be linked to the Mining Plan, so that R&R activities are satisfactorily complete before the lessee ceases operations in a specified area. A standard rehabilitation procedure should be drawn and incorporated in the MMDRB, 2010 for the displaced tribals and the same should be made applicable to diversion of forest land. All forest rights must be settled as per The Scheduled Tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006 before grant of lease; and, these must not be resumed/diverted except in the case of emergencies or strategic necessity, in which case equivalent forest land should be allotted with similar rights besides other compensation admissible.
- (vii) MMDR legislation should also create a meaningful CSR model incorporating a significant part of retained profits, comparable with the returns provided to shareholders, and a participative mechanism to monitor its implementation. Socio-economic initiatives should be taken by the mining enterprise as per the requirements of the local displaced/ affected people.

*Maurice Kujur*

2. The Secretary, NCST, apprised the Commission that it was understood that the Draft MMDRB, 2010 had been referred to the Group of Ministers (GOM) for consideration. The Commission agreed with the concerns expressed regarding the draft bill, and decided to forward the views, as mentioned above, to the Hon'ble Prime Minister for the consideration of the GOM. A copy of the proposed communication may also be forwarded to the Minister of Mines.

<b>Agenda</b>	<b>Transfer Policy for the officers/staff of NCST.</b>
<b>Item III</b>	

The Secretary, NCST apprised that the employees of the Commission can be broadly divided into two categories, e.g. Secretarial staff/officers and the Officers/staff belonging to the joint cadre of Ministry of Social Justice & Empowerment, National Commission for Scheduled Castes and National Commission for Scheduled Tribes. The Secretarial employees at the Hqrs. of the Commission belong to the Central Secretariat Service (CSS), Central Secretariat Stenographers Service (CSSS) and Central Secretariat Clerical Service (CSCS) cadres which are controlled by the Ministry of Social Justice & Empowerment. The Secretarial staff in the Regional offices of NCST belongs to the common cadre of NCST and NCSC, presently being managed by NCSC.

2. The Secretary, NCST explained the need of having a Transfer Policy for the officers/staff of the Commission for the sake of transparency and to avoid any sort of discrimination in the matter of transfer and postings. The posting and transfer of the Secretarial staff belonging to CSS, CSSS and CSCS cadres is governed by the Ministry of Social Justice & Empowerment as per the instructions issued by DoPT from time to time. It was therefore proposed to lay down a Transfer Policy for the officers/staff of the Commission belonging to the Joint cadre at the Hqrs. and Regional Offices and the Secretarial staff of Regional Offices. The main feature of the proposed Transfer Policy will be that the Group A Officers (Directors, Deputy Directors and Assistant Directors) and Group B Officers (Research Officers, Senior Investigators and Investigators) of the joint cadre and the Office Superintendents (Group B post in the Regional Offices of NCST) would be liable for transfer to the Hqrs./other Regional Offices on promotion or on completion of 8 years of continuous service in the same capacity or in different capacities at a particular station.

मोरीस कुजुर/MAURICE KUJUR

उपाध्यक्ष/Vice-Chairperson  
 राष्ट्रीय अनुसूचित जनजाति आयोग  
 National Commission for Scheduled Tribes  
 भारत सरकार/Govt. of India  
 नई दिल्ली/New Delhi

3. Member (OSM) emphasized that the Commission was facing acute shortage of manpower and the present strength of officers as well as staff was much below than the sanctioned strength. While agreeing to the need to have a transfer policy, he emphasized that it was necessary to consider administrative exigencies also, while effecting transfers. After detailed discussion, the Commission agreed to the need to formulating a well laid down transfer policy making an officer liable for transfer after a continuous period of 10 years instead of 8 years.

4. The Commission approved the following Transfer Policy for its officers/staff:-

- (a) As far as possible, groups C and D employees should not be transferred, except on promotion and non-availability of higher post at the station of working and for administrative reasons. This should, however, be subject to maintenance of efficiency, discipline in the interest of the organisation.
- (b) The Group A Officers (Directors, Deputy Directors and Assistant Directors) and Group B Officers (Research Officers, Senior Investigators and Investigators) of the joint cadre and the Office Superintendents (Group B post in the Regional Offices of NCST) would be liable for transfer to the Hqrs./other Regional Offices on promotion or on completion of 10 years of continuous service, in the same capacity or in different capacities, at a particular station.
- (c) In the entire service career, each Group A and Group B officer/staff of the joint cadre will serve at the Commission's Hqrs. for a period of at least 3 years.
- (d) Each Group A and Group B officer/staff (including the Office Superintendent in Regional Offices) will be liable to be posted in the North-Eastern Region for a period of two years in the entire service career.
- (e) Officers and staff retiring within three years may be considered for posting to the stations of their choice.

- (f) Deputationists selected for posting at a particular station should not normally be transferred to other station during their normal deputation tenure.
- (g) As far as possible, and within the constraints of administrative feasibility, the husband and wife should be posted at the same station taking into account the guidelines in this respect issued by DoPT from time to time.
- (h) The rotational transfers under this policy should, as far as possible, be made towards the end of academic session so that the education of the children of the Officers/staff is not adversely affected.

Agenda Item IV	Outline of Annual Report 2009-10. Action Plan
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The Secretary, NCST explained the outline of the Annual Report for the year 2009-10. He also proposed inclusion of a Chapter on Drinking Water facilities in Scheduled Tribe Areas, as an alternative to the Chapter on NREGA Scheme and proposed inclusion of any one of these chapters in the Annual Report for which material/data of significance concerning Scheduled Tribes could be obtained from the concerned Ministries/Departments. The suggested framework of the report was endorsed by the Commission.

3. The Meeting ended with a vote of thanks to the Chair.

*Maurice Kujur*

मोरीस कुजुर/MAURICE KUJU  
उपाध्यक्ष/Vice-Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

Annexure-  
(w.r.t. Para 1 of the Summary Record)

National Commission for Scheduled Tribes

Meeting of the Commission held on 21-09-2010 in the Conference Room of the Commission.

Sl. No.	Name and Designation
1.	Shri Maurice Kujur, Vice-Chairperson
2.	Shri Oris Syiem Myriaw, Member
3.	Smt. K. Kamala Kumari, Member
4.	Shri R.S. Sirohi, Secretary
5.	Shri Aditya Mishra, Joint Secretary
6.	Shri Vinod Aggarwal, Director
7.	Shri R.P. Vasishtha, Dy. Secretary
8.	Shri Suresh Chandra Tamta, US
9.	Shri S.P. Meena, AD (Coord.)

( In the Chair)



**GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED TRIBES**

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

No.PDM/Development/MTA(Policy)/2010/RU-II

04.10.2010

To

- 1) Sh. Maurice Kujur,  
Vice Chairperson,
- 2) Sh. Oris Syiem Myriaw,  
Member,
- 3) Smt. K. Kamala Kumari,  
Member,

Sub: Comments on the 3<sup>rd</sup> Report titled "Standards of Administration and Governance in the Scheduled Areas" by the Standing Committee on Inter-Sectoral Issues relating to Tribal Development.

Sir/Madam,

The Ministry of Tribal Affairs have requested comments of the Commission on the above mentioned subject. Executive Summary of the Report is enclosed for your perusal/examination. The subject is likely to be discussed in the next meeting of the Commission.

Yours faithfully,

(Vinod Aggarwal)  
Director

Copy to:-

PS to Secretary,  
PS to JS  
Director(A)  
DD(KDB),  
AD, C.Cell

*4.10.2010*

S.NO-1(R)

Confidential  
Urgent



No. 8/1/2009-CP&R  
Government of India  
Ministry of Tribal Affairs  
\*\*\*\*\*

Shastri Bhavan, New Delhi - 110001  
14<sup>th</sup> September, 2010

To,

The Secretary  
National Commission for Scheduled Tribes,  
Lok Nayak Bhawan,  
New Delhi.

DDKDB/

Handwritten signature/initials

Sub: Forwarding of comments on the 3<sup>rd</sup> Report titled "Standards of Administration and Governance in the Scheduled Areas" by the Standing Committee on Inter-Sectoral Issues relating to Tribal Development.

Sir,

Kindly find enclosed herewith a copy of the 3<sup>rd</sup> Report titled "Standards of Administration and Governance in the Scheduled Areas" by the Standing Committee on Inter-Sectoral Issues relating to Tribal Development set up by PMO vide their order dated 30.10.2004 under the chairmanship of Dr. Bhalchandra Mungekar, the then Member, Planning Commission. It is requested to kindly forward comments of your Ministry regarding the points relevant to your Ministry. Since the matter has to be placed before the Committee of Secretaries at the earliest, it is requested that comments may kindly furnish to this Ministry by 30<sup>th</sup> September, 2010 at the latest.

23/09/2010  
29/09

With regards

Yours faithfully,

at Dak stage

(DRABHUDAYAL MEENA)

Joint Secretary to the Government of India

Ministry of Tribal Affairs, New Delhi  
Tele: 23383622

Fax: 23073607

Get copies of minutes

after the Report has been considered in the

meeting of the Commission

28/9/10

30/9/10

30/9/10

30/9/10

30/9/10

Please categorise under policy category

29/9 Secretary

21/9

Pls open a file and put up. Rd

from NTA  
29/9/10

## Executive Summary

The Standing Committee on Inter-Sectoral Issues Relating to Tribal Development was constituted by the Prime Minister's Office on 30/10/2004, with Dr. B.L. Mungekar, Member, Planning Commission, as its Chairman and members from the concerned Ministries. The Standing Committee already submitted two Reports, Interim Report on "Inter Sectoral Issues Relating to Tribal Development" on 27.10.2005 and the 2<sup>nd</sup> on "Displacement, Resettlement and Rehabilitation of Scheduled Tribes" on 16.4.2007 to the Prime Minister. On the basis mainly on the recommendations of these two Reports, the Government has (i) enacted the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006* (No.2 of 2007) ("*Forest Rights Act*") (published in the Gazette of India on 2.1.2007), and has (ii) later notified the new *National Rehabilitation and Resettlement Policy, 2007* on 31.10.2007.

2. Tribal people, though not a homogeneous group, have their own system of governance and dispute redressal mechanism. Harassed by the repeated Tribal rebellions and uprisings, the British chose to leave them alone and decided not to interfere with their day-to-day administrative affairs. As a result, the general laws of the Centre or the Provinces were not extended in routine to these areas known under different nomenclatures as 'agency areas', 'excluded areas', and 'partially excluded areas'. However, the Governor was empowered to extend any law with necessary exceptions and modifications to these areas in his discretion.

3. The framers of Constitution were conscious of the distinct needs of the Tribal people and their areas, and thus provided a comprehensive framework for the protection and advancement of this disadvantaged sections of the society to enable them to catch up with the rest as early as possible. While providing a number of specific provisions for protection and welfare of Tribal people in the Constitution of India, Part X of the Constitution deals exclusively with the Scheduled Areas (SAs) and Tribal Areas (TAs). According to sub-clause (1) of Article 244 of the Constitution, the provisions of the Fifth Schedule (FS) apply to

the administration and control of the SAs and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram. Sub clause (2) envisages application of the provisions of the Sixth Schedule (SS) to the administration of the TAs in these States.

4. The President of India has, under Article 244(1) of the Constitution, declared 'Scheduled Areas' (SAs) in nine States of the country under Para 6 of FS on the basis of the preponderance of Tribal population, compactness and reasonable size of the areas, a viable administrative entity such as a district, block or taluk, and economic backwardness of the area as compared to the neighboring areas.

5. Paragraph 5 of FS deals with 'Laws applicable to Scheduled Areas'. Sub-paragraph (1) authorises the Governor of the state having SA to make 'such exceptions and modifications' in 'any particular Act of Parliament or of the Legislature of the State' in its application to 'a Scheduled Area or any part thereof in the State' as he may specify in the notification. Paragraph 2 of the Fifth Schedule makes the executive power of the State in respect of the SAs therein 'subject to the provisions of this (Fifth) Schedule.' Paragraph 3 extends the executive power of the Union 'to the giving of directions to the State as to the administration of the said (Scheduled) area.' In addition, Article 339 specifically envisages control of the Union over the administration of the SAs and the welfare of STs.

6. It is in this perspective on governance that Governors concerned are mandated under Paragraph 3 of the Fifth Schedule to send their respective Annual Reports to the President on the "Administration of SAs" annually or whenever so desired by him. The Annual Reports of the Governors about administration in the Scheduled Areas are crucial as these are the basis on which the Union Government can give directions. In the same continuation, the executive power of the Union extends to giving directions to Scheduled area States as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the Scheduled Tribes in the State.

7. In essence, 'particularisation, not generalisation', and 'discretion, not rule by rote' comprise the moving spirit of this frame.

8. If one looks at the political map of the country, one would be distressed to observe that despite being the richest in mineral wealth, the Scheduled Areas and forest areas, and non-Himalayan forests of the country representing rich natural resource base, wildlife and water resources are inhabited by the poorest people of the country, and which also now unfortunately happen to be the operational areas of Naxals. *The various activists groups* spread in the mineral-rich forest/Scheduled Areas of the Central India, exploit this situation of neglect to further fuel feelings of alienation and despair. The combined effect of non-development, alienation due to undefined property rights, non empowerment, and increased and constant threat of displacement etc., has been causing frustration, anger and unrest in the Tribal areas, posing a serious crisis of internal security in administering the Schedule V areas of the country. The problem in fact is multi-dimensional and inter-sectoral having far reaching implications on the people relating to equitable distribution of growth, environment, wildlife, use of rich natural resource base, internal security, general law and order and so on.

9. This Report on "*Standards of Administration and Governance in Scheduled Areas*" is the third Report of the Standing Committee that critically examines the efficacy of the Constitutional safeguards vis-a-vis the current status of the SAs and the level of development level of tribal people focusing on the efficacious means to address the dis-satisfaction in the Tribal areas. There is an urgent need for distinct policy prescriptions for Scheduled Areas and accordingly separate strategies under each sector viz health, education, housing, drinking water, roads, rural development, etc., and programmes there under based on the specific needs of the Tribals and their milieu. The approach of 'One solution fits all' cannot work. The main recommendations of the committee are summarized below.

## 10. Summary of Recommendations

### 1. Scheduled areas:

- i. All laws now cover Scheduled Areas in routine. There is a need to stop the practice of routinely extending all laws to the Scheduled Areas without adaptation to the Tribal milieu and to consciously adapt the laws to the Scheduled Areas. There is no realisation that a great damage had been done when general laws first flooded Tribal areas in 1950 with no mechanism for their review. There is an urgent need for the Central Government and the State Governments to review these Acts.
- ii. There is a need for an in depth situational analysis of the problem of unrest in the SAs covering all its facets along with the response strategy. A knee-jerk sort of a response with police action cannot be the right approach to tackle a complex problem arising out of socio economic exclusion and the control of outsiders over natural resources.
- iii. The Office of the Governors in Scheduled Areas should have a separate, well staffed and well equipped set up to take care of the ST-related matters.
- iv. It is necessary for the Government to take the following action in a time-bound manner with respect to the Scheduling of Left-over Areas:
  - (a) All areas already identified as Tribal majority areas should be brought under the Fifth Schedule within a period of one year in pursuance of the commitment made in 1976.
  - (b) All Tribal majority areas that have been left out for any reason whatsoever or that may have newly qualified by virtue of new communities being classified as STs as in Uttar Pradesh should be identified within a year and brought under the Fifth Schedule within two years.
- v. Administrative reorganisation of these areas within the concerned States should be taken up and completed within two years so that compact tribal areas are brought under the same administrative units at an appropriate level.

### 2. Governor's Report:

- i. The Governor's Report should present an overall assessment of the Tribal conditions/situation in the State with special reference to weak spots and corrective actions, and discontinue the present practice of being a routine exercise that too not every year. The annual Report should contain specific protective measures,

developmental activities, clearly bringing out a comparison between the non-Tribal areas of the same State. It must also contain the Action Taken Report on the Governor's Report of the earlier year/s.

- ii. The Ministry of Tribal Affairs must critically examine these reports and submit action points to the President. The President may consider allotting specific time in the Annual Conference of Governors for discussion on governance in the Scheduled Areas.

### 3. Reviving institutions of self-governance:

- i. The effectiveness of the Gram Sabhas (GS) as the institutions of self-governance as envisaged in PESA holds the key to peace and good government in the Scheduled Areas. The Gram Sabhas, therefore, must be given a top priority by all concerned irrespective of the position they may hold in the System.
- ii. Immediate action in the current year should be taken to erase the dissonance in keeping with the spirit of the Constitution, especially PESA read with the Fifth Schedule through:
  - (a) Adaptation of laws through Governor's Notifications covering all items of PESA,
  - (b) Conferring ownership of minor forest produce on the Tribals
  - (c) Issue of 'Guidelines' about the role, responsibilities and functioning of the Gram Sabhas (GSs) honouring their 'competence', and
  - (d) Framing of model regulations in relation to all facets of administration not covered by (a), (b) and (c) above
- iii. Devolution of powers to the nearest level in the field should be the rule. Instances of misuse should be met with a stringent action against the culprits and institutionalizing effective correctives. It should not be, however allowed to be used as a ploy for its reversal. Devolution of powers to the Gram Sabhas under PESA should be treated as sacrosanct. Any attempt to mislead or influence the Gram Sabhas and misuse the aura of their authority of any description - administrative, institutional or political - should be treated as an offence against democracy.
- iv. The Gram Sabha should become fully functional in the image of Village-Republic within this year. The concerned States should immediately take the following steps in this regard:
  - (a) Prepare Guidelines in the form of a Regulation for the functioning of the Gram Sabhas with the comprehensive frame as envisaged in PESA so as to enable the people to deal with the System with confidence and authority; and

- (b) Frame a Regulation to the effect that *'notwithstanding anything in any law for the time being in force, all formal or informal transaction of any description whatsoever between a tribal and any other person, including a juridical entity shall be in the open assembly of the Gram Sabha and shall have no effect unless the GS authenticates the same'*.
- v. *Participatory Approach of Programme Implementation* should be a compulsory pre-requisite for programme implementation. The community should be explained the programme, and its likely impact and taken into confidence in this regard. This would *inter-alia* involve capacity building for the Gram Sabha. Expert institutions in the field of local self Government and Tribal Affairs could be utilized for this purpose. The Gram Sabhas should be legally and operationally empowered to conduct social audit of Tribal development programmes to enforce people's participation, transparency and accountability of the implementing agencies and officials.

#### 4. Governance:

- I. Governance should cover, among other things, the following issues:
- (i) Ending the confrontation between the Tribal people and the State that has accentuated after Independence because of:
    - (a) incongruous laws;
    - (b) disputed command over livelihood resources,
    - (c) unbridled functionaries of the State and other agencies and,
    - (d) flooding of these areas with funds through ubiquitous contractors as these areas got opened up in the name of development,
  - (ii) Single line administration that is responsive to the people,
  - (iii) State Tribal Development Department as a nodal agency with all other Departments and other agencies responsible for their respective areas of responsibilities and
  - (iv) A nodal tribal welfare unit in the Government of India with all Ministries assuming leadership in their respective areas of responsibility. The nodal unit must ensure that a comprehensive frame develops cutting across all formal boundaries with a clear mandate to step in and supplement the effort of other institutions so that the Tribal cause does not suffer on any count whatsoever.
- II. Other elements of governance include the following:
- (a) Ensuring that Tribal areas are not treated as punishment postings,

- (b) Personnel in the area are suitably oriented and are subject to a special code of conduct to be formalised through a suitable comprehensive regulation,
- (c) Creation of sub-cadres for Scheduled Areas (*Haldipur Report* refers).
- (d) Ensuring that no Tribal area falls under one or more blocks/districts, State boundaries etc.

5. **Regaining the Confidence of Tribal people:**

i. The following measures should be immediately taken as a part of the resolve of the State for 'Regaining the Confidence of Tribal people'.

- (a) All those cases pending in the courts or under investigation, which (i) involve technical violation of the laws concerning forest, fishing, wild life and excise, and (ii) come within the ambit of 'dispute resolution' of Gram Sabhas under PESA, should be withdrawn or sent to the concerned Gram Sabhas for disposal.
- (b) All those cases where a party is alleged to have proceeded with the establishment of any project in the Scheduled Areas on the basis of contrived consent of Gram Sabhas should be referred to the District Tribunal.

ii. **Effective Protection:** Protective measures must precede developmental programmes with suitable amends in the Tribal Sub-Plan (TSP) frame to ensure that the story of their earlier neglect is not repeated. The following are some of the urgent issues for time bound action.

iii. **Land Alienation and its Restoration:** All State laws about land alienation should be reviewed and suitably amended to enable Gram Sabhas to take effective action for protecting Tribal land and restoration of illegally alienated lands in keeping with the spirit of PESA as has been done in Madhya Pradesh. All the pending cases should be disposed of in special drives and delivery of possession simultaneously effected. The task should be taken up as a campaign and completed within 2 years.

iv. **No Displacement:** The very concept of displacement of tribals for facilitating implementing development projects violates the spirit of the Constitutional schema. The transition, which Tribal people have to negotiate in the process of development including use of natural resources for a variety of developmental projects, should be meticulously planned with prior informed consent of likely affected people. As recommended by the *Bhuria Committee*, the plan, with statutory backing, must ensure a place of honour on terms of equality in the new economy of the area for all.

## 6. Effective delivery mechanism: A Comprehensive Frame - The ITDPs:

- i. For ensuring effective delivery mechanism there is a strong need to resuscitate ITDPs by re-strengthening and revamping for being able to be the implementing agencies for the new proposed deal.
- ii. The process of planning from below should begin with ITDPs. It should move on to block unit in the form of a broad perspective along with annual plan exercises in not more than three years. This preliminary exercise should pave the way for a real process of planning from below for Scheduled Areas in the 12<sup>th</sup> Plan. Competent micro planning units should be established at State and also ITDP levels.
- iii. A single line administration should be established at the level of ITDPs with a clear chain of command and specific wide-band functional domain. While Panchayat Raj institutions at the District/intermediate level should have decision-making powers in relevant areas, implementation should be the exclusive domain of administration. On the other hand, the domain of Gram Sabha should remain non-violable with administration playing a supportive role.
- iv. At the District level, all TSP funds, flowing to the Scheduled Areas should be through the ITDPs. Since the flow of funds at the district level for Scheduled Areas is in many cases likely to exceed Rs.200 crore annually, an officer equal in rank and experience to that of the CEO (ZP) or Project Officer (DRDA) should be provided with a fixed tenure as the District Tribal/Welfare Officer or Project Director ITDP.
- v. At least for Tribal majority districts such district level officer should be selected by an Expert Committee headed by the Chief Secretary of the State Government. The district level office should be appropriately strengthened and the strength should be reviewed once in 5 years. The entire personnel should be brought under a special disciplinary regime. The District level officer should be vested with full authority, as in Andhra Pradesh, to coordinate with all line Departments, deal with delinquent staff, including termination of service contracts. He/She should also be vested with the administrative authority in respect of regular Government employees upto class-II level officers posted/working in Scheduled Areas.
- vi. At the Block level, in Scheduled Areas, monitoring units should be created with modern office and communication facilities under the District Officer in charge of Tribal Affairs. As far as TSP funds are concerned, BDOs should be answerable to the Project Director of the ITDP.

- vii. With a set of urgent tasks and need for effective implementation, the holistic frame of TSP should also be put in place immediately for Ministries of Government of India. The Central Ministries/ State Departments must assume their responsibilities. They should assess the lost ground and make good omissions in the 11<sup>th</sup> and subsequent Plans. It is necessary that a well defined structure is put in place with the backing of a formal order.
- viii. The unacknowledged health crisis in Tribal areas should be handled in a mission-mode in a holistic frame. It should cover all aspects of people's health from pauper-like diet status at one end and invasion of new diseases at the other. The traditional healers and trained *daies* should be integral part of this Mission. Comprehensive health coverage should begin with establishment of full facilities at the Primary Health Centres (PHC) and APHC level to be accomplished within 3 years.
- ix. The minimum population norm or criterion, where-ever stipulated in any infrastructure scheme, should be relaxed where these facilities are to be extended to the Tribal population.
- x. In sparsely populated hilly or desert areas, villages may be very small or divided into small hamlets. In such cases, an *Anganwadi* may be set up in a village or a hamlet having a population of 300 or more.
- xi. A major special thrust is necessary to ensure that:
- (a) Elementary education of good quality is imparted to all free of cost
  - (b) Special handicaps are overcome and the great cultural heritage is used as the foundation of real education and
- xii. A time bound programme should be taken up, comprising *inter alia*:
- (a) Universal enrolment in elementary stage as a campaign within 2 years;
  - (b) A system of 'academic linkage and guidance' should be established right from the nursery to the University (from 'n to u') within 2 years so as to make the entire educational system vibrant and capable of moving in unison with a purpose; and
  - (c) The school in the village should become the hub of citizen education, equipped with a good library.
- xiii. *Strengthening/reorienting/revamping of the implementing machinery:* There is strong necessity of formulating suitable personnel policies to make postings in the Tribal areas as attractive and satisfactory rather than being considered as punishment postings as is the present opinion across the board with a few exceptions. An effective system of postings, rewards and punishment should be worked out for the Scheduled Areas. To start with all positions in the Ministries/Departments dealing with the Tribal affairs must be held

by offices who may have worked in a Tribal area for not less than two years.

- xiv. Since no authentic data regarding the land use, including surface and the ground water availability in the Tribal/Scheduled Areas is available, support of the National Remote Sensing Agency (NRSAs) may be taken to provide land use, surface and ground water availability in each of the 195 ITDAs of the country so that the specific development plans based on increasing the water regime of the Tribal land may be prepared resulting in enhanced productivity and income thereof. Such periodic assessments, say at interval of two years, would provide comparative status in a time series and form scientific basis of the concurrent review.
- xv. All markets should be suitably regulated under the aegis of ITDPs and the Panchayati Raj Institutions within a year. The entire Tribal produce, mainly MFP should be brought under support price system within 2 years.
- xvi. A single window system for credit, marketing and supply under the system of Large Sized Multipurpose Societies (LAMPS) should be established, or revamped where already established, with competent and reliable personnel under the unified control of the ITDP.

#### 7. Creation of Critical Infrastructure: Bridging the Divide:

- i. The first proviso to of Article 275(1) is unique in the sense that it provides special dispensation for financing developmental programmes for STs and for raising the level of administration in SAs as grants-in-aid to the States.
- ii. The quality of administration is the firm foundation of planned economic development. This aspect has somehow been neglected notwithstanding the provisions in Article 275(1). Due to inbuilt exclusion of tribal areas on the basis of population norms and routine extension of general programmes without ST-centric planning to the Scheduled Areas, the level of funding continues to be inadequate and SAs suffer from utter neglect. The potent provisions of the Fifth Schedule, and Article 275 (1) read with Article 339 (2) need to be effectively used to avoid a situation of poorest infrastructure in the resource-rich Scheduled Areas inhabited by poorest people.
- iii. Special State-wise projects may now be prepared after a thorough analysis of the existing gap in the infrastructure in Scheduled Areas and funds under the first proviso of Article 275 (1) may be effectively used for this purpose.
- iv. Adequate infrastructure could not be created in Scheduled Areas as many community as well as individual developmental activities were

considered as non-forestry activities under the *Forest Conservation Act, 1980* and thus hit by that Act. Now with the passage of *Forest Rights Act, 2006* under which creation of infrastructure in Tribal areas is permissible, there is an urgent need to cover the lost ground and create infrastructure on priority to bring a level of administration at par with rest of the areas in the respective States. It is therefore necessary to focus on creation of such infrastructure in Tribal areas, which enhances the production capacity of the land and ensures value addition right at the grass root level.

- v. The Government of India should institutionalize annual review of administration in the Scheduled Areas. The first review under this Constitutional mandate should be done within the current year itself in terms of a clear frame that may be prescribed and funding ensured under Article 275 (1) to bridge the gaps in each sector of development within the current Five Year Plan.
- vi. The naxalites try to derive benefit from overall under-development and from sub-normal functioning of field institutions like police stations, tehsils, development blocks, schools, primary health centres and *anganwadi* centres, which administer and provide services at the ground level and also reflect the State presence and writ. There is, thus, a need for putting in place adequate infrastructure for critical functionaries in the field/grassroots level of the State. Creation of new posts and filling up of existing vacancies in the development staff at the field level are important.
- vii. The development grants allocated for the Naxal-affected areas should be non-lapsable and non-divertible.
- viii. The institutional mechanism for public grievance, redressal system should be strengthened.

#### 8. The Tribal Sub-Plan (TSP) : Shift from notional to reality:

- i. The following measures need to be taken to make TSP effective:
  - (a) There should be a separate Budget Head for each Ministry/Department for TSP.
  - (b) A minimum quantum of 8% (which shall not be the upper limit) of the Budgetted funds of Ministry/Department concerned with social sector programmes shall be allocated towards TSP. Serious and specific directions need to issue to all line Ministries in this regard from the highest levels in the Government.
  - (c) The TSP funds of each Ministry/Department should be made non-lapsable and non-divertible.

- (d) As in the case the North East Fund, the unutilized and non-lapsed TSP funds of each Ministry/Department should be made eligible for pooling at the end of the year.
- (e) Every Ministry/Department shall prepare its ST-specific Annual Tribal Sub-Plan.
- (f) A better and targeted implementation of TSP funds could be achieved by a concerted planning of resources flowing to Tribal areas through well thought out visible interventions. In other words, instead of every Ministry spending resources in a disjointed and uncoordinated manner, it would be beneficial if the TSP funds of all Ministries/Departments are managed on the advice of a single nodal agency.
- (g) The TSP funds should be spent in a judicious and concerted manner under the ST-specific Annual TSP in consultation with the nodal agency, namely, Ministry of Tribal Affairs.
- (h) There shall be established a Committee (called the "Committee for Approval and Monitoring of Annual TSPs of Central Ministries/Departments") chaired by Member, Planning Commission and consisting of the Secretary of the concerned Ministry/Department and the Secretary (Tribal Affairs) to consider the Annual TSP Plans for the concerned Ministry.
- (i) These Committees should be empowered to approve TSP components and make recommendations regarding subsequent allocations from the non-lapsable funds after the first year of allocation.
- (j) The Planning Commission should devise a policy to ensure that the Annual Plan of any Central Ministry would not be cleared if there was no TSP component therein.
- (k) The Planning Commission should not approve the Annual Plans of any Ministry/Department unless the TSP Annual Plans are first approved by the above-mentioned Committee.
- (l) The Committee should be serviced by the M/o Tribal Affairs and the Ministry should be enabled to do so. The implementation of the projects approved by the Committee shall be the responsibility of the concerned Ministry/Department.
- (m) Similarly, the TSP of each State shall be appraised and approved by the Ministry of Tribal Affairs and Planning Commission shall consider the Annual State Plan only after such approval on TSP.
- ii. There should be closer involvement of Panchayati Raj Institutions at the ITDP/ITDA level. DRDAs/ITDPs should function under the directions of the Zila Parishads. ITDPs, which are historically older than DRDAs, should be administratively and technically empowered.
- iii. It was all right generally to have some norms based on population criteria etc. to provide some basic infrastructure facilities like primary schools,

health centers, roads, electricity, etc. But the same norms should not be applied for STs as the ST clusters being sparsely habitated could never satisfy such norms. Hence, there is a need for relaxing such norms to make them flexible.

iv. At the State level, the Departments in charge of Tribal Affairs, besides undertaking the somewhat routine coordination functions, should plan and devise TSP programs for Scheduled Areas.

v. These nodal Departments should be responsible for planning and overseeing schemes under all TSP funds. The budgeting exercise should be carried out at the State level in the nodal Department and TSP document prepared for scrutiny by the Ministry of Tribal Affairs, Govt. of India, prior to approval of the State plan of the concerned State by the Planning Commission.

vi. A demi-official letter addressed by the Prime Minister to the Central Ministries in 1980 (D.O. letter No.280/PMO/80 dated 12.3.1980) is the main source of authority behind the concept of TSP. It is high time that orders are issued by the Cabinet Secretariat formalizing the recommendations suggested above.

#### 9. Rejuvenation of the Traditional Economy:

i. The truth of the Tribal economy is that it has been badly mauled through incessant expropriation in countless forms and weakening communitarian traditions. A comprehensive 'Operation Rejuvenation' (OR) should be taken up forth with in every village in the Scheduled Areas. While Operation Rejuvenation is on, steps should be taken for laying the foundation for sustainable development by delineation of micro agro-climatic zones that would provide the frame for long-term sustainable development.

ii. The foremost agenda of each of the ITDP should be to undertake comprehensive and continuous assessment of the local situation, advising concerned Gram Sabhas, providing direct assistance, preparing micro turn-key projects and helping entrepreneurs in dealing with the unknown new economy. ITDPs should be re-strengthened to take up the task of preparing Village-wise plans with the approval of Gram Sabhas.

iii. About 15% of the Tribal people, located largely in the North-East and parts of Orissa and Andhra Pradesh still subsist on shifting cultivation. It is necessary to improve this method of cultivation on a more scientific basis. A ten-year 'Project Transformation' should be launched under the overall guidance of a National Centre on Shifting Cultivation with a strong functional Unit in every concerned State.

iv. An unequivocal national resolve to pursue the path of 'Development with Equity with Tribal People at the Centre of the Stage' alone can measure

up to the great crisis in the Tribal areas. The very concept of 'displacement' and 'rehabilitation' as two distinct entities is incongruous in the Tribal context:

- v. The confidence of the people in the system must be regained with a clear resolve that no scheme of any description shall be taken up without prior informed consultation with the community that should virtually mean their consent. Any violation of this spirit by one any regardless of his position restrict in life shall be treated as an offence.
- vi. The urban centers of expropriation should be transformed into pulsating centers of holistic development. Any entrepreneur starting a venture in a Scheduled Area on Tribal land should be legally bound to induct the owner of the land as an equal partner. The Provisions of the Municipalities in Part IXA should be extended to the Scheduled Areas with exceptions and modifications as recommended by the Bhuria Committee.

#### 10. Priority Accorded Tribal Groups:

- i. *Mission Navajeevan (PTGs)*: The situation of the most vulnerable groups is much too complex and delicate to be handled by routine administration. Even special Projects with built-in flexibility did not click because of routine handling. As the issue here is of survival; a dedicated small team, including a doctor and a social scientist, committed to the cause and prepared to work in a mission mode, should be constituted for each group or part thereof under an umbrella organisation, *Navajeevan Mission*.
- ii. *Mission Abhayadan for Vulnerable Girls*: Implications of the weakening community with a comparatively weak family in tribal area have been overlooked. The young girls are the worst victims. They are enticed, deceived and even captured from open markets by gangs for domestic service and flesh trade in an unknown world with no one to defend. The situation is serious in Jharkhand and Orissa. The issue should be flagged for urgent and strict administrative action under a regulation for immediate relief. A long-term plan should also be prepared, on the basis of a time-bound systematic study of 2 years or so.
- iii. *Mission Dignity for Migrant Labour*: There is a large exodus from the Scheduled Areas in search of work at bare subsistence or even sub-subsistence wage level. There are gruesome stories of their exploitation, especially of women and girls. As the saying goes in Tribal pockets in Wynad, Kerala, *The girl goes for filling her belly; she returns with a 'filled' belly*. Effective legal and institutional protection should be provided for migrant labour from Scheduled Areas.

## 11. Employment Policy:

- i. Instead of a 'low-cost, low-calibre' employee policy it is necessary to engage competent people and pay them accordingly. Increased annual financial outgo should not be considered as cost to the country, but investment in human resource as it would be more economical to build up the Tribal people as human resource than to allow them to be deprived and underdeveloped and pay the same costs later. There need not be any doubt whether they would come to a remote Tribal village. If the attraction of good salaries takes competent personnel to the Gulf and Africa, it could certainly attract them to the Tribal areas.
- ii. Selected personnel with empathy for the Tribal people should be posted in Tribal areas with an extendable tenure of not less than five years and provision for *in situ* promotion. They should not be entitled to seek transfer to urban areas. They should be bound by an Objective Performance Based Policy of hire and fire. But they should be entitled to a Career Progression Policy for good performers in tribal areas speedier than the rest.
- iii. Recruitment of staff for the field level should be for the specific vacancy and should not be transferable. Government employees in regular appointment and working in the Scheduled Areas, should be given appropriate incentives, including enhanced pay and additional allowances. All employees working in the Scheduled Areas should be offered opportunities for continuous training and opportunities and pass competency tests. Such competency tests should be carried out once in 3 years and those failing them should be debarred.
- iv. There is a need for a posting and transfer Policy both of security forces and development functionaries working in the nasal-affected areas so as to ensure the posting of willing and dedicated staff in these areas. The policy could include:
  - a) accommodation of family within the State as per the choice of the employee.
  - b) Insurance for the staff of developmental section
  - c) ex-gratia payment
  - d) place of last posting to all officers/men deployed in underdeveloped tribal areas
  - e) financial incentives
  - f) out of turn promotion for outstanding contribution in the field
  - g) recognition in the form of medals and financial incentive

- h) in-built mechanism of periodical enhancement of knowledge and capabilities by exposure to foreign training and
- v. Social sector schemes included in the 69 schemes identified by Ministry of Rural Development for improvement of rural livelihoods and house-hold incomes, expansion of quality basic social services, upgradation of infrastructure, management of risk, enhancement of agricultural productivity, direct intervention of wages etc. should be given priority attention in underdeveloped tribal areas.
- vi. *Tribal Administrative Service*: There is a need to examine the necessity for constituting a *Tribal Administrative Service* cadre for tribal areas; with the Ministry of Tribal Affairs acting as the Cadre Controlling Authority for selection of suitable officers from various Departments, who are enthusiastic and committed to work in the tribal areas. In larger States sub-cadres may be established with a provision for choice to join the main stream after ten years service.
- vii. There is a strong need to provide continuous reorientation of employees at all levels appropriately with sensitivities of the Tribal people. They should be sensitized to respect of the customs, culture, dignity, traditions, etc. of the Tribals. Their capacity building program could include adopting participatory approaches in implementing schemes, developing methods that avoid conflict with the value system of Tribals. A code of conduct prescribing dos and don'ts could also be considered in this respect.

## 12. Implementation of the *Scheduled Tribes and the Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006*:

- i. The recently enacted *Scheduled Tribes and the Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006* is one silver lining seen in the recent past. It has taken more than fifty years to recognize these rights by enactment of the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006*. Implementation of the Act in right earnest within a reasonable time frame with the same enthusiasm in all the States poses a serious administrative challenge, especially with respect to settlement of livelihood and traditional rights like ownership of MFP conferred as a right under this Act. However, much will depend upon its implementation, in letter and spirit.
- ii. All claims of the occupants over forestland under the Forest Rights Act, 2006 should be settled within 2 years. Regulations should also be made so that the Gram-Sabhas can protect forests in their traditional habitats.

- iii. For the management of natural resources it is crucial to move away from the regime of concessions-based approach to the rights-based approach. The involvement of forest rights holders in the management of natural resources should be inbuilt in all efforts aimed at protection, regeneration and harnessing of benefits.
- iv. The ownership over minor forest produce has been reiterated now in the Forest Rights Act. It must be ensured that the old story does not repeat and the community rights become a reality beginning with the next season and the primary collector is assured of full value of his collection without any levy of any description whatsoever.
- v. The monopoly of the State-owned Corporations and the contractor system needs to be urgently done away with as the contractor in most of the Tribal areas are understood to have nexus with the naxal groups and pay extortion money to them for their trade. The poor STs are presently just employed by the contractors as helpless labourers.
- vi. It is also high time that *Minimum Support Price (MSP)* be introduced for at least those MFP which are collected by the Tribals in bulk and substantial support to their economic welfare. A mechanism similar to the Commission on Agricultural Costs and Prices should be put in place for pricing of MFP and then MSP extended for selected MFPs.
- vii. Forest Villages were set up during the British period for providing cheap labour for forestry operations. These Forest Villages require to be converted into Revenue Villages. Special financial provisions should be made for bridging the infrastructural gap created over decades of neglect in these villages.

### 13. Early finalization of Tribal policy

- i. There is no comprehensive Tribal policy covering all facets of Tribal life and their habitat. The recent Draft Tribal policy circulated by the Ministry of Tribal affairs still remains a draft and yet to see the light of the day. It is high time that the National Tribal Policy is finalized.
- ii. *ST-centric planning: Improving delivery of services:* With effective protective shield in position as envisaged in the Fifth Schedule and resurgent spirit of self-governance, the community will be ready to move forward with confidence. It would make good the loss sustained so far and take advantage of the new deal. The potential of community spirit, the greatest treasure of Tribal people, should be so harnessed that it reinforces the communitarian frame and promotes equitable sharing of all:

#### 14. Role of the Ministry of Tribal Affairs and Tribal Welfare Departments:

- i. The Ministry/Departments in charge of Tribal affairs at the Centre and in the States should be devoted exclusively to the nodal role. This should, *inter alia*, include coordination in preparation of sectoral plans and giving them a holistic frame. They should provide, if necessary, supplemental inputs of any description as may be demanded by the situation. They should monitor and oversee implementation and act as trouble-shooters.
- ii. *No Line Functions for the Nodal Ministry/Department:* The nodal agencies at national and State level should have no line functions whatsoever. Their representatives should be constantly on the move in the field amongst the people to have a realistic idea from the people's end about the quality of administration, shortfalls of the System, nature of problems that remain unattended and improvise remedial measures followed by systemic amends.
- iii. The Ministry of Tribal Affairs should take a more pro-active stand in compelling/ urging the concerned line Ministries to act positively in matters relating to the mandate provided in Schedule V. The Ministry should not hesitate in giving formal directions to State Governments if need be.
- iv. The Ministry of Tribal Affairs should regularly ask the States for the Annual Reports and other interim reports or specific reports, if necessary. The State Governments should be asked to ensure that these are not reduced to routine Action-taken reports. Instead, these Reports should have the critical observations by the Governor and of the action taken or failed to have been taken by the State Government for the welfare of STs.
- v. The Ministry of Tribal Affairs should have a break from its tradition of 'implementing programmes'. The Ministry should avoid taking up small schemes for Tribal welfare, which normally do not make significant impact, except for providing support for strengthening and modernizing the State, District and Block level monitoring mechanisms. It could take up one or two flagship programs of significance, say for infrastructure development, in Scheduled Areas.
- vi. The Ministry should play a formative as well as a normative role vis-a-vis the wide range of government programmes for the development and welfare of the Tribal people. The formative role would imply the Ministry of Tribal Affairs interfacing with the other Ministries in the formulation of the schemes and programmes for providing major inputs which would define both the content and the methods of operationalization of the scheme.

- vii. The Ministry should actively participate in all proposals relating to policy, programmes and schemes of various Union Ministries so far as these impact the Tribal population. The normative role would imply where the Ministry would set the standards against which the efficacy of the scheme could be measured. The normative role would not only be limited to setting standards but also include task of 'monitoring' implementation and 'ensuring' efficacy of the programme or scheme.
- viii. The Ministry should play a pivotal role in intervening in the following order of priority:
- a) Policy formulation
  - b) Land Administration as per State specific regulations
  - c) Implementation of Forest Rights Act etc.
  - d) Conferring ownership of Minor Forest Products
  - e) Universalisation of Primary Education
  - f) Coverage of Primary Health Care
  - g) Implementation of provisions of PESA
  - h) Setting of standards, defining benchmarks, measuring outputs and undertaking mid-course correction.
- ix. The Ministry of Tribal Affairs should annually review the Reports from the Governors in meetings with the Governors, which should be addressed by the President.
- x. The Ministry of Tribal Affairs will have to work in close liaison with the President on the one hand, and the Governors of States with Scheduled Areas, on the other, so that the Tribal development agencies will be free from political interference, with the Ministry of Tribal Affairs required only to inform the President and the Governors of the Fifth Schedule area States regarding the progress made in the tribal areas. Once an efficacious development process is actualized, adherence to violence and politics of violence will abate and manipulation of these areas will also hopefully disappear.
- xi. *Tribal Affairs Units in Ministries/Departments:* All Ministries/Departments, except those especially exempted, at the Centre and States should immediately setup strong Tribal Affairs Units (TAUs). These Units should go ahead to identify their role and responsibility in consultation with the nodal Ministry/Department of Tribal Affairs in terms of the immediate and long-term tasks taking into consideration, *inter alia*, the issues identified here.
- xii. Sensitive indicators spanning the entire gamut of administration should be worked out for monthly, quarterly and annual reports with

the ITDP, State Department and the Union Ministry as the nodal points for qualitative assessment, review, identifying weak points and action thereon.

- xiii. A new chapter of concurrent and collaborative study and research should begin with the collation of whatsoever is available and defining the future tasks in terms of the past experiences and future vision. The proposed *National Tribes Advisory Council* may also provide a platform for providing direction to the TRIs.

15. The National Commission for Scheduled Tribes (NCST):

- i. The National Commission for Scheduled Tribes (NCST) is unable to focus its attention on the other areas of its mandated functions. It is necessary that the benefit of constant review and advice by the NCST as mandated is available to the Government. If the Commission suffers from staff constraints, the Government should suitably strengthen the hands of the Commission to enable it to function effectively.
- ii. The Central Government should also consult the Commission on various policy matters and utilize its expertise like scheduling of Tribals as Scheduled Tribes and de-scheduling of notified Scheduled Tribe communities.
- iii. The expertise base of the NCST should be expanded to induct renowned persons in addition to political representation. The appointment of the Chairman and members of the Commission should be entrusted to a Committee comprising the PM, the Leader of the Opposition and the Minister in charge of Tribal Affairs.
- iv. The Reports of the NCST have not, however, addressed issues facing Tribals and the Scheduled Areas in comprehensive manner. The Reports of NCST may concentrate on the working of Constitutional safeguards and present the situation from the people's perspective based on its own investigations, complaints received and the findings of researches by other institutions as against the present practice of devoting disproportionate time on service matters. The National Commission should make implementable recommendations.
- v. The President may prescribe a strict time schedule for the presentation of the Report of the NCST to the President and its consideration by the Parliament.

16. Scheduled Areas & Scheduled Tribes Commission (SA&ST Commission)

- i. The Report of the 2<sup>nd</sup> Scheduled Areas & Scheduled Tribes Commission (SA&ST Commission) has not seen the light of the day. The Report should be laid in Parliament alongwith the Action-taken Report of the Government, which should indicate the corrective policy and structural changes adopted by the Government.

17. Structure at the Apex level:

- i. There is an urgent need for establishing a body that: (i) is free from routine and (ii) has access to all relevant authorities/institutions within the System and outside.
- ii. An apex body, namely, the *National Tribes Advisory Council* headed by the Prime Minister should be able to have a realistic perception of the total situation on a continuing basis. It should be able to identify omissions and opine on the efficacy of various measures in achieving the national task.
- iii. The *National Tribes Advisory Council* should be established comprising experts with different backgrounds with deep understanding of the Tribal situation. The proposed Advisory Council could provide more space and access to those concerned with Tribal affairs and be useful for advisory role and they should continue to be consulted for legislation and policy formulations for Tribal population with powers to suggest measures of good governance to the State Advisory bodies. The Governor, on receipt of such recommendations, must consider converting them into Regulations for administering the Tribal areas.
- iv. A Standing Committee of the Cabinet with the a senior Minister in Chair should be constituted for regular review of the Tribal situation in the country and measures taken by concerned authorities on vital issues emerging from the system proposed in this report.

18. The National Development Council:

- i. A Committee on Administration of Scheduled Areas may be constituted in the National Development Council, which may regularly place before the Council its assessment of the Tribal situation.

19. The Finance Commission:

- i. The 7<sup>th</sup> Finance Commissions considered funding for raising the level of administration in the Scheduled Areas as a part of the Tribal Sub-Plan (TSP) exercise and agreed to give *ad hoc* assistance for the same. The 8<sup>th</sup> Finance Commission also followed suit. The 9<sup>th</sup>

Finance Commission, however, did not continue the practice for want of formal presentations by the concerned States.

- ii. The Government of India should specially revise the Terms of Reference of the Finance Commissions so that (i) the state of administration in the Scheduled Areas is especially assessed and (ii) specific provisions are made in its Reports for its improvement.
- iii. The practice of special consideration and dispensation for the Scheduled Areas by the Finance Commissions should be revived and earmarked. Flow of funds to the Scheduled Areas on the basis of formula covering population in the Scheduled Areas and spread of geographical area out of the funds recommended for States should be institutionalized.

20. SCs & SIs (Prevention of Atrocities) Act, 1989:

- (i) Special Courts should be set up to fast track disposal of pending cases on priority within a specified time frame and legal assistance extended to the victims.

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## Chapter- 1

### The Standing Committee.

1.1. The Standing Committee on Inter-Sectoral Issues Relating to Tribal Development, was constituted by the Prime Minister's Office (PMO) through their Notification No. 560/03/C/ 12/2004-ES.II dated 30/10/2004 (ANNEXURE-I) with Dr. Bhalechandra Mungekar, Member, Planning Commission, as its Chairman. Initially there were nine Members. Later the PMO suggested induction of two more official Members – one from the Ministry of Corporate Affairs and the other from the Department of Industrial Policy & Promotion.

1.2. Thus, presently, the Standing Committee consists of the following:

Dr. Bhalechandra Mungekar, Member, Planning Commission  
Chairman

1. Sh.M. K. Narayanan, Special Adviser to PM	Member
2. Sh.B.N.Yugandhar, Member, Planning Commission	Member
3. Sh. T.K. A. Blair, Principal Secretary to PM	Member
4. Secretary, Ministry of Home Affairs	Member
5. Secretary Deptt. of Legal Affairs	Member
6. Secretary, Ministry of Rural Development	Member
7. Secretary, Ministry of Panchayati Raj	Member
8. Secretary, Ministry of Environment & Forests	Member
9. Secretary, Ministry of Corporate Affairs	Member
10. Secretary, Department of Industrial Policy & Promotion	Member
11. Secretary, M/o Tribal Affairs Secretary	Member

1.3. The Standing Committee has been associating the following non-official Members in its deliberations:

- (1) Dr. B.D. Sharma, IAS (Retd.)
- (2) Shri S.R. Sankaran, IAS (Retd.), Hyderabad
- (3) Shri Pradip Prabhu, Faculty Member, National Institute of Rural Development (NIRD), Hyderabad
- (4) Shri Rajeev Kumar, IAS, Resident Commissioner, G/o Jharkhand

1.4. The following are the Terms of Reference of the Standing Committee:

Terms of Reference

- (a) Identifying inter-sectoral issues relating to economic development, well being and equal opportunities for development of Tribal people and suggesting appropriate strategies to respond to them.
- (b) Identifying legal, institutional and policy constraints that limit development potential of Tribal people and suggesting remedial action.
- (c) Suggesting measures to reconcile the objectives of economic growth and environmental conservation in Tribal areas.
- (d) Identifying opportunities for promotion of livelihoods for Tribal communities, capturing value-addition of forest produce, medicinal plants etc., evolving benefit-sharing mechanism for community-owned bio-resources and suggesting legal, institutional and policy reform required to achieve this.
- (e) Ensuring an effective system of relief and rehabilitation for Tribal groups displaced by development projects.
- (f) Identifying measures to contain disaffection of Tribal communities which in turn lead to extremist violence.

1.5. The Standing Committee has already submitted two Reports to the Prime Minister as under:

	Report No.	Title of the Report	Report submitted on
1.	1 <sup>st</sup> Interim Report	Interim Report of the Standing Committee on Inter Sectoral Issues Relating to Tribal Development	27.10.2005
2.	2 <sup>nd</sup> Interim Report	Displacement, Resettlement and Rehabilitation of Scheduled Tribes	16.4.2007

1.6 With inputs from the recommendations of these two Reports, the Government has enacted (i) the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006* ('Forest Rights Act') and (ii) has later notified the new *National Rehabilitation and Resettlement (R&R) Policy, 2007*. The Government has also introduced in Parliament the *Land Acquisition (Amendment) Bill, 2007* and the *Rehabilitation and Resettlement Bill, 2007*. These initiatives towards rights-based approach and strengthening control of STs over their resources and the habitat are indicative of the Government's commitment to

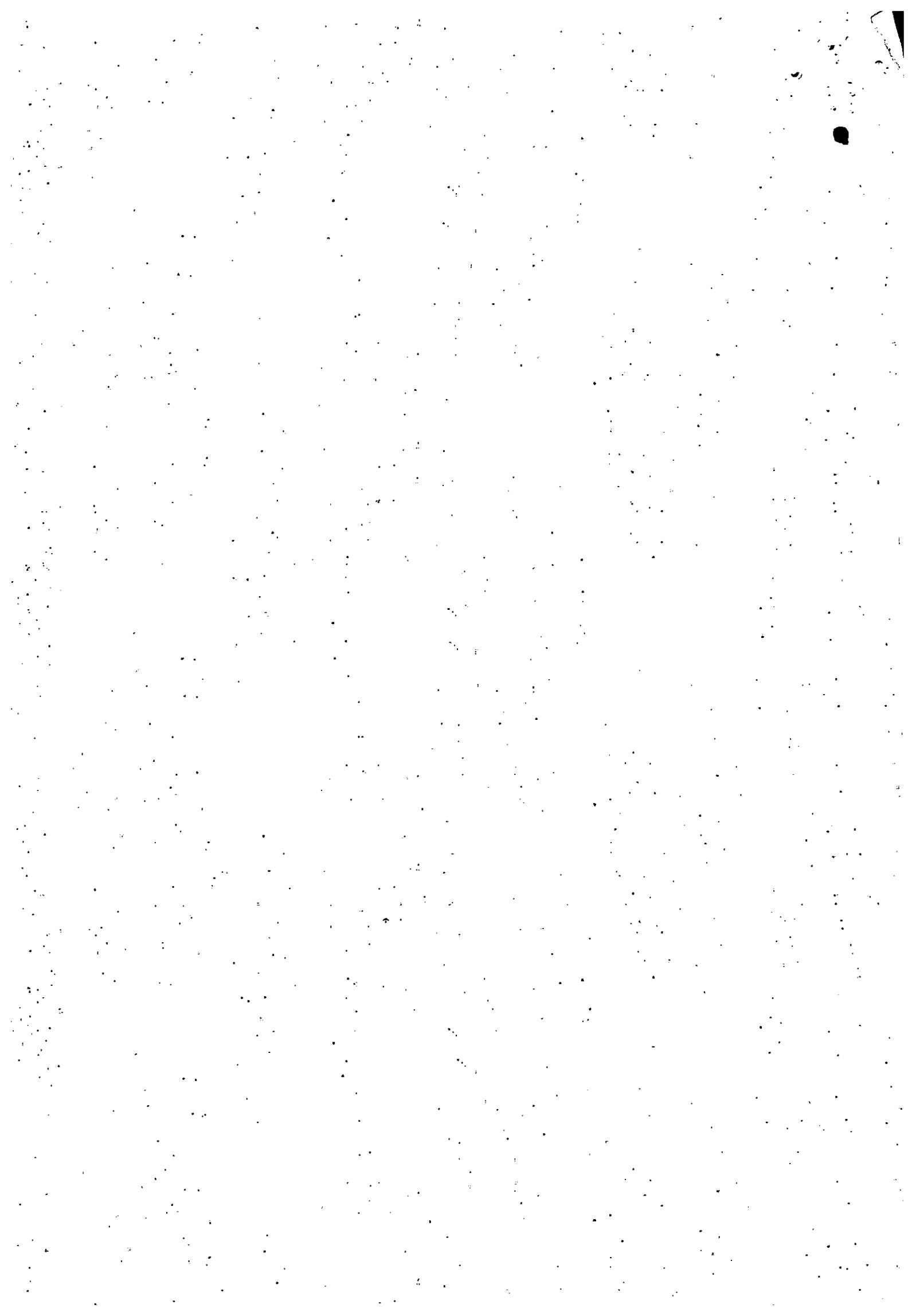
restore good administration in the Tribal areas. Having enacted on the subject it is crucial to draw a road map with detailed State Specific strategies to implement the Acts within fixed time frames.

1.7. In the course of its deliberations, the Committee, through a Workshop held in Hyderabad with the assistance of the National Institute of Rural Development (NIRD), interacted closely with select public servants from the core areas of administration, law and order, and forest management. They shared their perspectives, initiatives, experiments, results, lessons and above all, their views on the kind of interventions necessary to raise the level of governance and administration in the strife-torn areas. They suggested immediate 'development' initiatives to contain the distress and eventually address the disaffection which pervades the Tribal areas.

1.8. It is in this context that the Standing Committee has deliberated on the challenge of raising standards of administration and governance in the 'Scheduled Areas'.

1.9. This Report on "*Standards of Administration and Governance in Scheduled Areas*" is the third Report of the Standing Committee focusing on the efficacious means to address the dissatisfaction in the Tribal areas. The Standing Committee met on 9.10.2007, 28.7.2008 and 02.12.2008 before finalizing the Report.

\*\*\*\*\*



**K. Srivastava**  
Inspector General of Forests



Government of India  
Ministry of Environment & Forests  
106, Paryavaran Bhawan, CGO Complex,  
Lodhi Road, New Delhi - 110003  
Tel. : 011-24360467 (O) ; 24363685 (Fax)  
<igfwl-mef@nic.in>

F.No. 3-1/2010-CZA / 150

Dated : 15.09.2010

The Commissioner  
SC/ST Commission  
Govt. of India  
New Delhi

**Sub: Strengthening of Central Zoo Authority – reg.**

Sir,

The Central Zoo Authority (CZA) was created in February, 1992 under an Act of Parliament (Section 38A of Wild Life (Protection) Act, 1972 as amended in 1991) to control mushrooming of ill-conceived/ill planned zoos, to monitor and evaluate the existing zoos and to suggest ways and means for the improvement of zoos in the country, so that they can be transformed into potent centers for the ex-situ conservation of endangered wild fauna. The main functions assigned to the Authority for achieving the desired goals are stipulated in Section 38C of the said Act. A National Zoo Policy has also been adopted by the Government of India for providing a direction, the present day zoos are required to play. The headquarters of the Authority is at Delhi with overall staff strength of 11 only with no technical & scientific officers except Member Secretary, CZA.

Considering the mandate of the Central Zoo Authority, geographical extent of the country, changed wildlife conservation scenario, the role of the zoo in planned conservation scenario, the role of the zoo in planned conservation breeding of the identified endangered wild animal species, research on wildlife and conservation education and conducting Evaluation & Monitoring of zoos in order to achieve the defined objectives, the existing strengthen of the Authority is grossly inadequate. Therefore, it is proposed to (a) strengthen the headquarters set up of the Central Zoo Authority by upgrading the post of Member Secretary to the level of Additional PCCF from the present level of CCF and creating one post of DIG in the Pay Band 4, three posts in Pay Band 3, two posts in Pay Band – 2 and 6 posts below Pay Band 2 on outsourcing basis (b) creation of four regional offices of the CZA at Jaipur, Nagpur, Guwahati and Hyderabad involving creation of four post of DIG in the Pay Band 4 for regional office and twenty posts below Pay Band 4 on outsourcing basis.

The mandate of CZA has expanded considerably due to inclusion of conservation breeding programmes, rescues centres, ISIS/ZIMS and regulation of circuses resulting into considerable increase in the work load. Presently, there are no regional offices. The proposed regional set up is important and crucial to the decentralized functioning of CZA and to provide technical guidance for implementation of the mandate under the Recognition of Zoo Rules and various advisories of CZA.

The strengthening would require creation of 36 posts of different categories. Proposed manpower requirement and annual additional financial requirement of CZA is enclosed. The annual additional financial requirement would be about Rs 197.33 (lakhs), which is proposed to be met under the relevant plan scheme governing the CZA i.e. "Strengthening of Wildlife Divisions and Consultancies for Special Tasks."

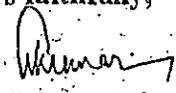
The Planning Commission has also conveyed its "in principal approval" to the proposal of strengthening of Central Zoo Authority for the remaining two years of the 11<sup>th</sup> Five Year Plan enabling the Ministry to take further necessary action vide their O.M. No. 12074/2(6)/2010-E&F, suggesting five regional office instead of three regional office.

In this regard, following the suggestion of the Planning Commission, the earlier draft Cabinet Note has been revised accordingly. Four regional offices at Jaipur, Nagpur, Guwahati and Hyderabad have been proposed as per distribution of zoos in regions & as suggested by the Planning Commission on bio-geographical basis. The said Cabinet Note has been approved by the Hon'ble Minister of State (Independent Charge), Ministry of Environment & Forests. A copy of the revised Cabinet Note is enclosed for inter ministerial consultation and approval.

You are accordingly requested to convey <sup>the comments of your office</sup> approval of the Department of Expenditure, Ministry of Finance, Govt. of India to the proposal of strengthening of Central Zoo Authority enabling the Ministry to take further necessary action.

Encl: As above

Yours faithfully,

  
(A.K. Srivastava)

SECRET

F. No. 3-1/2010-CZA(M)

Ministry of Environment & Forests

Copy No. \_\_\_\_\_

New Delhi, dated 17<sup>th</sup>, August, 2010

NOTE FOR THE CABINET

Subject: Strengthening of the headquarter set up and creation of additional posts and creation of four regional offices of Central Zoo Authority (CZA).

1. INTRODUCTION

1.1. The objective of the proposal is to (a) strengthen the headquarter set up and (b) to create four regional offices of CZA for the decentralized and effective functioning.

1.2. The CZA is a statutory autonomous body, created in 1992, under the Ministry of Environment & Forests, Govt. of India with the main objective to enforce minimum standards and norms for upkeep and healthcare of animals in Indian Zoos.

1.3. The main functions of the CZA are:-

- a) To specify the minimum standards for housing, upkeep and veterinary care of the animals kept in zoos;
- b) To recognize or derecognize zoos on the basis of the evaluation and assessing the functioning of the zoos with respect to the prescribed standards or norms;

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- c) To identify endangered species of wild animals for purpose of captive breeding and assigning responsibility in this regard to the zoos;
- d) To coordinate the acquisition, exchange and loaning of animals for breeding purpose;
- e) To coordinate training of zoo personnel in India and outside India;
- f) To coordinate research in captive breeding and educational programmes for the purposes of zoos;
- g) To provide technical, financial and other assistance to zoos for their proper management and development on scientific lines etc.

**2. CURRENT STRUCTURE AND STRENGTH OF CZA**

2.1 The CZA is headed by Minister of State (Independent charge), Ministry of Environment & Forests as the Chairman of the Authority. The Member Secretary is the Chief Executive Officer of the Authority and is supported by one Finance Officer, one Accountant and eight other Personnel and Support Staff. There are no scientific and technical manpower except a full time Member Secretary to carry out different technical obligations of the Authority.

The present strength of CZA is at **Annexure – 1**.

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**3. PROPOSAL**

3.1 The instant proposal consists of two parts:

a) Strengthening of the headquarter set up by upgrading the post of Member Secretary to the level of Additional PCCF along with creation of 12 number of additional post and (b) Creation of four regional offices of the CZA at Jaipur, Nagpur, Guwahati and Hyderabad.

**3.2 Strengthening of headquarter set up of the CZA**

In order to strengthen the headquarter set up, it is proposed:-

3.2.1 To upgrade the post of Member Secretary from CCF level (Rs. 37400-67000, Grade pay Rs. 10,000) to Addl. PCCF level (Rs. 67000-79000) for better coordination and control at national level.

3.2.2 To create one post of Deputy Inspector General (DIG) in the pay scale of Rs. 37400-67000 (Pay Band-4) with grade pay of Rs. 8900.00. The DIG will act as second in command to Member Secretary, Central Zoo Authority and would assist him in administrative and day to day functioning of CZA. In the present set up there is no post to look after administrative work of CZA. DIG CZA will look after, the administrative work of CZA and regional offices in addition to coordination of technical work.

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3.2.3 To create one post of Evaluation and Monitoring Officer (EMO) in the pay scale of Rs. 15600-39100 (Pay Band – 3) with grade pay of Rs. 6600 and would be mandated with coordinating monitoring and evaluation activities of the regional offices and coordinating exchange of animals, rescue centres etc..

3.2.4 To create two posts of Scientific Officers in the pay scale of Rs. 15600-39100 (Pay Band-3) with grade pay of Rs. 5400.

4.2.4 (a) The post of Scientific Officer (Research, Education, Training & International corporation) SO (RET&IC) would be mandated with coordinating technical committee meetings, matter related with research, education, publicity, training, workshop, conferences/ seminars and other wildlife issues.

4.2.4 (b) The post of Scientific Officer (Conservation Breeding & Master Planning) SO (CB&MP) would be mandated with the matters related with the ambitious programme of conservation breeding of various identified endangered species, coordinating with the various coordinating and participating zoos Master Plan, education plan and coordinating conferences, workshops on related subjects.

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3.2.5 To create one post of Law Officer on outsourcing basis. This post would be mandated with the matter related to the various court cases, which has been increasing over the period consequent upon regulatory nature of work of the Authority, such as closing/ de-recognition of zoos and deal with other legal matters of the Authority.

3.2.6 To assist Evaluation and Monitoring Officer as proposed above, creation of one post of Evaluation & Monitoring Assistant (EMA) in the pay scale of Rs. 9300-34800 (Pay Band – 2) with grade pay of Rs. 4200 is proposed.

3.2.7 To assist Scientific Officers (RET & IC) and SO (CB & MP), creation of one post of Technical Assistant (TA) in the pay scale of Rs. 5200-20200 (Pay Band – 1) with grade pay of Rs. 2800 is proposed.

3.2.8 To assist DIG, CZA, one post of Private Secretary, one consultant veterinarian, one IT Assistant, one office peon and one driver is proposed on outsourcing basis.

**3.3 Creation of four Regional offices of CZA**

3.3.1 The Regional Office, CZA at Jaipur, will be headed by the Deputy Inspector General and will have jurisdiction over zoos of Trans Himalayan, Western Himalaya and Gangetic Planes, Desert and Semi Arid Region covering 45 zoos (Annexure III) of J&K, Himachal Pradesh, Uttrakhand, Delhi, Rajasthan, Haryana, Punjab & Uttar Pradesh. The DIG will be assisted by one Private Secretary, one Consultant Veterinarian, one IT Assistant, one Driver and one Office Peon on outsourcing basis.

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3.3.2 **The Regional Office, CZA at Nagpur**, will be headed by the Deputy Inspector General and will have jurisdiction over zoos of Central High Lands and Deccan Plateau covering 45 zoos (Annexure III) of Maharashtra, Karnataka, Gujarat, Goa, Madhya Pradesh and Dadar & Nagar Haveli and Chattisgarh. The DIG will be assisted by one Private Secretary, one Consultant Veterinarian, one IT Assistant, one Driver and one Office Peon on outsourcing basis.

3.3.3 **The Regional Office, CZA at Guwahati**, will be headed by the Deputy Inspector General and will have jurisdiction over zoos of Eastern Himalayan, North East and Gangetic Plane covering 38 zoos (Annexure III) of Mizoram, Manipur, Nagaland, Assam, Tripura, Meghalaya, Sikkim, West Bengal, Bihar and Jharkhand. The DIG will be assisted by one Private Secretary, one Consultant Veterinarian, one IT Assistant, one Driver and one Office Peon on outsourcing basis.

3.3.4 **The Regional Office, CZA at Hyderabad**, will be headed by the Deputy Inspector General and will have jurisdiction over zoos of Konkan Coast, Western Ghats, Malabar coast, Eastern Ghats, Coromandel Coast, Andaman & Nicobar Islands covering of 47 zoos (Annexure III) of Andhra Pradesh, Kerala, Orissa, Tamil Nadu,

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Andaman & Nicobar. The DIG will be assisted by one Private Secretary, one Consultant Veterinarian, one IT Assistant, one Driver and one Office Peon on outsourcing basis.

3.3.5 The proposed regional offices would be mandated to assist the CZA, New Delhi in implementation of its advisories, evaluation and monitoring of ongoing projects besides attending to day-to-day development in the zoos, enforcement along with coordination with various government departments, local civic bodies, NGOs and conservationists etc. These offices would be under the direct administrative control of Member Secretary, CZA, Government of India, New Delhi.

#### **4. JUSTIFICATION FOR THE PROPOSAL**

In the changed wildlife conservation scenario, the zoos have to play very important role with planned conservation breeding of the identified wild animal species, conducting research on wildlife, conservation education and also act as rescue centres for orphaned/ rescued wild animals. Indian zoos are continuously receiving such animals for immediate housing and that put additional burden on zoos.

4.1 There are 198 Zoos in India that are recognized by CZA. Conservation breeding programme for 72 identified endangered species of Indian origin

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has been initiated by creating **off-display conversation breeding centres** in each coordinating zoos. The CZA is sponsoring and coordinating joining of all the major Indian zoos to the International Species Information System (ISIS) and Zoological Information Management System (ZIMS) for better and coordinated management and record keeping of animals.

After banning of performance of lions, tigers, leopards, bears and monkeys in circuses, seven rescue centres were established by CZA for rehabilitation of these animals. More number of such rescue centres in the existing zoos in consultation with Chief Wild Life Warden of State for rehabilitation of other rescue animals, viz., Orphan, seized/ sick & injured etc. are also being established.

4.2 Under section 38H(1) of Wild Life (Protection) Act no Zoo shall be operated without being recognized by CZA. Therefore, to grant recognition every zoo is being evaluated by engaging experts Ex-Zoo Director, Present Directors.

**4.3 Strengthening of headquarter**

4.3.1 At present, the headquarter set up of the CZA consists only of Member Secretary of the rank of Chief Conservator of Forests (IGF) assisted by officer and staff as shown in **Annexure-1**, having no technical and scientific posts sanctioned.

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M/s Ed. CIL India Ltd. who was assigned the job of independent evaluation of CZA has recommended in its report that the present establishment in CZA is too small to issue regulatory/technical instructions to the zoos and CZA must have scientific/legal personal in its establishment. CAG of India in its report No. CA-16 of 2008-09 laid in the parliament on 10.07.2009 has also recommended that Ministry of Environment & Forests should consider sanctioning of technical/scientific posts to CZA to emerge as facilitator for proper improvement of zoos.

4.3.2. The mandate of CZA has expanded considerably by inclusion of conservation breeding programmes, rescue centres, ISIS/ ZIMS, circuses resulting in considerable increase in work load. The ex-situ conservation, which plays a supporting role to in-situ conservation, remains important and crucial.

4.3.3. There has been not much of effective monitoring and evaluation in terms of utilization of funds released to zoos and rescue centres through the existing manpower available with CZA.

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4.3.4 The proposed strengthening of Headquarter would strengthen the existing set up for effective coordination and implementation of functions of CZA.

**4.4 Creation of four regional offices of the CZA located at Jaipur, Nagpur, Guwahati and Hyderabad.**

4.4.1 Presently, there are no regional offices. The proposed regional set up is important and crucial to decentralise the functioning of CZA to provide technical guidance for implementation of the mandates under the Recognition of Zoo Rules and various advisories of CZA. Besides conducting evaluation and monitoring & effective implementation of standards and utilisation of funds released to various zoos involving concerned departments, civil societies, NGOs of the concerning States. The zoo authorities would also be assisted in the preparation of Master Plans, Education Plans implementing the various strategies viz., marketing, fund raising, human resource development etc.

The regional offices, on a day-to-day basis would update the CZA office at the centre on emergent situation and happenings in various zoos of the region. This would facilitate timely help to those zoos in overcoming the problems to strengthen the ex-situ conservation.

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**5. FINANCIAL IMPLICATION:**

The proposal involves a total **incremental** financial implication of **Rs.464.66 lacs** for XIth plan period (Rs. 105.70 lacs on headquarter set up and Rs. 358.96 lacs on regional offices) as shown in **Annexure -2**.

**6. INTER-MINISTERIAL CONSULTATIONS**

6.1 Planning commission has conveyed "in-principal approval vide O.M. No. 12074/2(6)/2010-E&F dated 15.07.2010 (copy enclosed). The commission has suggested five regional offices at Jaipur, Bangalore, Guwahati, Dehradun and Thiruvananthapuram. However, on the basis of number of zoos and geographical conditions, it has been proposed to create four regional offices instead of five and one post of DIG along with supporting staff has been proposed to be created at Hqrs. Justification for deviation from "in -principal approval is given in Annexure - IV.

6.2 The proposal is being forwarded to Department of Personnel and Training, Ministry of Social Justice and Empowerment, Department of Expenditure for inter ministerial consultation and obtaining approval of the Finance Ministry

**SECRET**

**F. No. 3-1/2010-CZA(M)**

**Ministry of Environment & Forests**

**7. APPROVAL OF THE CABINET**

7.1 Approval of the Cabinet is solicited for **strengthening the headquarter** set up of the CZA by creating following posts, which will involve an annual expenditure of **Rs. 52.85 lacs (Annexure-2)** under the Central Sector Scheme, Strengthening of Wildlife Division 'Grant-in-Aid' of CZA during XIth Plan period.

7.1.1 Upgrading the post of Member Secretary to the level of Additional PCCF in the pay scale of Rs. 67000-79000; and creating the posts of:

7.1.2 Deputy Inspector General, CZA in the pay scale of Rs.37400-67000 (Pay Band -4) with grade pay of Rs. 8900/-;

7.1.3 Evaluation and Monitoring Officer, CZA in the pay scale of Rs. 15600-39100 (Pay Band-3) with grade pay of Rs. 6600/-;

7.1.4 Two Scientific Officers (RET&IC) & (CB&MA) in the pay scale of Rs. 15600-39100 (Pay Band - 3) with grade pay of Rs. 5400/-;

7.1.5 Evaluation and Monitoring Assistant, CZA in the pay scale of Rs. 9300-34800 (Pay Band - 2) with grade pay of Rs. 4200/-;

7.1.6 Technical Assistant, CZA in the pay scale of Rs. 5200-20200 (Pay Band - 1) with grade pay of Rs. 2800.

7.1.7 Law Officer - on outsourcing basis

7.1.8 Private Secretary - on outsourcing basis



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. RU-IV/Policy-1/M&EF/2010

छोटी मंजिल, 'बी' विंग, लोक नायक भवन  
खान मार्केट, नई दिल्ली-110003  
6th Floor, 'B' Wing, Lok Nayak Bhawan  
Khan Market, New Delhi-110 003

Dated .....04.10.2010.....

To,

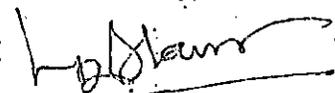
- (1) Shri Maurice Kujur  
Vice Chairperson
- (2) Shri Oris Syiem Myriaw,  
Member
- (3) Smt. K. Kamala Kumari  
Member

Sub: Strengthening of Central Zoo Authority - Reference from the M/o  
Environment & Forests - Comments

Sir,

The Ministry of Environment & Forests have requested comments of the Commission on the above mentioned subject. Letter No. 3-1/2010-CZA/106 dated 27.09.2010 of the Ministry is enclosed for your perusal/comments. The subject is likely to be discussed in the next meeting of the Commission.

Yours faithfully,

  
(Mrs. K.D. Bhansor)  
Deputy Director

Copy to:-

PPS to Secretary  
PS to JS  
Director (Admn & RU-IV.)  
Director (RU-I & RU-II)  
DD(RU-III & RU-IV)  
AD, C.Cell

A.K. Srivastava  
Inspector General of Forests



Government of India  
Ministry of Environment & Forests  
106, Paryavaran Bhawan, CGO Complex,  
Lodhi Road, New Delhi - 110003  
Tel. : 011-24360467 (O) ; 24363685 (Fax)  
<igfwl-mef@nic.in>

F.No. 3-1/2010-CZA/106

Dated : 27.09.2010

The Secretary  
The National Schedule Tribe Commission  
Government of India  
'B' Wing, 6<sup>th</sup> Floor, Loknayak Bhawan, Khan Market  
New Delhi - 110 003

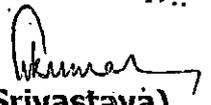
**Sub: Strengthening of Central Zoo Authority – reg.**

Ref: Ministry of Environment & Forests letter no. F.No. 3-1/2010-CZA dated 15.09.2010

Sir,

In continuation to this office earlier letter of even number dated 15.09.2010 (copy enclosed), you are requested to convey the comments of the Schedule Tribe Commission to the proposal of strengthening of Central Zoo Authority enabling the Ministry to take further necessary action.

Yours faithfully,

  
(A.K. Srivastava)

Encl: As above

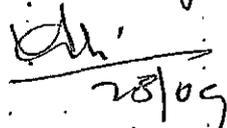
1. It is inform that the matter will be submitted to the Commission for consideration at its next mtg. Will held / circulate all comm

2. Where is the earlier letter from M/ E & F ?

Pl. trace and discuss w/ officers concerned.

108/Smy/10 (X)  
28/9/10

Row Please register under 'Policy' P  
DD/AD/Coord  
28/9

  
28/09

SECRET

F. No. 3-1/2010-CZA(M)

Ministry of Environment & Forests

Appendix - I

STATEMENT OF IMPLEMENTATION SCHEDULE

Subject:- Strengthening of the headquarter set up and creation of additional posts and creation of four regional offices of CZA.

Gist of decision required	Benefits	Time-frame and manner of implementation/ Reporting to Cabinet Secretariat
Approval of the Cabinet is solicited for I. <b>Strengthening the headquarter set up</b> of the Central Zoo Authority involving upgrading the post of Member Secretary to the level of Additional PCCF in the pay scale of 67000-79000 and sanction of twelve posts in the pay band 4 and below as proposed at para 8.1  II. <b>Creation of four regional offices of CZA</b> at Nagpur, Jaipur, Guwhati and Hyderabad Involving creation of four post of DIG in the scale of Rs. 37,000-67,000 ( pay band 4) and 20 post in the band 3 & below as proposed at Para 8.2.	1. This would strengthen the headquarter set up of CZA and it will be easier to evaluate and monitor the zoos from the regional headquarters. 2. The field delivery system would improve. 3. It will be easier to implement the advisories of CZA besides conducting evaluation and monitoring of various zoos. 4. Regional offices will decentralized the functioning of CZA and provide technical guidance for implementation of the mandates under the Recognition of Zoo Rules	The direction of the Cabinet would be implemented within six months from the date of approval.

Signature:

Name:

Designation:

Phone:

IGF(WL)

011-24360467

SECRET

F. No. 3-1/2010-CZA(M)

Ministry of Environment & Forests

Appendix – II

STATEMENT OF EQUITY, PUBLIC ACCOUNTABILITY AND INOVATION

Subject:- Strengthening of the headquarter set up and creation of additional posts and creation of four regional offices of CZA.

S.No	The required goal	How does the proposal advance this goal?
1.	Equity or inclusiveness	Equity issue has fully been taken care of while framing the proposal. Regional Offices has been proposed on the basis of number of zoos in regions concerned keeping equitable distribution among different regions and geographical proximity.
2.	Public Accountability	To implement the mandate to be more accountable to the public, strengthening of Hqrs. of CZA & creation of Regional Offices is necessary. This will ensure better public accountability as CZA will be in a better position in discharge its mandate.
3.	Innovation	Nil

Signature:  
Name:  
Designation:  
Phone:

IGF(WL)  
011-24360467

SECRET

F. No. 3-1/2010-CZA(M)

Ministry of Environment & Forests

Annexure - 1

Existing Sanctioned Post:

At present only 11 administrative and ministerial sanctioned posts exist as given below:-

Sl. No.	Name of the post	Pay-Band with Grade Pay	Method of recruitment
1.	Member Secretary	Rs.37400-67000 (Grade Pay Rs.10000)	Deputation
2.	Finance Officer	Rs.15600-39100 (Grade Pay Rs.5400)	Deputation
3.	Private Secretary	Rs.9300-34800 (Grade Pay Rs.4600)	Deputation/Promotion
4.	Accountant	Rs.9300-34800 (Grade Pay Rs.4200)	By promotion/Deputation
5.	Personal Assistant	Rs.9300-34800 (Grade Pay Rs.4200)	Direct
6.	Data Processing Assistant	Rs.9300-34800 (Grade Pay Rs.4200)	Direct
7.	Upper Division Clerk	Rs.5200-20200 (Grade Pay Rs.2400)	By promotion failing which by direct recruitment
8.	Staff Car Driver	Rs.5200-20200 (Grade Pay Rs.2400)	Direct
9.	Lower Division Clerk	5200-20200 (Grade Pay Rs.1900)	Direct/promotion
10.	Peon	5200-20200 (Grade Pay Rs.1800)	Direct
11.	Peon	5200-20200 (Grade Pay Rs.1800)	Direct

SECRET  
F. No. 3-1/2010-CZA(M)  
Ministry of Environment & Forests

Annexure - II

Incremental financial implication due to upgradation and creation of new posts and infrastructure/ maintenance/ office expenditure at the proposed Regional Offices and Head quarters.  
At Head Quarter

(Rs. in Lacs)

S. No.	Description	Number	Pay-scale Amount in Rs.	Amount per year	Amount for the XI plan period
1.	Salary of officers (due to creation of new Posts)	01 - Member Secretary (upgradation only)	67000-79000	0.50	1.00
		01 - Deputy Inspector General	37400-67000 (Gr. Pay 8900)	13.14	26.28
		01 - Evaluating and Monitoring Officer	15600-39100 (Gr. Pay 6600)	7.86	15.72
		02 - Scientific Officer	15600-39100 (Gr. Pay 5400)	9.32	18.64
		01 - Evaluating and Monitoring Assistant	9300-34800 (Gr. Pay 4200)	3.48	6.96
		01 - Technical Assistant	5200-20200 (Gr. Pay 2800)	2.47	4.94
		01 - Law Officer (outsourcing)	30,000/- p.m.	3.60	7.20
		01 - Private Secretary (outsourcing)	15000/- p.m.	1.80	3.60
		01 - Consultant Veterinarian (outsourcing)	50000/- per month	6.00	12.00
		01 - IT Assistant (outsourcing)	20000/- per month	2.40	4.80
		01 - Office Peon (outsourcing)	7000/- per month	0.84	1.68
		01 - Driver (outsourcing)	12000/- per month	1.44	2.88
		<b>Total</b>		<b>52.85</b>	<b>105.70</b>

At 04 Regional Offices

S. No.	Description	Number	Pay-scale Amount in Rs.	Amount per year	Amount for the XI plan period
1.	Salary of Officers	04 - Deputy Inspector General	37400-67000 (Gr. Pay 8900)	52.56	105.12
		04 - Private Secretary (outsourcing)	15000/- per month	7.20	14.40
		04 - Consultant Veterinarian (outsourcing)	50000/- per month	24.00	48.00
		04 - IT Assistant (outsourcing)	20000/- per month	9.60	19.20
		04 - Office Peon (outsourcing)	7000/- per month	3.36	6.72
		04 - Driver (outsourcing)	12000/- per month	5.76	11.52
		<b>Total</b>		<b>102.48</b>	<b>204.96</b>
2.	Office Building and Related infrastructure at 4 locations	1. Rent @ Rs. 50,000/- p.m for four regional offices (including Furniture & Fixture)	-----	24.00	48.00
		2. Five LMV @ Rs. 8.00 lakhs per office	-----	---	40.00
		3. Computers with printers (4-in-1) @ 1.25 lakhs per year per office	-----	---	10.00
		4. Registration fee and software for ISIS/ZIMS, etc @ Rs. 5.00 per office	-----	---	20.00
		5. Stationary & other office expenses @ Rs. 4.50 lakhs per year per office	-----	18.00	36.00
		<b>Total</b>		<b>42.00</b>	<b>154.00</b>
		<b>Total I &amp; 2</b>		<b>144.48</b>	<b>358.96</b>
		<b>Grand Total</b>		<b>197.33</b>	<b>464.66</b>

Restructuring of CZA and distribution of zoos among regional offices

Jaipur (RO)		Nagpur (RO)		Guwahati (RO)		Hyderabad	
Name of State	No. of Zoos	Name of the state	No. of Zoos	Name of state	No of zoos	Name of State	No. of Zoos
Uttrakhand	03	Karnataka	18	Arunachal Pradesh	04	Andman & Nicobar	01
Himachal Pradesh	07	Maharashtra	11	Mizoram	02	Andhra Pradesh	18
Jammu & Kashmir	03	Goa	01	Assam	03	Orissa	11
Delhi	02	Dadar & Nagar Haveli	01	Sikkim	01	Tamil Nadu	09
Uttar Pradesh	09	Madhya Pradesh	03	Meghalaya	02	Kerala	08
Haryana	08	Chattisgarh	03	Tripura	01		
Punjab	05	Gujarat	08	Nagaland	01		
Rajasthan	08			Manipur	01		
				West Bengal	15		
				Bihar	01		
				Jharkhand	07		
<b>Total</b>	<b>45</b>	<b>Total</b>	<b>45</b>	<b>Total</b>	<b>38</b>	<b>Total</b>	<b>47</b>

## Annexure IV

### Reason for deviation from "in principal approval of the Planning Commission"

Initially proposed regional	Suggested Regional Hqrs.	Now proposed regional offices with deviation
Delhi	Jaipur	Jaipur Nagpur, Hyderabad & Guwahati
Bangalore	Bangalore	Instead of five regional offices suggested by Planning Commission, it has been decided after detailed discussion with Minister of Environment & Forests and other authorities in Ministry of Env. & Forests that CZA should have four regional offices located at Jaipur, Nagpur, Hyderabad & Guwahati. Regional offices have been proposed keeping in view the number of zoos, geographical proximity and administrative convenience. Due care has been taken to issue of equity. One post of DIG alongwith supporting staff has been proposed to be created at Hqrs. to assist Member Secretary, CZA in the coordination work of regional offices and assist his day to day administrative work. In the initial proposal a regional office at Delhi was proposed and DIG, Regional Office Delhi was supposed to assist Member Secretary, CZA
Karnataka	Guwahati	
	Dehradun	
	Thiruvananthapuram	

No.12074/2(6)/ 2010 – E&F  
Planning Commission  
(E&F Division)

Yojana Bhawan, Sansad Marg,  
New Delhi – 110 001  
15th July, 2010

**OFFICE MEMORANDUM**

**Subject: Strengthening of Central Zoo Authority.**

**Reference: Letter No. F No. 3-1/2010 – CZA dated. 20<sup>th</sup> May, 2010.**

Inviting reference to the letter cited above, "in-principle" approval is accorded to the proposal for Rs. 3.55 Cr. for the remaining two years of the Eleventh Five Year Plan. However, following modifications needs to be incorporated in the proposal.

Sl. No.	Proposed Regional Headquarters.	Suggested Regional Headquarters.	
		Regional Headquarters.	Jurisdiction
1.	Delhi	Jaipur	Desert and Semi Arid Region
2.	Bangalore	Bangalore	Central High Lands; Deccan Plateau
3.	Kolkata	Guwahati	Eastern Himalayan and North East
4.	-	Dehradun	Trans Himalayan, western Himalaya and Gangetic Planes
5.	-	Thiruvananthapuram	Konkan Coast, Western Ghats, Malabar Coast, Lakshadweep Islands, Eastern Ghats, Coromandel Coast, Andaman & Nicobar Islands

The other modifications regarding budget estimates for Headquarters and regional headquarters for the years 2010-11 and 2011-12 are given in Annexure - I.

It is requested to modify the proposal in the light of modifications suggested, (Annexure - I) for future plan of action.

Encl. Annexure -I)

(D.J. Kushwah)  
Research Officer (E & F)  
Room No.424  
Tel.2304 2432

To,  
Shri A.K. Srivastava, i. On tour.  
Inspector General of Forests,  
Ministry of Environment & Forests,  
106, Paryavaran Bhawan, CGO Complex,  
Lodhi Road, New Delhi – 110 003.  
E-Mail : igfwl-mef@nic.in  
Tel.: 011- 2436 0467 Fax: 011 – 2436 3685

02/19A/ul  
26/7

(wlk)

28/7/10  
16/7/10

SECRET

F. No. 3-1/2010-CZA(M)

Ministry of Environment & Forests

- 7.1.9 Veterinary Consultant – on outsourcing basis
- 7.1.10 IT Assistant – on outsourcing basis
- 7.1.11 Driver – on outsourcing basis
- 7.1.12 Peon – on outsourcing basis
- 7.2 Creation of **four regional offices** of the CZA located at Jaipur, Nagpur, Guwahati and Hyderabad, each headed by Deputy Inspector General in the pay-scale of Rs. 37400-67000 (Pay Band-4) with grade pay of Rs. 8900 with one Private Secretary, one Consultant Veterinarian, One IT Assistant, one Driver and office Peon (on outsourcing basis) with necessary office support viz., office infrastructure with equipments, furniture, transport etc. involving recurring cost of Rs.358.96 lacs (Annexure-2) under the ongoing scheme of Central Sector Scheme under Strengthening of Wildlife Division (grant-in-aid) of CZA during XIth five year plan.
8. The Statement of Implementation Schedule in respect of the above proposal has been given in the Appendix – I to the note.
9. The statement of equity, public accountability & innovation has been given in the Appendix – II.
10. The Note has been approved by Minister of State (I/C), Environment & Forests.

IGF(WL)  
011-24360467

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**  
**(OFFICE OF THE MEMBER (OSM))**

I propose to visit Guwahati, Shillong and other places in the States of Assam & Meghalaya to hold the meeting with officials of Indian Council of Agricultural Research (ICAR), scientists of Central Potato Research Station, Shillong and local tribal leaders/delegates to discuss the matters related to Tribal welfare.

My tour programme is as follows:

<u>DATE</u>	<u>DEP.</u>	<u>ARR.</u>	<u>MODE</u>
03/11/10 (Wednesday)	1045 HRS NEW DELHI	1300 HRS GUWAHATI	IC 889 Air India
	1300 HRS GUWAHATI	1530 HRS SHILLONG	BY ROAD (104 Kms)
		<b><u>NIGHT HALT</u></b>	
04/11/10 (Thursday)	1100 HRS	MEETING WITH DIRECTOR / OFFICIALS OF INDIAN COUNCIL OF AGRICULTURAL RESEARCH (ICAR).	
		<b><u>NIGHT HALT</u></b>	
05/11/10 (Friday)	DEEPAWALI		
		<b><u>NIGHT HALT</u></b>	
06/11/10 (Saturday)	1100 HRS	ATTEND LOCAL FUNCTION.	
		<b><u>NIGHT HALT</u></b>	
07/11/10 (Sunday)	1100 HRS	MEETING WITH LOCAL TRIBAL LEADERS	
		<b><u>NIGHT HALT</u></b>	
08/11/10 (Monday)	1100 HRS	MEETING WITH SCIENTISTS OF CENTRAL POTATO RESEARCH STATION.	
		<b><u>NIGHT HALT</u></b>	
09/11/10 (Tuesday)	1500 HRS	MEETING WITH LOCAL TRIBAL DELEGATES	
		<b><u>NIGHT HALT</u></b>	
10/11/10 (Wednesday)	1300 HRS SHILLONG	1530 HRS GUWAHATI	BY ROAD (104 Kms)
	1640 HRS GUWAHATI	1855 HRS NEW DELHI	IC 890 Air India

For kind approval please.

*(Signature)*  
**(ORIS SYIEM MYRIAW)**  
**MEMBER**  
**25/10/2010**

**VICE-CHAIRPERSON (NCST)**

**SECRETARY (NCST)**

*M. T.*  
**25/10/2010**

Unique Diary No. 5399/2010  
 Section Diary No. 67/Member(OSM)/2010  
 Dated - 25-10-2010

*25/10/2010*  
*25/10/2010*

*(Signature)*  
*(Signature)*

AD/Coord - P.L. keep it in record → Copy only

DIRIA | *(Signature)* Please check it

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**  
**(OFFICE OF THE HON'BLE MEMBER) (KKK)**

I propose to visit Hyderabad & Guntur districts of Andhra Pradesh to review implementation of various welfare measures for social, economic and educational development of tribes in these districts and to assess the standard of living of tribes, basic infrastructure, health and hygiene etc. in their habitations.

The itinerary of the proposed tour follows:

DATE	DEP.	ARR.	MODE
28-10-2010	0950 Hrs. NEW DELHI	1200 Hrs. HYDERABAD	BY AIR (IC-942)
29-10-2010	HYDERABAD	GUNTUR	BY TRAIN
	MEETING WITH THE LOCAL TRIBALS AND TRIBAL LEADERS		
30-10-2010	MEETING WITH THE TRIBALS AND CONCERNED OFFICERS OF THE VARIOUS DEPARTMENTS TO DISCUSS THE PROBLEMS.		
31-10-2010	MEETING WITH THE TRIBALS.		
01-11-2010	VISIT TO THE TRIBAL HOSTELS, RESIDENTIAL SCHOOLS IN BAPATLA, GUNTUR DISTRICT.		
02-11-2010	MEETING WITH THE SCHEDULED TRIBES EMPLOYEES WORKING WITH VARIOUS GOVT DEPARTMENTS.		
03-11-2010	LOCAL VISITS TO THE S.T. HABITATIONS, BAPATLA.		
04-11-2010	LOCAL VISITS TO THE S.T. HABITATIONS		
05-11-2010	VISITS TO THE RESIDENTIAL SCHOOLS AND HOSTELS OF S.T.s		
	GUNTUR	HYDERABAD	BY TRAIN
06-11-2010	0640 Hrs. HYDERABAD	0835 Hrs. NEW DELHI	BY AIR (IC-939)

Submitted for the kind approval of Hon'ble Vice-Chairperson.

*K. Kamala Kumari*  
**(K. KAMALA KUMARI)**  
 Member  
 26/10/10

Hon'ble Vice-Chairperson

Secretary

*M*  
 26/10/2010

U.D.N.D. 55439/2010  
 S.D.N.D. 618/MEMBER (KKK)/2010

JIRIA | A.D | Comd.  
 4/5/A

NATIONAL COMMISSION FOR SCHEDULED TRIBES  
OFFICE OF THE HON'BLE MEMBER (BLM)

I propose to visit Udaipur and other places in the States of Rajasthan to hold the meetings with local tribal leaders and with officers concerned to discuss the matters related to Tribal Development.

The itinerary of the proposed tour follows:

<u>DATE</u>	<u>DEP.</u>	<u>ARR.</u>	<u>MODE</u>
29-10-2010	1345 Hrs. NEW DELHI	1455 Hrs. UDAIPUR	BY AIR (9W-707)
30-10-2010	MEETING WITH THE TRIBALS AND CONCERNED OFFICERS TO DISCUSS THE PROBLEMS.		
31-10-2010	MEETING WITH THE TRIBALS.		
01-11-2010	UDAIPUR	NEW DELHI	BY AIR

Submitted for the kind approval of Hon'ble Chairman.

*(Signature)*  
28/10/10  
(BHERU LAL MEENA)  
Member  
28/10/2010

Hon'ble Chairman

Secretary

4CST/10-1  
3/10/10

*(Signature)*  
28/10/10

*(Signature)*  
28/10

DIA/JA  
USA/A

AD/Coord

31/10/10 30/10/10  
28/10/10

**MOST IMMEDIATE**  
**BY HAND**



No.1/7/10-Coord.  
Government of India  
National Commission for Scheduled Tribes

6<sup>th</sup> Floor, 'E' Wing,  
Loknayak Bhawan,  
Khan Market,  
New Delhi-110003

Dated: 01-11-2010

To

- 1) Dr. Rameshwar Oraon, Chairperson
- 2) Shri Maurice Kujur, Vice-Chairperson
- 3) Shri Oris Syiem Myriaw, Member
- 4) Smt. K. Kamala Kumari, Member
- 5) Shri Bheru Lal Meena, Member

**Subject:** 22<sup>nd</sup> Meeting of the Commission to be held at 11 AM on 26-11-2010 – Notice for the Meeting.

Sir/Madam,

I am directed to say that the next meeting of the Commission will be held on 26-11-2010 at 11 AM in the Conference Room of the Commission. The meeting will be presided over by Dr. Rameshwar Oraon Chairperson. The Agenda items for consideration in the meeting are given below:

S. No.	Subject	Received from	Concerned F.No./ Circulated with letter/OM No:	Remarks
1.	Comments on the 3rd Report titled "Standards of Administration and Governance in the Scheduled Areas" by the Standing Committee on Inter-Sectoral Issues relating to Tribal Development.	Ministry of Tribal Affairs	PDM/Development/MTA (Policy)/2010/RU-II dated 04-10-2010	
2.	Strengthening of Central Zoo Authority Reference from the Ministry of Environment & Forests -comments	Ministry of Environment & Forests	RU-IV/Policy-1/M&EF/2010 dated 04-10-2010	

2. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,

(Aditya Mishra)  
Joint Secretary

Copy for information and necessary action to:

- (1) Secretary
- (2) Joint Secretary
- (3) Director (RU-I & II)
- (4) Dy. Director (RU-III & IV)
- (5) US(Admn.)/SO(Admn) may kindly see for making necessary arrangement for conduct of the meeting.
- (6) Copy for information and record in F.No.1/3/10-Coord.

Copy to SSA (NIC) for uploading on the website of NCST.

**MOST IMMEDIATE**  
**BY HAND**



**No.1/7/10-Coord.**  
**Government of India**  
**National Commission for Scheduled Tribes**

6<sup>th</sup> Floor, 'B' Wing,  
Loknaya Bhawan,  
Khan Market,  
New Delhi-110003

Dated: 24-11-2010

To

- 1) Dr. Rameshwar Oraon, Chairperson
- 2) Shri Maurice Kujur, Vice-Chairperson
- 3) Shri Oris Syiem Myriaw, Member
- 4) Smt. K. Kamala Kumari, Member
- 5) Shri Bheru Lal Meena, Member

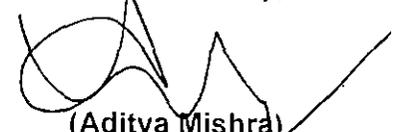
**Subject: 22<sup>nd</sup> Meeting of the Commission to be held at 11 AM on 26-11-2010 – Notice for the Meeting.**

Sir/Madam,

I am directed to refer to the Commission's letter of even No.1/7/2010-Corrd. dated 01/11/2010 regarding meeting of the Commission held on 26-11-2010 at 11AM in the Conference Room of the Commission and to enclose herewith a copy of the Agenda Note on the following item:

S. No.	Subject
Item No.3	Programme for State Review by the Commission to monitor and evaluate the impact of development schemes pertaining to STs.

Yours faithfully,

  
(Aditya Mishra)  
Joint Secretary

Copy for information and necessary action to:

- (1) Secretary
- (2) Joint Secretary
- (3) Director (RU-I & II)
- (4) Dy. Director (RU-III & IV)
- (5) Copy for information and record in F.No.1/3/10-Coord.

Copy to SSA (NIC) for uploading on the website of NCST.

**Item No.3 Programme for State Review by the Commission to monitor and evaluate the impact of development schemes pertaining to STs.**

In accordance with the approach and methodology outlined in the Rules and Procedure to monitor and evaluate the impact of development schemes (Para 7, Page 16 of the Hand Book), the Commission is required to evaluate the impact of development schemes pertaining to STs by holding State level review meetings with the Chief Secretaries and other senior officers and conducting field level visits.

2. For this purpose, a Questionnaire is forwarded to the State/UTs to finish informations pertaining to various issues, concerning the STs, for review in the meeting with the State Govt/UTs. During the year 2008-09, 2009-10 and 2010-11, the Commission has conducted following State Reviews so far.

2008-09	2009-10	2010-11
J&K (Leh)	Manipur	Chhattisgarh
Orissa	Assam	Tripura
West Bengal	Arunachal Pradesh	Madhya Pradesh
	Maharashtra	
	Lakshadweep	
	Uttarakhand	
	Mizoram	
	Meghalaya	

3. The major States pending for review and proposed programme for the remaining period of the year 2010-11 & 2011-12 is submitted for consideration of the Commission.

S. No.	States	ST population	Date of receipt of filled questionnaire@	Proposed programme
1.	Rajasthan	12.57	Dec.2009	Dec.2010
2.	Andhra Pradesh	6.63	05.09.08	Jan.2011
3.	Jharkhand	26.34	Not received	Feb.2011
4.	Tamil Nadu	1.05	31.08.09	Mar.2011
5.	Sikkim	20.61	Feb.2009	April 2011
6.	Himachal Pradesh	4.02	Dec.2008	June 2011
7.	Karnataka	6.55	Not received	July 2011
8.	Gujarat	14.79	Not received	Sept.2011
9.	A & N Islands	8.27	Not received	Oct.2011
10	Kerala	1.14	13.08.09	Dec.2011
11	Daman & Diu	8.86	12.03.10	Jan.2011
12.	Bihar	0.92	Not received	
13.	Delhi	-	22.09.09	

@ Questionnaire will be got updated by the State Govt. before conduct of the proposed review according to the schedule mentioned above.



GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED TRIBES

6<sup>th</sup> Floor, 'B' Wing, Lok Nayak Bhavan,  
Khan Market, New Delhi-110003

No.GBP/S&PI-2/Devel/Task Force/SCP-TSP/2010/RU-II

25.11.2010

To

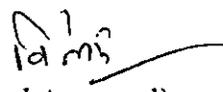
- 1) Dr.Rameshwar Oraon, Chairperson
- 2) Sh.Maurice Kujur, Vice-Chairperson
- 3) Shri Oris Syiem Myriaw, Member
- 4) Smt.K.Kamala Kumari, Member
- 5) Shri Bheru Lal Meena, Member

Sub: Recommendations received from the Planning Commission to revise the guidelines of SCSP for implementation by the Central Ministries / Departments drafted by the Ministry of Social Justice & Empowerment.

Sir/Madam,

I am directed to enclose a copy of the recommendations received from the Planning Commission to revise the guidelines of SCSP for implementation by the Central Ministries / Departments drafted by the Ministry of Social Justice & Empowerment. The subject matter is likely to be discussed in the 22<sup>nd</sup> Meeting of the Commission scheduled to be held on 26.11.2010.

Yours faithfully,

  
(Vinod Aggarwal)  
Director

Copy for information and necessary action to:-

- i) Secretary
- ii) Joint Secretary
- iii) Director
- iv) Dy.Director
- v) US(A)
- ✓vi) AD, C.Cell



सत्यमेव जयते

G.B. Panda  
Adviser (SJ)

(Tele Fax No:23096595)



जय हिन्द

भारत सरकार  
योजना आयोग  
योजना भवन  
नई दिल्ली-110 001

GOVERNMENT OF INDIA  
PLANNING COMMISSION  
YOJANA BHAVAN  
NEW DELHI-110 001

D.O.No.M-11012/2/2010-SCSP&TSP

Dated: 1.11.2010

Respected Sir,

As you are aware that in the consultation process, the Task Force on SCSP and TSP a number of meetings had been held under the chairmanship of Dr Narendra Jadhav, Hon'ble Member-in-Charge with various agencies and stakeholders concerned Schedule Caste Sub Plan for Scheduled Castes and Tribal Sub-Plan for Scheduled Tribes viz. NGOs, experts, Central Ministries/Departments, and district level officials. Based on the discussions held and inputs received through the consultation process, recommendations to revise the guidelines of SCSP for implementation by the Central Ministries/Departments has been drafted by the Ministry of Social Justice & Empowerment and the same is being sent herewith for your kind perusal and consideration.

Dr. Jadhav has kindly consented to hold the meeting on 3<sup>rd</sup> November, 2010 at 11.00 A.M. Room No 136, Yojana Bhavan, New Delhi to discuss the draft recommendations of the Task Force in the meeting.

May I, request you to kindly make it convenient to attend the meeting.

A line in confirmation will be highly appreciated.

With kind regards

Yours sincerely,

*[Signature]*  
G.B.Panda

Shri R.S. Sirohi  
Secretary  
National Commission for Scheduled Tribes  
Room No.602, 6<sup>th</sup> Floor, Lok Nayak Bhavan  
Khan Market,  
New Delhi - 110003

*[Signature]*  
10/11/10

AD/Coord.

*[Signature]*

10/11

Ro(RU-II)

Similar  
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**Task Force to Review  
Guidelines on SCSP & TSP**

**Recommendations  
To  
Revise Guidelines for  
Implementation of SCSP  
by  
Central Ministries/Departments**



सत्यमेव जयते

**Planning Commission  
Government of India,  
November, 2010**

Planning Commission

Task Force to Review Guidelines on SCSP & TSP

Recommendations

to Revise

Guidelines for Implementation of SCSP by Central  
Ministries/Departments

**1. Background**

The strategy of Scheduled Caste Sub Plan (SCSP) (earlier known as Special Component Plan for Scheduled Castes) is in force since 1979-80, to ensure proportionate flow of plan resources for the development of Scheduled castes. The current name, i.e. Scheduled Caste Sub Plan (SCSP) is in force since 2006. The Prime Minister, in his address to the 51<sup>st</sup> Meeting of the National Development Council on 27.6.2005, had *inter alia*, stated as follows:

*"If the benefits of growth have to reach all sections of our diverse society, there is a need to equip them with the necessary skills and resources to become active participants in growth processes. This is the only way of achieving our dream of an inclusive, prosperous society. In the mid-1970s, the Special Component Plan and the Tribal Sub-Plan were initiated. **Tribal Sub- Plans and Special Component Plans should be an integral part of Annual Plans as well as Five Year Plans, making provisions therein non-divertible and non-lapsable, with the clear objective of bridging the gap in socio-economic development of the SCs and STs within a period of 10 years"***

**2. Provision of Existing Guidelines for Central Ministries regarding SCSP**

2.1 Guidelines on formulation, implementation and monitoring of SCSP have been issued by the Planning Commission from time to time. Consolidated guidelines in this regard were last issued to 62 Central Ministries/Departments in December, 2006, for the implementation from the Annual Plan, 2007-08. A copy of the guidelines, and of the relevant covering letter dated 26.12.2006 of the Planning Commission are enclosed as **Annexure-I**. Gist of these guidelines is as follows:

2.2 **Earmarking:** The 62 Central Ministries/ Departments addressed as above, are, *inter alia*, required to:

- a) earmark funds under SCSP from the Plan outlay, at least in proportion of percentage of SC in the country, which was 16.2% as per census, 2001.
- b) place the funds earmarked for SCSP under a separate Minor Head '789' below the functional major Head/Sub-Major Head to ensure their non-divertibility to any other scheme.

2.3 **Criteria for Categorization of Outlay/Expenditure under SCSP:** The guidelines lay down the following criteria in this regard:

- a) Only those schemes should be included under SCSP which ensure **direct benefits** to individuals or families belonging to scheduled castes.
- b) Outlay for area oriented schemes directly benefiting scheduled castes hamlets/villages having more than 40% scheduled castes population shall be included in SCSP.

2.4 **Monitoring Mechanism:**

- (i) A dedicated unit may be constituted in every Central Ministry/Department for the welfare and development of SCs (and STs) as nodal unit for formulation and implementation of SCSP (and TSP). The nodal unit should be responsible for ensuring that the funds will be allocated to the sectoral unit in the Departments to implement the schemes directly relevant for SC (and ST) development
- (ii) A Central Tripartite Committee (CTC), constituted in the Planning Commission in 1999 under the Chairmanship of Member (BCW), to review the implementation of SCSP (and TSP) and to resolve policy issues in respect of Central Ministries/Departments and State Governments. A copy of the Planning Commission's Office Order dated 16.1.2006 constituting the CTC is enclosed as **Annexure-II**.

### 3. **Status of Implementation of Existing Guidelines**

3.1 Implementation of the above guidelines has remained inadequate. Hardly any Ministry is showing its SCSP outlay under a separate Budget Head. Some Ministries are showing a notional earmarking, but the criterion followed in doing so is not uniform and transparent. Also, in the absence of this outlay being shown under a separate minor head (789), such notional earmarking does not have much significance, nor is its non-divertibility ensured. In the

absence of separate earmarking and budgeting of funds under SCSP by Central Ministries/Departments, it is not possible, as of now, to quantify the total amount allocated/spent by the Central Government under SCSP. The SCSP strategy thus remains substantially un-implemented at the level of the Central Ministries/Departments mainly due to lack of an effective mechanism in this behalf.

3.2 Some indication of Central Government allocation on schemes of SCs (and STs), is available from Statement 21 of the Expenditure Budget (Volume I). This statement gives information about allocations under schemes that are substantially meant for SCs/STs, in the following two parts

- i. Schemes in which there is 100% provision for SCs/STs and
- ii. Schemes where at least 20% of the allocation is earmarked for SCs/STs.

3.3 The statement 21 of the Expenditure Budget clubs allocations for SCs and STs. From the statement, it appears that, other than allocations under the schemes of the M/o SJ&E, only a miniscule allocation is exclusively for SCs.

3.4 Planning Commission has been impressing upon Central Ministries/Departments to properly the implement its guidelines regarding SCSP. Response of the Central Ministries/Departments has however not been encouraging. The Parliamentary Committee on the Welfare of SCs & STs, during oral evidence of Secretaries of Planning Commission and the Ministry of Social Justice & Empowerment on the working of SCSP, on 10<sup>th</sup> September, 2009 had also expressed serious dissatisfaction at the non-implementation of SCSP guidelines by Central Ministries/Departments.

3.5 In view of the lack of progress in implementation of SCSP by Central Ministries/Departments, the Minister of SJ&E had conveyed certain concrete suggestions for improvement vide letter dated 14.11.2010 to the Deputy Chairman (**Annexure III**).

3.6 The Planning Commission subsequently constituted a Task Force under the Chairmanship of Dr. Narendra Jadhav, Member, vide Order dated 04.6.2010 (**Annexure-IV**), to review the operational difficulties in implementing SCSP & TSP and suggesting necessary remedial measures through re-examining the existing Guidelines and revising the same appropriately for their effective and meaningful implementation in future.

#### **4. Consultative Process followed by the Task Force**

Details of the meetings of the Task Force, and the discussions/ consultations held by its Delhi-based members with various stakeholders are given in **Annexure-V**.

#### **5. Recommendations for Implementation of SCSP from the Financial Year 2011-12 by Central Ministries/Departments**

The subject being a complex one requires detailed examination and deliberations. Also, there are commonalities as well as differences between implementation of SCSP at the Central and State levels. Since the problem is more acute at the Central level, the Task Force is, in the first instance, recommending that, from the financial year 2011-12, substantial reforms be introduced in the SCSP system, for Central Ministries/Departments, which can be further refined from the XII Five Year Plan commencing in 2012-13. Accordingly, the Task Force makes the following recommendations for immediate implementation in 25 Central Ministries/Departments.

##### **5.1 Scope**

5.1.1 The proposed recommendations are limited to the Central Sector Plan Outlay of Ministries/Departments as indicated in Statement 12 of the Expenditure Budget (Volume I). They do not cover Central Plan Assistance (CPA) for State and UT Plans, as reflected in Statement 16 of the Expenditure Budget (Volume I) because it forms part of State Plans. The Task Force, however, notes Heads under which the CPA is reflected in the Statement 16 for 2010-11, however, can be classified in the following two categories:

- (i) Category 1: Heads under which central assistance is voted as Transfers to State Governments under Demand No. 35 of Ministry of Finance
- (ii) Category II: Heads under which it is voted as central assistance to State Plans is voted as a component of the Demand for Grants of the respective Ministries.

5.1.2 Classification of various Heads under which central assistance is provided for State and UT Plans in Statement 16 of the Expenditure Budget (Volume I) for 2010-11 in two categories is given below:

Classification of Heads for Central Assistance for States Plans					
				Amount in Rs crore	
S No	Category I	BE- 2010-11	S No	Category II	BE- 2010-11
1	Normal Central assistance	21728.00	1	SCA for TSP	960.50
2	ACA for EAPs	9551.25	2	Grants under Article 275(1)	1046.00
3	ACA for other Projects	1000	3	SCA to NEC	700.00
4	SCA – Hill Areas	272.00	4	MPLAD Scheme	1580.00
5	SCA- Border Areas	635.00	5	Assistance from NLCPR	800.00
6	Special Plan Assistance	4500.00	6	Bodoland Territorial Council	50.00
7	AIBP and other water resources programme	11500.00	7	Roads and Bridges from CRF	1819.17
8	NSAP including Annapurna	5710.00	8	BRGF – District Component	5050.00
9	National e-Governance Action Plan (NEGAP)	190.00	9	RKVY	6722.00
10	BRGF – State Component	2250.00			
11	JNNURM (five Components)	11619.00			
12	ACA for Drought Mitigation in Bundelkhnad Region	1200.00			
	<b>Total</b>	<b>70155.25</b>			<b>18727.67</b>

5.1.3 Prima facie, earmarking under SCSP should always apply to at least the following of the above mentioned schemes figuring in Statement 16:

1. Accelerated Irrigation Benefit Programme (AIBP) and other Water Resources Programmes
2. Jawaharlal Nehru national Urban Renewal Mission (JNNURM)
3. National Social assistance Programme (NSAP)
4. Backward Regions Grant Fund (BRGF) – State and District Components
5. MPs Local Area Development (MPLAD) Scheme
6. Rashtriya Krishi Vikas Yojana

However, the Task Force feels that this matter requires further examination, and is therefore, for the present, limiting its recommendations to the Plan outlay figuring in Statement 12.

## 5.2 Proposed Criteria for categorizing Plan Expenditure under SCSP

5.2.1 Plan outlay and expenditure falling under the following two broad categories will be eligible for being classified in SCSP:-:

- (i) Expenditure on Poverty Alleviation and individual beneficiary oriented schemes, e.g. MNREGA, IAY, NRLM, SGSRY, PMEGP etc. and
- (ii) Expenditure on other schemes which is incurred in:

- a) SC concentration areas, i.e. in the villages, blocks and districts having more than 40% SC population, and largely benefiting such villages, blocks and districts, and
- b) in other areas, but which demonstrably benefits SCs

5.2.2 The **extent** to which plan expenditure in the above mentioned categories may be classified under SCSP may be determined on the basis of:-

- (i) the extent of coverage of SCs in beneficiary oriented schemes (actual coverage in the case of ongoing schemes, and estimated coverage, in the case of new schemes),
- (ii) (a) all plan expenditure under other schemes in SC concentration areas to the extent its benefits go to such areas only, and  
(b) Plan expenditure 'other schemes' in non-SC concentration areas, to the extent the scheme demonstrably benefits SCs.

Wherever flow of benefits of a scheme to SCs is not in doubt but its quantification, based on hard data, is difficult, the appropriate extent for each such project/institution/scheme may be determined by the Central Tripartite Committee, under the chairmanship of Member, Planning Commission, referred to in para 2.4.

5.2.3 Following from the above broad principles, details of the categorization of expenditure under SCSP and the extent to which this may be done are given in the Statement at **Annexure-VI**.

### ***5.3 Classification of Ministries according to their obligation to earmark their plan outlay/expenditure under SCSP***

5.3.1 Translating the criteria suggested in the preceding Para into practice, the Central Ministries/Departments, according to the extent of their Plan funds which they may be expected to earmark under SCSP, will fall under the following four categories:

**Category I:** Ministries/Departments, which are engaged in regulatory functions, basic scientific research, addressing specific target groups other than SCs, implementing large infrastructure projects, whose benefits to SCs may be difficult to quantify, or largely engaged in policy making and running central organizations without any significant beneficiary orientation may not be obliged to earmark plan funds under SCSP. However, they will be encouraged to formulate and implement schemes aimed at benefiting SCs

**Category II:** Ministries/Departments, which mainly belong to Category I but which also implement some beneficiary oriented schemes, may be expected to earmark less than 15% of their Annual Plan outlay under SCSP.

**Category III:** Ministries/Departments, which mainly implement beneficiary oriented schemes in the primary sector (agriculture, animal husbandry etc), skill development etc may be required to earmark at least 16.2% of their plan outlay under SCSP.

**Category IV:** Ministries/Departments, which are implementing Poverty Alleviation and social sector programmes/schemes of major relevance for the development of SCs, may be required to earmark 15 to 16.2% of their plan outlay under SCSP (15% will, for example, apply to plan expenditure on institutions having 15% reservations for SCs)

5.3.2 After applying the criteria given in para 5.2 in a Ministry-wise, scheme-wise manner, classification of Ministries/Departments into the mentioned above is given in **Annexure-VII**. It is noteworthy that as per the existing guidelines, all the Ministries/Departments are required to earmark 16.2 per cent of their plan outlay under SCSP, but only 25 Ministries/Departments may now be required to earmarking varying percentages of their plan outlays under SCSP. These percentages have however been worked out that, overall 16.2% of the total plan outlay figures in Statement 12 will get earmarked under SCSP.

#### **5.4 Ministry-wise Targets for Earmarking Plan outlay, under SCSP**

5.4.1 Applying the general principles laid down in para 5.2 to the schemes of concerned Ministries yields scheme-wise earmarking of funds under SCSP. Based on the scheme-wise exercise and after rounding off their percentages to the nearest integer (in most cases), an abstract of Ministry-wise targets recommended in percentage terms, for earmarking under SCSP from 2011-12 onwards is given in **Annexure-VIII**.

5.4.2 Total funds attributable to SCSP as per the above criteria, for 2010-11 and additional funds required, if any, to meet the stipulated 16.2% allocation of plan funds under SCSP is given below:

		(Amount in Rs crore)
S. No.	Plan Outlays	Amount
1	Central Sector Plan Outlay, 2010-11	280600.0
2	Plan Outlay Required to be Earmarked under SCSP at 16.2% of BE, 2010-11{0.162*Total Central Sector Plan Outlay, 2010-11}	45457.0
3	Corresponding Outlay under SCSP applying the recommended percentages if Central Sector Plan Outlay, 2011-12 were to be the same as BE, 2010-11,	40437.0
4.	Figures at S. No. 3 as percentage of S. No. 1	14.4
5.	Additional Funds, which would need to be earmarked under SCSP, as per BE-2010-11, to reach stipulated SCSP figure of 16.2% [S. No (2) – S. No (3)]	5020.0
6.	<b>Additional funds which would be earmarked under SCSP, if the central plan outlay in 2011-12 of each Ministry is 10% higher than for 2010-11, the shortfall will be</b>	Rs (5020+502)= 5522, or say, Rs 5500 crore

5.4.3 The above estimated shortfall of Rs 5500 crore in SCSP in 2011-12 will have to be met by introducing new Sc oriented schemes or modifying existing ones. As this would not be possible before finalization of Annual Plan and Budget for 2011-12, the Task Force recommends that to the extent of shortfall calculated as per the above pattern, a lump sum provision may be made under the Demand for Grants of Planning Commission in the plan budget of 2011-12 so as to attain the minimum stipulated percentage of 16.2% of central sector plan outlay under SCSP. After presentation of Budget, Planning Commission may interact with Ministries/Departments and invite proposals for taking up from them SC oriented schemes against this lump sum provision, and funds may be voted to the respective Ministries for schemes found appropriate at the stage of first Supplementary grant for 2011-12, against the lump sum provision.

5.4.4 Some of the new schemes which may be considered for being so taken up include: (i) increase in the subsidy under SCA to SCSP, (ii) enhanced equity support to NSFDC and (iii) a new scheme of giving assistance to States for purchasing private land for allotment to landless SCs etc.

## **5.5 Placing of Earmarked Funds for SCSP under the Separate Budget Head '789'**

The Task Force pursued this matter with Ministry of Finance, which, consequently, in its Budget Circular for 2011-12 has incorporated the following instructions in Para 1.1.3:

*"From 2011-12 Budget, the Planning Commission will be making separate allocations for the SC Sub-Plan as part of the Plan allocations, and the same will also be indicated clearly in the Memorandum of Understanding signed between the Planning Commission and the concerned Ministry/Department. The Ministries/Departments for which such allocations are made by the Planning Commission as part of the Plan Agreement in Budget 2011-12, must ensure that the provisions are accurately reflected in the concerned Minor Head/s relating to Scheduled Caste Sub-Plan in their Detailed Demands for Grants by opening a minor head "Special Component Plan for Scheduled Castes" Code '789') below the functional major/sub-major heads whenever necessary, in terms of the instructions under Para 3.8 of the General Directions to the List of Major and Minor Heads of Accounts."*

## **5.6 Strengthening of Administrative Arrangements for SCSP**

Administrative mechanism in Central Ministries/Departments will need to be adequately strengthened so that they properly implement SCSP as per the recommendations outlined in para 5.1 to 5.5 above. The Task Force makes the following recommendations for administrative strengthening:

- (i) Nodal Units, to be headed by a Joint Secretary (Planning) or Economic Adviser should be set up in 25 Ministries/Departments, which have obligations to earmark under SCSP, with requisite full time supporting staff.
- (ii) Ministries/Departments in Category IV may have a full time Joint Secretary level officer to head the SCSP/TSP Unit.
- (iii) In the Planning Commission, the Social Justice Division may be headed by a Principal Adviser, with two Advisers to assist him – one each for SCSP and TSP.

## **5.7 Next Steps for Implementation of the Recommendations**

5.5.1 Planning Commission may take the following immediate steps for implementation of the above recommendations, from the year 2011-12:

- (i) Incorporate suitable instructions, in the light of the above recommendations, in its letter inviting proposals from Central Ministries/Departments for Annual Plan 2011-12
- (ii) While conveying final plan outlays for 2011-12 to Central Ministries/Departments, it should separately convey the figure to be earmarked under SCSP (as is already being done for the NER)
- (iii) To add requisite columns in the format for Statement of Budget Estimates (SBEs) to show scheme-wise outlays under SCSP, which must add up to the level communicated as per (ii) above.

### **5.8 Implementation of Non-lapsability feature**

SCSP funds (shown under the Minor Head 789 of all Ministries) remaining unutilized at the end of a financial year may be transferred on the lines of the Non-lapsable Central Pool of Resources (NLCPR) for the North Eastern Region, to a "Non-lapsable Central Pool of SCSP Funds (NLCPSF)" – a Head to be created in the Public Account similar to that created for NER. The funds from this non-lapsable pool may be allocated to the Ministry of SJ&E for implementing schemes for SCs development as well as for providing incentives to State Governments for effective implementation of SCSP, which may form a part of Central Assistance for State Plans.

### **5.9 Cabinet Approval for the new SCSP Guidelines for Central Ministries/Departments**

5.9.1 The Task Force feels that earmarking of funds and their non-lapsability in the case of NER has seen better compliance because the system has been put in place with the approval of the Cabinet, while SCSP guidelines have so far been issued only with the approval of the Planning Commission. The Task Force recommends that with a view to ensuring effective implementation of the new system regarding SCSP by Central Ministries/Departments, suitably revised SCSP guidelines, based on these recommendations of the Task Force, may be placed by the Planning Commission for the approval of the Cabinet, followed by a suitable announcement in the Finance Minister's Budget Speech for 2011-12 in Parliament.

5.9.2 Action on recommendations contained in paras 5.1 to 5.7 for 2011-12 should not, however, await Cabinet approval, and may be taken right away, after approval in the Planning Commission.

**SCHEDULED  
CASTE  
SUB PLAN**

**GUIDELINES FOR IMPLEMENTATION**

**PLANNING COMMISSION  
NEW DELHI  
2006**

Dr. Chandrapal

26.12.2006

Principal Adviser

( SCSP&TSP/MLP/SP-E/LEM)&

Secretary

Strategies of the Scheduled Caste Sub Plan for the Scheduled Castes (SCs) and Tribal Sub-Plan for the Scheduled Tribes (STs) were introduced in the Sixth Plan and Fifth Plan for channelising to these categories of people their due share of plan benefits and outlays. The strategies of Scheduled Caste Sub Plan (SCSP) and Tribal Sub Plan (TSP) envisage to channelise the flow of outlays and benefits from all the sectors of development in the Annual Plans of States/UTs and Central Ministries at least in proportion to their population both in physical and financial terms. Implementation of SCSP and TSP was not being done uniformly in all States/UTs and Central Ministries/Departments. Different States have adopted different mechanisms without exploring effective mechanism for the planning, implementation and monitoring of SCSP and TSP. The State Governments/Ministries exercise their quantification as 'Divisible' and 'Non-Divisible' components. Quantification is made only from the 'Divisible' component scheme wise. As a result of this, the actual earmarking of SCSP and TSP from the total State Plan becomes much lesser than what should have been as per the percentage of the population of SCs and STs to the total population of the State. Some Ministries/Departments are allegedly regulatory and are being non-divisible in nature, SCSP and TSP was not earmarked as such.

Despite the fact that the strategies of SCSP and TSP have been in operation for more than 20 years, they could not influence all the concerned in its right perspective. Further, lack of effective monitoring to ensure that all the Ministries/Departments both at Central and State levels earmark funds under SCP and TSP and the funds received under SCA are utilized effectively and purposefully, is another area of concern. In view of this, the model being adopted by the Uttar Pradesh State Government when I was the Planning Secretary for the implementation of the SCSP need to be adopted by other States/U.Ts and Central Ministries/Depts.. These issues were discussed in the Internal Planning Commission's meeting and it was resolved to establish a dedicated SCSP and TSP Division under my charge. Due to the continuous efforts put in by the the division's endeavour, guidelines for implementing the SCSP and TSP by the States/U.Ts were issued by the Planning Commission by way of reiterating the existing guidelines. Later on for the first time,

guidelines for Central Ministries/Departments have also been issued. The guidelines issued has resulted in giving a new thrust to implement the new strategies of SCSP and TSP by the States/U.Ts for the first time in the Annaul Plan 2006-07.

The guidelines issued for the implementation of SCSP and TSP by the Planning Commission for the States/U.Ts and also for the Central Ministries/Departments are appended in this book-let. I hope this book-let which gives a brief overview of the Scheduled Castes development over a period of time, their socio-economic status, SCSP strategy adopted so far and the new strategy envisaged for the forthcoming years will help the planners, bureaucrats, academicians and the social activists. I take this opportunity to express my gratitude to the immense support extended by Dr.B.L.Mungekar, Hon'ble Member, Planning Commission and the help rendered by Dr. S.M.Sirajuddin, Deputy Adviser, Smt. Roohi Siddiqui, SRO and Shri C.A.Tirkey, SRO of SCSP and TSP Division in giving shape to this book-let.

Dr.Chandrapal

**Guidelines for formulation, implementation and monitoring of Scheduled Caste Sub Plan (SCSP) for Scheduled Castes and Tribal Sub-Plan (TSP) for Scheduled Tribes**

Detailed guidelines relating to the Scheduled Caste Sub Plan (SCSP) for Scheduled Castes (SCs) and the Tribal Sub-Plan (TSP) for the Scheduled Tribes (STs) have been issued by the concerned departments of the Central Government from time to time.

The basic objective of both these Sub-Plans is to channelise the flow of outlays and benefits from the general sectors in the Central Ministries/Departments for the development of Scheduled Castes and Scheduled Tribes at least in proportion to their population, both in physical and financial terms. The Mid Term Appraisal of the Tenth Plan has noted that several Central Ministries/Departments have not earmarked adequate funds to SCSP and TSP, proportionate to the share of SCs and STs in the population.

The importance of the SCSP and TSP has been emphasized by the Hon'ble Prime Minister while addressing the 51<sup>st</sup> Meeting of the National Development Council held on 27<sup>th</sup> June, 2005 and on subsequent occasions. In this context, the following guidelines with respect to SCSP and TSP are once again reiterated so that the same may be followed strictly in the preparation of the Annual Plans for 2007-08:

**Objectives:** The following should be the broad objectives of the SCP and TSP

- Ensuring that the share of resources spent for the benefit of the SCs and STs is at least in proportion to their share in population of the country.
- Substantial reduction in poverty and unemployment among the SCs and STs.
- Creation of productive assets in favour of the Scheduled Castes and Scheduled Tribes.

- Human resource development of the Scheduled Castes and Scheduled Tribes through specifically providing adequate educational and health services, and
- Provision of physical and financial security against all types of exploitation and oppression:

**Action Plan:** To fulfill the above objectives the following points may be taken into account while formulating SCSP and TSP:

1. Earmarking of funds under SCSP/TSP from the Central Ministry/Department Plan outlay at least in the proportion of SC and ST population to the total population of the country. Non-earmarking of funds under SCSP and TSP may result in non-approval of Plans of the Central Ministries/Departments.
2. Scheduled Caste Sub Plan and Tribal Sub-Plan funds should be non-divertible.
3. A dedicated unit may be constituted in every Central Ministry/ Department for the welfare and development of SCs and STs as nodal unit for formulation and implementation of SCSP and TSP.
4. The nodal dedicated unit should be responsible for ensuring that the funds will be allocated to the sectoral units in the departments to implement schemes directly relevant to SC and ST development.
5. Placing the funds earmarked for SCSP/TSP under separate budget head/sub-head for each central Ministry/department for implementing SCSP and TSP. In this connection it may be noted that the List of Major and Minor Heads of Account of Union and States as issued by the Controller General of Accounts provides that Tribal Sub Plan (code 796) and Scheduled Caste Sub Plan (789) may be opened as Minor Head below the functional Major Head/Sub Major Head wherever necessary.

### Components of SCSP and TSP

1. Only those schemes should be included under SCSP/TSP that ensure direct benefits to individuals or families belonging to the Scheduled Castes or the Scheduled Tribes.
2. Outlay for area-oriented schemes directly benefiting Scheduled Castes hamlets/villages having a majority of Scheduled Castes population/tribal hamlets and villages shall be included in SCSP and TSP.
3. Among the various programmes for the benefit of the SCs and STs, priority should be given for providing basic minimum services like primary education, health, drinking water, nutrition, rural housing, rural electrification and rural link road.
4. Schemes to develop agriculture and allied activities like irrigation, animal husbandry, dairy development, vocational training, etc. that provide a source of livelihood to the SC and ST population should be included.
5. Innovative projects that draw upon institutional finance to supplement plan allocations may be drawn up.

### Creation of general awareness about SCSP and TSP schemes

Central Ministries/Departments should take initiative to generate awareness among the general public about the schemes to be implemented/being implemented for the development of SCs and STs by the different Central ministries/ departments through electronic and print media.

### Monitoring of SCSP and TSP

1. Central Ministries/Departments will be responsible for monitoring compliance with SCSP/TSP

component of Centrally Sponsored Schemes. Appropriate arrangements should be made with State governments to ensure accurate and timely flow of information.

2. The Planning Commission shall monitor the progress of SCSP and TSP at the time of the half yearly and annual performance reviews of the Ministries/Deptts.
3. The nodal dedicated unit should ensure that funds are released to the concerned implementing agency in a timely fashion and should ensure immediate release of funds to their field level implementing agencies. Any lapse on the part of field level implementing agencies in timely utilization of funds and proper implementation of the schemes may be viewed seriously.
4. Ministries of Social Justice & Empowerment and Tribal Affairs may be involved in the process of finalization of Annual Plans of the Central Ministries/Departments.
5. Evaluation of the impact of various development schemes implemented under SCSP and TSP, on the socio-economic conditions of SCs and STs should be conducted by the Central Ministries/Departments on regular basis. Dissemination of information of SCs and STs in the country about the schemes/programmes available for their development will be the responsibility of the nodal dedicated unit of SC and ST in the Ministry. The dedicated unit of SC and ST may also ensure the follow up of the schemes implemented and maintenance of proper records on assets created under SCSP and TSP in the Ministry.

(259)

Annexure - II

F.No.M-13052/G/99-BC  
Government of India  
Planning Commission  
(SCP & TSP Unit)

J. S. (SCD & CVO)/0  
Dy. No. 432  
Dated. 7.2.06

Dated: 16-1-2006

OFFICE ORDER

Sub : Constitution of a Central Tripartite Committee to monitor the implementation of the strategies of the Special Component Plan (SCP) for SCs and the Tribal Sub Plan (TSP) for STs – Reg.

It has been decided to constitute a Central Tripartite Committee to review the implementation of the Special Strategies of Special Component Plan (SCP) for Scheduled Castes (SCs) and the Tribal Sub Plan (TSP) for Scheduled Tribes (STs) and to resolve various policy-related issues there to in respect of Central Ministries/Departments as well as State/U.T. Governments.

2. The Composition of the Tripartite Committee will be as given below :

- i) Dr. B.L. Mungekar  
Member  
I/C of BCW Division  
Planning Commission  
New Delhi-110001 ..... Chairperson
- ii) Secretary  
Ministry of Social Justice  
and Empowerment  
Shastri Bhavan  
New Delhi-110001 ..... Member
- iii) Secretary  
Ministry of Tribal Affairs  
Shastri Bhavan  
New Delhi-110001 ..... Member
- iv) Secretary  
National Commission for SCs  
Lok Nayak Bhavan  
New Delhi-110003 ..... Member
- v) Secretary  
National Commission for STs  
Lok Nayak Bhavan  
New Delhi-110003 ..... Member

Dy. No. 527/AS (S&E)/  
6/2/06

260)

vi) Secretary  
(Concerned Min./Deptt.  
(or)  
Chief Secretary \*  
(Concerned State / UT ..... Member

vii) Adviser  
I/C of SCP & TSP Unit  
Planning Commission  
New Delhi-110001 ..... Member-Secretary

(\* When the arrangements in State Plan are under consideration)

3. The terms of reference of the Committee will be as under :

- i) To review the implementation of SCP and TSP by States/U.Ts and Central Ministries/Departments since its inception.
- ii) To guide States/U.Ts and Central Ministries/Departments in the implementation of SCP and TSP guidelines issued by Planning Commission and to suggest specific measures for their compliance.
- iii) To look into the problems, if any, associated with the earmarking of funds, implementation, monitoring of SCP and TSP schemes/programmes of Central Ministries/Departments and States/UTs.
- iv) To identify specific schemes which would benefit SCs and STs under various developmental sectors, their prioritization, implementation and monitoring along with earmarking of funds for them (as per Annexure-I).
- v) To review the process of implementation, monitoring and impact assessment of SCP and TSP and utilization of Special Central Assistance (SCA) to SCP and TSP and the Grant-in-Aid (GIA) under Article 275(1) and advise the Planning Commission and Prime Minister on measures which would serve the interests of these Communities more effectively.
- vi) To suggest institutional and advocacy arrangements for participation of beneficiary groups in preparation and implementation of schemes under SCP and TSP and Central allocations referred to above, taking into account, among others, priorities of 73<sup>rd</sup> and 74<sup>th</sup> Amendments and other Legislative measures flowing therefrom.

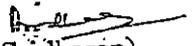
*R. Sridharan*  
(R. Sridharan)  
Joint Secretary (Admn.)

No.M-13052/G/99-BC

New Delhi, the 16<sup>th</sup> January, 2006

17  
[Handwritten notes and stamps at the bottom of the page]

1. All Members of the Committee.
2. The Cabinet Secretariat, Rashtrapati Bhavan, N.Delhi.
3. Secretary, PMO, South Block, New Delhi.
4. All the Chief Secretaries of States/UTs.
5. Secretary Incharge of SC/ST Department of the States/UTs.
6. Adviser (SCP & TSP/MLP/SP-E), Planning Commission.
7. Adviser (SJ), Planning Commission.
8. Director, Tribal Research Institute (15-TRI).
9. Sr. PPS to Member Secretary, Planning Commission.
10. PS to Deputy Chairman, Planning Commission.
11. PS to Member (BM), Planning Commission.

  
(R. Sridharan)  
Joint Secretary (Admn.)

मुकुल वासनिक  
MUKUL WASNIK



Annexure - III  
D.G.No. H1014/3/2007-SCD-II

मंत्री  
सामाजिक न्याय और अधिकार  
भारत सरकार  
MINISTER  
SOCIAL JUSTICE AND EMPOWERMENT  
GOVERNMENT OF INDIA

14<sup>th</sup> November, 2009  
Dear Shri Montek Singh Ahluwaliaji,

As you may kindly be aware that the Special Component Plan for Scheduled Castes was initiated by the Planning Commission during the Sixth Five Year Plan. In April, 2006, its name was changed to "Scheduled Castes Sub-Plan (SCSP)", and the Planning Commission issued revised guidelines relating to SCSP (and TSP) to State Governments and Central Ministries, in October 2005 and December 2006, respectively.

2. While compliance of the above guidelines by State Governments has improved considerably over the years, their compliance by Central Ministries has not yet made much headway. We have been repeatedly drawing the attention of the Planning Commission to this issue vide D.O. letters of even number dated 19.9.08 from the then Minister(SJ&E) to the Deputy Chairman, and letters dated 16.12.08, 16.9.09 & 16.10.09 from Secy(SJ&E), to Secy, Planning Commission and have been requesting to be apprised of outlays earmarked by various Ministries under SCSP. However, concrete response from the Commission is awaited. As per the available information, very few Ministries are earmarking funds under SCSP. Even those doing so are not reflecting them under the minor head "789", designated for the purpose, as per the Commission's guidelines of December, 2006. This matter has been taken up with the Ministry of Finance also.

The result of all this, however is that we are still in no position to say what the Central Government's (Ministry-wise) SCSP is, for any given year. As the earmarking is not taking place at the allocative/budgetary stage, it is not possible to quantify the expenditure being incurred for Scheduled Castes by various Ministries.

3. The Election Manifesto of the Indian National Congress during the General Elections to the Lok Sabha, 2009 has given a commitment that steps will be taken to ensure that allocations under the Scheduled Castes Sub-Plan are made in accordance with their proportion in the population.

- 19 -

मुकुल वासनिक  
MUKUL WASNIK

4. I am sure you would agree with me that there is an urgent need for a major overhaul of the planning and budgetary processes pertaining to SCSP and accordingly I would suggest that the following steps may kindly be considered with immediate effect or at least starting with the Annual Plan for the next financial year, 2010-11:-

- (i) Funds under SCSP should be earmarked from the GBS component of the total Central Annual Plan Outlay, in proportion to the SC population of the country, right at the stage when the Planning Commission conveys tentative as well as final annual plan allocations to the Ministries;
- (ii) Instead of expecting every Ministry to uniformly earmark 16.2% of its plan outlay under SCSP, Planning Commission may, in consultation with the Ministries, urgently issue revised guidelines in this behalf, with a suitably differentiated approach vis-à-vis various groups of Ministries. In other words, depending on the nature of their work, Ministries may be asked to earmark less or more than 16.2%, such that, over-all, earmarking of 16.2% of the GBS Plan outlay, under SCSP is ensured;
- (iii) Guidelines also need to clearly spell out how plan outlay on programmes, facilities and infrastructure, which are meant for all (e.g. educational institutions, hospitals/health facilities, roads, bridges, railways, etc.) should be treated in relation to SCSP;
- (iv) Ministries may be asked to prepare their Annual Plan proposals in such a way that for each scheme, outlays under SCSP, TSP, and the rest, are shown distinctly;
- (v) Ministries may also be asked to necessarily show their SCSP allocation under the designated minor head '789' in their budget, from 2010-11 onwards;
- (vi) Suitable instructions and proformae pertaining to SCSP (and TSP) should be made an integral part of the (i) Planning Commission's annual circular inviting annual plan proposals, and (ii) Finance Ministry's annual budget circular;
- (vii) Central Government's Annual Plan document, prepared by the Planning Commission, should have a separate section showing Ministry-wise, scheme-wise outlays under SCSP, from 2010-11; and

(viii) Since the Five Year Plan is the principal medium-term exercise on which Annual Plans are based, the Five Year Plan document should also comprise a separate volume on SCSP, showing overall, as well as Ministry-wise, strategy and allocations under SCSP. Since the exercise to prepare the XII Five Year Plan, 2012-17, will start in the near future, it is necessary that a decision in this behalf is taken right away and implemented in respect of the XII Plan.

5. I would be grateful if you could kindly initiate urgent action on the above suggestions. If you consider necessary, I would be happy to discuss them with you, on a mutually convenient date.

With regards,

Yours sincerely,

  
(Mukul Wasnik)

Shri Montek Singh Ahluwalia,  
Dy. Chairman,  
Planning Commission,  
Yojana Bhawan,  
New Delhi.

M-11012/2/2010-SCSP/TSP  
Government of India  
Planning Commission

Yojana Bhawan, Sansad Marg  
New Delhi  
Dated:04.06.2010

OFFICE ORDER

**Sub:- Task Force to re-examine and revise the extant Guidelines of the Planning Commission for implementation of Scheduled Caste Sub-Plan(SCSP) and Tribal Sub-Plan (TSP)**

1. In pursuance of the decision taken in the Meeting of the Full Planning Commission held on 23<sup>rd</sup> March, 2010, a Task Force comprising the following is constituted:

- |  |   |          |
|--|---|----------|
| I. Dr. Narendra Jadhav, Member, Planning Commission  | - | Chairman |
| II. Secretary, Ministry of Social Justice and Empowerment  | - | Member   |
| III. Secretary, Ministry of Tribal Affairs   | - | Member   |
| IV. Pr. Secretary, Department of Social Justice,<br>Cultural Affairs & Special Assistance<br>Government of Maharashtra,<br>R..No. 137 Mantralay Annexe,<br>Mumbai-400032 | - | Member   |
| V. Pr. Secretary, Department of SCs & STs Welfare<br>Mantralaya, Balabh Bhawan, Bhopal,<br>State Government of Madhya Pradesh  | - | Member   |
| VI. Pr. Secretary, Department of Social Justice<br>Block No. 5, New Sachivalaya, Gandhi Nagar, Gujrat,   | - | Member   |
| VII, Pr. Secretary, Adi Dravidar & Tribal Welfare Department,<br>Secretariat,<br>Government of Tamil Nadu<br>Chennai-600009  | - | Member   |

VIII. Adviser, J & E, Planning Commission

- Member Secretary

2. Terms of reference of the Task Force shall be:

- (i) To re-examine and revise the extant Guidelines issued by the Planning Commission for implementation of SCSP and TSP:
- (ii) to understand the operational difficulties in consultation with implementing Ministries and suggest remedial action so that SCSP and TSP can be implemented effectively in future.

3. The Task Force shall submit their Report within three months from the date of notification order. It will have the power to co-opt any other person as a special invitee.

4. The expenditure of the official members for attending the meetings of the Task Force will be borne by the respective parent Department/ Ministry as per the rules applicable to them. The expenditure regarding TA/DA of non-official Members will be borne by the Planning Commission according to the existing instruction on the subject.

  
4/6/10

(S. Kesava Iyer)

Under Secretary to the Government of India

To:

Copy to:

1. PS to Deputy Chairman
2. PS to Member (NJ)
3. PS to Member Secretary
4. PS to Adviser (SJ)
5. Under Secretary, Account -1

F.No.M-11012/2/2010-SCSP/TSP  
Government of India  
Planning Commission  
\*\*\*

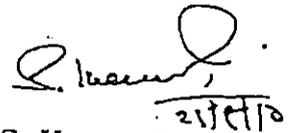
Yojana Bhavan, Sansad Marg,  
New Delhi, Dated: 25<sup>th</sup> August, 2010

OFFICE ORDER

**Sub: Task Force to re-examine and revise the extant Guidelines of the Planning Commission for implementation of Scheduled Caste Sub Plan (SCSP) and Tribal Sub Plan (TSP)**  
\*\*\*

In continuation of Office Order of even number dated 4.6.2010 on the above subject, it has been decided to Co-opt the following Officers as Special Invitees:

Secretary  
Ministry of Statistics and Programme  
Implementation or his nominee  
Sardar Patel Bhavan  
Sansad Marg  
New Delhi - 110 001

  
21/8/10

(S. Kesava Iyer)  
Under Secretary to the Government of India

To:

Copy to:

1. PS to Deputy Chairman
2. PS to Member (NJ)
3. PS to Member Secretary
4. PS to Adviser (SJ)
5. Under Secretary, Account-I

F.No.M-11012/2/2010-SCSP/TSP  
Government of India  
Planning Commission  
\*\*\*

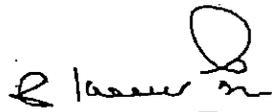
Yojana Bhavan, Sansad Marg,  
New Delhi, Dated: 4<sup>th</sup> August, 2010

OFFICE ORDER

**Sub: Task Force to re-examine and revise the extant Guidelines of the Planning Commission for implementation of Scheduled Caste Sub Plan (SCSP) and Tribal Sub Plan (TSP)**  
\*\*\*

In continuation of Office Order of even number dated 4.6.2010 on the above subject, it has been decided to Co-opt the following Officers as Special Invitees:

- i) Secretary  
Ministry of Finance, or his nominee  
Department of Expenditure  
North Block  
New Delhi - 110 001
  
- ii) Shri K. Raju  
Joint Secretary  
National Advisory Council (NAC)  
2, Motilal Nehru Place  
New Delhi - 110 011

  
(S. Kesava Iyer) 4/8/10

Under Secretary to the Government of India

To:

Copy to:

5. Under Secretary, Account-I

### Details of the Consultative Process Followed by the Task Force

Meeting	Date	Agenda
<b>Meetings of the Task Force</b>		
First Meeting	7-7-2010	To chalk out the plan of action for revision of SCSP/TSP guidelines.
First Meeting with representatives of concerned Central Ministries/ Departments	21-9-2010	To discuss categorization of Ministries/Departments, based on their obligations to earmark plan outlays under SCSP/TSP
Second Meeting	8.11.2010	To consider draft Recommendations on Implementation of SCSP by Central Ministries/ Departments
<b>Informal Meetings of Delhi-based Members of the Task Force</b>		
Meeting with representatives of Ministry of Finance.	16.8.2010	To discuss (i) operational requirements for placing funds earmarked for SCSP/TSP under the relevant budget heads, and (ii) necessary modifications in the Annual Budget Circular for 2011-12
	7.10.2010	To discuss the criteria for classifying plan expenditure under SCSP/TSP by Central Ministries/Departments
<b>Consultation Meetings of Delhi-based members with NGOs and Concerned central Ministries</b>		
Meeting with NGOs and Experts working in the area of Sc and ST development	2-9-2010	To ascertain their views on the working of SCSP/TSP and also on ground realities and the problems faced in the implementation of SCSP/TSP.
Meeting with Principal Advisors/ Sr. Advisors/ Advisers in-charge of relevant Subject Divisions in the Planning Commission	26-10-2010	To discuss Scheme-wise/Ministry-wise proposed earmarking of Plan Outlays under SCSP.

Meeting	Date	Agenda
Second Meeting with representatives of concerned Central Ministries/Departments	27-10-2010	To discuss Scheme-wise/Ministry-wise proposed earmarking of Plan Outlays under SCSP/TSP.
<b>Field Visit undertaken by Selected Members of the Task Force</b>		
Visit to Kanchipuram, Tamil Nadu (SC concentration district)	14-9-2010	To discuss issues involved in implementation of SCSP at the district/ block and village levels with District level officials.
Visit to Koraput, Orissa (ST concentration district)	16-9-2010	To discuss issues involved in implementation of TSP at the district/ block and village levels with District officials

**Plan Expenditure which may be classified under SCSP:  
A Suggested Formulation**

Sl. No.	Category of Expenditure	Extent to which Expenditure may be classified under SCSP					
I.	<b>Expenditure on Poverty Alleviation and Individual Beneficiary-oriented Schemes</b> (e.g. MNREGA, IAY, NRDWP, NRLM, SGSRY, PMEGP, etc.).	To the extent the beneficiaries are SCs: <ul style="list-style-type: none"> <li>As per data of last 3 years, in case of ongoing Schemes.</li> </ul> <p align="center">or</p> <ul style="list-style-type: none"> <li>As determined by a Committee* in case of newly-introduced Schemes.</li> </ul>					
II.	<b>Expenditure on Schemes which are not Beneficiary oriented.</b>						
	<b>II.1 In SC Concentration Areas</b>						
	Expenditure on all Plan Schemes to the extent it is incurred in areas with > 40% SC population (3 districts; 135 blocks; 71,400 villages).	All expenditure incurred in such areas, except on institutions and infrastructure projects which may be located in such areas but benefit population of a much larger area (e.g. a large infrastructure project or an institution like an IIT, NIT, etc.), in which case, II.2 (ii), (iii) or (iv) below, as the case may be, would apply.					
	<b>II.2 In Other Areas</b>						
(i)	Expenditure on Social Sector Programmes (e.g. SSA, MDM, RMSA, ICDS, NRHM, SDIS).	In proportion to the % of SCs among their Beneficiaries.					
(ii)	Expenditure on <b>Institutions providing Services like Health, Education, Training, etc.</b> (e.g. KVs, NVs, IITs, NITs, IIMs, ITIs, Hospitals, etc.).	<table border="0"> <tr> <td style="vertical-align: middle;">           i) In case there is reservation for SCs in admission to such Institutions (e.g. in IITs, NITs, IIMs, KVs, NVs, ITIs, etc.)         </td> <td style="font-size: 3em; vertical-align: middle;">}</td> <td rowspan="2">           To the extent of the provision included for the reservation for SCs or actual %age of seats utilized by them, whichever is less.         </td> </tr> <tr> <td style="vertical-align: middle;">           ii) In case of other institutions (e.g. Hospitals etc.)         </td> <td style="font-size: 3em; vertical-align: middle;">}</td> </tr> </table> <p>The extent* to which such institutions are:-</p> <ul style="list-style-type: none"> <li>demonstrated (based on past data)</li> </ul> <p align="center">or</p> <ul style="list-style-type: none"> <li>presumed (in case of lack of data) to benefit SCs.</li> </ul>	i) In case there is reservation for SCs in admission to such Institutions (e.g. in IITs, NITs, IIMs, KVs, NVs, ITIs, etc.)	}	To the extent of the provision included for the reservation for SCs or actual %age of seats utilized by them, whichever is less.	ii) In case of other institutions (e.g. Hospitals etc.)	}
i) In case there is reservation for SCs in admission to such Institutions (e.g. in IITs, NITs, IIMs, KVs, NVs, ITIs, etc.)	}	To the extent of the provision included for the reservation for SCs or actual %age of seats utilized by them, whichever is less.					
ii) In case of other institutions (e.g. Hospitals etc.)	}						
(iv)	Expenditure on <b>Institutions engaged in R&amp;D.</b>	Only to the extent* the expenditure directly benefits SCs.					

\*Appropriate extent for each such category of project/institution/scheme to be determined by a Central Tripartite Committee already constituted by the Planning Commission under Member, In-charge of BC and SW Division.

Note:- Relevant provisions of Planning Commission's existing SCSP Guidelines are given on the reverse.

**Annexure-VII**

**Categorization of Central Ministries according to the extent of their Plan funds which they may be expected to earmark under SCSP**

Proposed obligation to earmark under SCSP	Category	List of Ministries in the category	No of Min/Dept
1.	2.	4	
I. No obligation	I-A: Regulatory Ministries/ Departments	Ministries Home Affairs, External Affairs; Personnel, Public Grievances and Pension; Law and Justice; Corporate Affairs; Civil Aviation; Coal; Steel; Petroleum & Natural Gas; Mines; and Departments of Chemicals and Petro Chemicals; Consumer Affairs; Economic Affairs, Financial Services, Expenditure, Heavy Industries; Public Enterprises; Fertilizers	19
	I-B: Those addressing specific target groups other than SCs	Ministries of Minority Affairs and Tribal Affairs	2
	I-C: Those engaged in basic scientific research	Ministry of Earth Sciences and Departments of Health Research; Scientific and Industrial Research; Atomic Energy; Space; Agricultural Research and Education	6
	I-D: Implementing large Infrastructure Projects, whose benefits to SCs are difficult to quantify	Ministries of Railways, Water Resources <sup>1</sup> and Departments of Road Transport and Highways, Shipping, Telecommunications	5
	I-E: Largely Engaged in Policy Making and running central organizations without any significant beneficiary oriented Schemes	Ministries of Culture; Information and Broadcasting, Planning; Statistics and Programme Implementation; Tourism; Urban Development, and Departments of Industrial Policy and Promotion; Biotechnology; Food & Public Distribution, Food Processing Industries and Posts.	11
			<b>Sub-Total-Category-I</b>
II. Earmarking Less than 15% of Plan outlays	II-A: Implementing Large Infrastructure but also some beneficiary oriented schemes	Power	01
	II-B. Those largely engaged in policy making or running Central Organizations but also implementing significant beneficiary oriented scheme.	Ministries New and Renewable Energy, Development of North East Region; Environment & Forest, of Micro, Small and Medium Enterprises, Textiles, and Departments of AYUSH, Commerce, Information Technology and Science & Technology.	09
		<b>Sub-Total - Category-II</b>	<b>10</b>

<sup>1</sup> Ministry of Water Resources is included in the category of 'No obligation to earmark Funds under SCSP', because funds allocated for irrigation projects under AIBP, shown as central assistance to States/UTs in Statement 16 of Exp Budget.

Proposed obligation to earmark under SCSP	Category	List of Ministries in the category	N <sup>o</sup> of Min. De.
III. Earmarking plan outlays between 15 to 16.2% of Plan outlays	Ministries/Departments in the primary sector, skill development etc	Ministries of Labour and Employment and Panchayat Raj; and Departments of Agriculture & Cooperation; Animal Husbandry, Dairying and Fisheries; Health and Family Welfare, Higher Education; Land Resources; Youth Affairs and Sports	09
IV. Earmarking More than 16.2% of Plan outlays	Ministries/ Departments implementing poverty alleviation and social sector programmes	Ministries of Housing and Urban Poverty Alleviation; Woman and Child Development; Social Justice & Empowerment, and Departments of School Education & Literacy, Rural Development, and Drinking Water Supply	06
		Total	68

Ministry/Scheme-wise Proposed Earmarking of Plan Outlays under SCSP for 2011-12		
S. No.	Ministry/Department	Earmarking of Funds under SCSP Recommended for
1	2	3
<b>Category I</b>	<b>Ministries/Departments with no obligation for Earmarking Funds under SCSP</b>	
I-A	Regulatory Ministreis/Departments (19 Departments)	0.00
I-B	Ministreis/Departments Addressing Specific Target Groups (2 Ministries)	0.00
I-C	Ministreis/Departments Engaged in Basic Scientific Research (6 Departments)	0.00
I-D	Ministreis/Departments Implementing large Infrastructure Projectes, the benefits of which are Indivisible (5 Departments)	0.00
I-E	Ministries/Departments largely Engaged in Policy Making without any beneficiary oriented Schemes (11 Min/Departments)	0.00
<b>Category II</b>	<b>Ministries/Departments Required to do Partial Earmarking (&gt;16%)</b>	
<b>II-A</b>	<b>Ministries/Departments implementing Infrastructure projects along with specific beneficiary oriented schemes</b>	
1	Ministry of Power	8.30
<b>II-B</b>	<b>Ministries/Departments largely Engaged in Policy making but also implementing some Developmental Schemes</b>	
1	Ministry of MSME	12.00
2	Ministry of Textiles	12.00
3	Ministry of AYUSH	5.00
4	Department of Commerce	4.50
5	Ministry of New & Renewable Energy	3.50
6	Department of Science and Technology	2.50
7	Ministry of Environment and Forests	2.20
8	Ministry of DONER	2.00
9	Department of Information Technology	2.00
<b>Category III</b>	<b>Ministries/Departments which will be required to Earmark between 15 to 16.2% of their Plan Outlays</b>	
1	Department of Agriculture & Cooperation	16.20
2	Department of Animal Husbandry & Dairying	16.20
3	Department of Higher Education	15.00
4	Ministry of Labor and Employment	16.20
5	Department of Land Resources	16.20
6	Ministry of Panchayati Raj	16.20
7	Department of Youth Affairs	16.20
8	Department of Health and Family Welfare	15.20
9	Department of Sports	15.00
<b>Category IV</b>	<b>Ministries/Departments Which will be required to Earmark more than 16.2% of their Plan Outlays under SCSP</b>	
1	Department of Drinking Water Supply	22.00
3	Ministry of HUPA	22.50
4	Department of School Education & Literacy	20.00
5	Department of Rural Development	25.00
6	Ministry of Social Justice and Empowerment	72.50
7	Ministry of Women and Child Development	20.00
	Applying these percentages to respective Ministries/Departments' BE -2010-11, the average BE in percentage terms expected to be earmarked under SCSP	14.40



GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED TRIBES

6<sup>th</sup> Floor, 'B' Wing, Lok Nayak Bhavan,  
Khan Market, New Delhi-110003

No.PDM/Development/MTA(Policy)/2010/RU-II

26.11.2010

To

- 1) Dr.Rameshwar Oraon, Chairperson.
- 2) Sh.Maurice Kujur, Vice-Chairperson
- 3) Shri Oris Syiem Myriaw, Member
- 4) Smt.K.Kamala Kumari, Member
- 5) Shri Bheru Lal Meena, Member

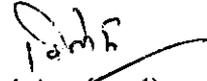
Sub: Comments on the 3<sup>rd</sup> Report titled "Standards of Administration and Governance in the Scheduled Areas" by the Standing Committee on Inter-Sectoral issues relating to Tribal Development.

Sir/Madam,

I am directed to say that recommendations to revise the guidelines of TSP for implementation by the central Ministries/Departments drafted by the Ministry of Tribal Affairs and received from the Planning Commission is enclosed for your perusal please. This is in relation to the 3<sup>rd</sup> Report of the Standing Committee on Inter-Sectoral issues relating to Tribal Development titled "Standards of Administration and Governance in the Scheduled Areas" received from the Ministry of Tribal Affairs.

2. The recommendations received from Planning Commission to revise guidelines of SCSP drafted by the Ministry of Social Justice & Empowerment circulated vide letter No.GBP/S&PI-2/Devel/Task Force/SCP-TSP/2010/RU-II dated 25.11.2010 is also in relation to this report. The matter is likely to be discussed in the next meeting of the Commission.

Yours faithfully,

  
(Vinod Aggarwal)  
Director

Copy for information and necessary action to:-

- i) Secretary
- ii) Joint Secretary
- iii) Director
- iv) Dy.Director
- v) US(A)
- ✓ vi) AD, C.Cell

MOST IMMEDIATE

13

S.No. 7 (R)

भारत सरकार  
योजना आयोग  
योजना भवन  
नई दिल्ली-110 001

G.B. Panda  
Adviser (SJ)

(Tele Fax No:23096595)



जय हिन्द

GOVERNMENT OF INDIA  
PLANNING COMMISSION  
YOJANA BHAVAN  
NEW DELHI-110 001

110

D.O.No.M-11012/2/2010-SCSP&TSP

Dated: 3.11.2010

Dear Sir,

As you are aware that in the consultation process, the Task Force on SCSP and TSP a number of meetings had been held under the chairmanship of Dr Narendra Jadhav, Hon'ble Member-in-Charge with various agencies and stakeholders concerned Schedule Caste Sub Plan for Scheduled Castes and Tribal Sub-Plan for Scheduled Tribes viz. NGOs, experts, Central Ministries/Departments, and district level officials. Based on the discussions held and inputs received through the consultation process, recommendations to revise the guidelines of TSP for implementation by the Central Ministries/Departments has been drafted by the Ministry of Tribal Affairs and the same is being sent herewith for your kind perusal and consideration.

Dr. Jadhav has kindly consented to hold the meeting on **8<sup>th</sup> November, 2010 at 11.00 A.M. Room No 136, Yojana Bhavan, New Delhi** to discuss the draft recommendations of the Task Force in the meeting.

May I, request you to kindly make it convenient to attend the meeting.

A line in confirmation will be highly appreciated.

*Adm. Secy*  
*S. R. V. A* *Let's kind regards*  
*DDV*  
*A.D. / Coord.*  
*19/11/10*

Yours sincerely,

*G.B. Panda*  
(G.B.Panda)

Shri R.S. Sirohi  
Secretary  
National Commission for Scheduled Tribes  
Room No.602, 6<sup>th</sup> Floor, Lok Nayak Bhavan  
Khan Market,  
New Delhi - 110003

*Ro (RV-D)*

Draft

04.11.2010

Ministry of Tribal Affairs-

**Inputs for Task Force to Review Guidelines on**

**SCSP & TSP**

**Guidelines for implementation of TSP by Central Ministries/  
Departments**

**1. Background**

The strategy of Tribal Sub-Plan (TSP) is in force since 1974, to ensure adequate flow of plan resources for the development of Scheduled Tribes. The Prime Minister, in his address to the 51<sup>st</sup> Meeting of the National Development Council on 27.6.2005, had *inter alia*, stated as follows:

*"If the benefits of growth have to reach all sections of our diverse society, there is a need to equip them with the necessary skills and resources to become active participants in growth processes. This is the only way of achieving our dream of an inclusive, prosperous society. In the mid-1970s, the Special Component Plan and the Tribal Sub-Plan were initiated. Tribal Sub- Plans and Special Component Plans should be an integral part of Annual Plans as well as Five Year Plans, making provisions therein non-divertible and non-lapsable, with the clear objective of bridging the gap in socio-economic development of the SCs and STs within a period of 10 years"*

**2. Provision of Existing Guidelines for Central Ministries regarding TSP**

2.1 Guidelines on formulation, implementation and monitoring of TSP have been issued by the Planning Commission from time to time. Consolidated guidelines in this regard were last issued to Central Ministries/Departments in December, 2006, to be effective from the Annual Plan, 2007-08. A copy of the guidelines, and of the relevant covering letter dated 26.12.2006 of the Planning Commission are enclosed as **Annexure-I**. Gist of these guidelines is as follows:

2.2 **Earmarking:** The 62 Central Ministries/ Departments addressed as above, are, *inter alia*, required to:

- a) earmark funds under TSP from the Plan outlay, at least in proportion of percentage of STs in the country, which was 8.2% as per census, 2001.
- b) place the funds earmarked for TSP under a separate Minor Head '796' below the functional major Head/Sub-Major Head to ensure their non-divertibility to any other scheme.

2.3 **Criteria for Categorization of Outlay/Expenditure under TSP:** The guidelines lay down the following criteria in this regard:

- a) Only those schemes should be included under TSP which ensure **direct benefits** to individuals or families belonging to scheduled tribes.
- b) Outlay for area oriented schemes directly benefiting scheduled tribe hamlets/villages having more than 40% scheduled Tribe population shall be included in TSP

2.4 **Monitoring Mechanism:**

- (i) A dedicated unit may be constituted in every Central Ministry/Department for the welfare and development of STs (and

SCs) as nodal unit for formulation and implementation of TSP (and SCSP). The nodal unit should be responsible for ensuring that the funds will be allocated to the sectoral unit in the Departments to implement the schemes directly relevant for ST (and SC) development

- (ii) A Central Tripartite Committee (CTC), constituted in the Planning Commission in 1999 under the Chairmanship of Member (BCW), to review the implementation of TSP (and SCSP) and to resolve policy issues in respect of Central Ministries/Departments and State Governments. A copy of the Planning Commission's Office Order dated 16.1.2006 constituting the CTC is enclosed as **Annexure-II**.

### **3. Status of Implementation of Existing Guidelines**

3.1 Most of the Ministries are not showing TSP outlay under a separate Budget Head. Some Ministries are showing a notional earmarking, but the criterion followed in doing so is not that clear. Also, in the absence of this outlay being shown under a separate minor head (796), its non-divertibility is difficult to be ensured. In the absence of separate earmarking and budgeting of funds under TSP by Central Ministries/Departments, it is not possible, as of now, to quantify the total amount allocated/spent by the Central Government under TSP.

3.2 Some indication of Central Government allocation on schemes of STs (and SCs), is available from Statement 21 of the Expenditure Budget (Volume I). This statement gives information about allocations under schemes that are substantially meant for SCs/STs, in the following two parts

- i. Schemes in which there is 100% provision for SCs/STs and
- ii. Schemes where at least 20% of the allocation is earmarked for SCs/STs.

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3.3 The statement 21 of the Expenditure Budget clubs allocations for SCs and STs.

3.4 Planning Commission has been impressing upon Central Ministries/ Departments to properly implement its guidelines regarding TSP. Response of the Central Ministries/Departments has however not been encouraging. The Parliamentary Committee on the Welfare of SCs & STs, during oral evidence of Secretaries of Planning Commission and the Ministry of Tribal Affairs on the working of TSP on 11.01.2010 and 09.02.2010, had also expressed serious dissatisfaction at the non-implementation of TSP guidelines by Central Ministries/Departments.

3.5 In view of the lack of progress in implementation of TSP by Central Ministries/Departments, the Minister of Tribal Affairs had conveyed certain concrete suggestions for improvement vide letter dated October 8, 2009 to the Planning Commission (**Annexure III**).

3.6 The Planning Commission subsequently constituted a Task Force under the Chairmanship of Dr. Narendra Jadhav, Member, vide Order dated 04.6.2010 (**Annexure-IV**), to review the operational difficulties in implementing SCSP & TSP and suggesting necessary remedial measures through re-examining the existing Guidelines and revising the same appropriately for their effective and meaningful implementation in future.

**4. Consultative Process followed by the Task Force**

Details of the meetings of the Task Force, and the discussions/ consultations held by its Delhi-based members with various stakeholders are given in **Annexure-V**

**5. Recommendations for Implementation of TSP from the Financial Year 2011-12 by Central Ministries/Departments**

The subject being a complex one requires detailed examination and deliberations. Also, there are commonalities as well as differences between implementation of TSP at the Central and State levels. Since the problem is more acute at the Central level, the Task Force is, in the first instance, recommending that, from the financial year 2011-12, substantial reforms be introduced in the TSP system, for Central Ministries/Departments, which can be further refined from the XII Five Year Plan commencing in 2012-13. Accordingly, the Ministry makes the following suggestions for implementation in 29 Central Ministries/Departments.

### **5.1 Scope**

5.1.1 The proposed recommendations are limited to the Central Sector Plan Outlay of Ministries/Departments as indicated in Statement 12 of the Expenditure Budget (Volume I). They do not cover Central Plan Assistance (CPA) for State and UT Plans, as reflected in Statement 16 of the Expenditure Budget (Volume I) because it forms part of State Plans and the States are separately required to implement the TSP as per the Planning Commission guidelines though some earmarking for some schemes could be suggested after further examination while making a final report.

### **5.2 Proposed Criteria for categorizing Plan Expenditure under TSP**

5.2.1 Plan outlay and expenditure falling under the following two broad categories will be eligible for being classified in TSP:-:

- (i) Expenditure on Poverty Alleviation and individual beneficiary oriented schemes, e.g. MNREGA, IAY, NRLM, SGSRY, PMEGP etc. and
- (ii) Expenditure on other schemes which is incurred in:
  - a) ST concentration areas, i.e. in the villages, blocks and districts having more than 40% ST population, and largely benefiting such villages, blocks and districts, and

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- b) The extent to which infrastructure expenditure is separately budgetable for TSP area keeping in mind the nature of the scheme (the implementing Ministries would be required to ensure a fair distribution of schemes in a manner that the tribal community and TSP area should get at least 8.2% of the investment/ expenditure).

5.2.2. Based on above the Ministries are proposed to be categorized as follows:

**Category I:** These are Ministries that are engaged in regulatory functions, Research & Development, addressing specific target groups, largely engaged in policy making, running CPSUs and not with significant TSP relevance at present. For these Ministries, TSP allocation may not be insisted upon during 2011-12. But of these, the Ministries that are getting plan funds should be asked to also devise schemes which will add to the welfare of Tribal community/ Tribal areas.

**Category II:** These would include other than the Category I Ministries/ Departments (Annexure VI)

### **5.3 : Suggestive TSP approach allocation for 2011-12**

5.3.1. Based on the discussions held with the various Ministries/Departments, keeping in mind the nature of their schemes, views expressed by them and the information received from them the suggestive earmarking of funds under TSP for 2011-12 is placed at **Annexure VII**.

It may be noted that during the discussions following difficulties were expressed in segregating the TSP component:

- a. The scheme being indivisible/ infrastructure type

- b. Most of the schemes being ongoing ones, segregating TSP component at this stage of the Plan is difficult.
- c. Budgetability under Minor Head 796 in respect of ongoing schemes will be difficult

5.3.2. It is suggested that when the annual plan of the Ministries (which get Plan funds) for 2011-12 is under consideration, above are kept in view and the schemes examined in depth particularly in respect of Ministries (listed in Category II) where the suggested allocation is less than 8.2%.

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Addendum to Annexeure V (2<sup>nd</sup> page)

Meeting	Date	Agenda
Second Meeting with representatives of concerned Central Ministries/Departments	27-10-2010	To discuss Scheme-wise/ Ministry-wise proposed earmarking of plan outlay under SCSP/TSP.
Third Meeting with representatives of concerned Central Ministries/Departments	01-11-2010	Meeting with 11 Ministries which have infrastructure projects also under the Chairmanship of Dr. N. Jadhav, Member of Planning Commission

## Field Visit undertaken by Selected Members of the Task Force.

Visit to Kanchipuram, Tamil Nadu (SC concentration district)	14-09-2010	To discuss issues involved in implementation of SCSP at the district/ block and village levels with District Level officials
Visit to Koraput, Orissa (ST concentration district)	16-09-2010	To discuss issues involved in implementation of TSP at the District/ block and village levels with District Level officials

### Proposed Category-wise List of Ministries

Category	Type	Ministries/Departments
<p><b>Category I</b></p>		<p>Ministries of finance; Home Affairs, External Affairs; Personnel, Public Grievances and Pension; Law and Justice; Corporate Affairs; Civil Aviation; Steel; Petroleum &amp; Natural Gas; Defence; Parliamentary Affairs; Overseas Indian Affairs and Departments of Chemicals and Petro Chemicals; Consumer Affairs; Heavy Industries; Public Enterprises; Fertilizers. Ministries of Minority Affairs, Ministry of DONER and Ministry of Social Justice and Empowerment. Ministry of Earth Sciences; Scientific and Industrial Research; Atomic Energy; Space. Ministry of Shipping. Ministries of Information and Broadcasting, Panning; Statistics and Programme Implementation; Urban Development, and Industrial Policy &amp; Promotion and Posts; Department of Biotechnology.</p>
<p><b>Category II</b></p>		<p>Ministry of HUPA, Ministry of Mines, Ministry of Road Transport and Highways, Ministry of Tourism, , Ministry of New and Renewable Energy Ministry of Panchayat Rajya, Ministry of Labour and Employment, Ministry of Power, Ministry of Railway, Ministry of Food Processing &amp; Industries, Ministry of Water Resources, Ministry of Culture, Ministry of Micro, Small and Medium Enterprises, Ministry of Coal, Ministry of Textiles; Department of sports, Department of School Education and Literacy, Ministries of Environment and Forests,; Water Resources; Women and Child Development; Tribal Affairs, , Rural development, Drinking Water Supply, and Health and Family Welfare. Department of Science and Technology, Department of Higher Education, Department of AYUSH, Department of Agriculture and Cooperation, Department of Agriculture Research and Education, Department of Commerce, Department of Telecommunication and Department of Information Technology &amp; Department of Food &amp; Public Distribution, , Department of Youth Affairs and Sports, Department of Animal Husbandry, Dairying and Fisheries and Departments of Land Resources;</p>

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## Annexure VII

Ministry/ Scheme-wise proposed Earmarking of Plan Outlay under TSP for 2011-12		
S.No.	Ministry/ Department	% Earmarking of Funds under TSP Recommended for
<b>Category- I</b>		0.00
<b>Category- II</b>		
1	Ministry of Railways	-
2	Ministry of Food Processing Industries	-
3	Ministry of Culture	-
4	Ministry of New and Renewable Energy	-
5	Department of Animal Husbandry, Dairying & Fisheries	-
6	Department of Food & Public Distribution	-
7	Department of Telecommunications	1.0
8	Department of AYUSH	2.0
9	Ministry of HUPA	2.4
10	Ministry of Tourism	2.5
11	Department of Science & Technology	2.5
12	Ministry of Road Transport & Highways	3.5
13	Ministry of Mines	4.0
14	Department of Agriculture Research & Education	4.0
15	Ministry of Power	4.22
16	Department of Commerce	5.0 *
17	Ministry of Textiles	5
18	Department of Agriculture & Cooperation	6.4 *
19	Department of Information Technology	6.7
20	Department of Higher Education	7.5
21	Ministry of MSME	8.2
22	Ministry of Coal	8.2
23	Department of Youth Affairs	8.2
24	Ministry of Labour and Employment	8.2
25	Ministry of Panchayati Raj	8.2
26	Department of Sports	8.2
27	Department of School Education & Literacy	8.2
28	Ministry of Environment & Forests	8.2 *
29	Ministry of Women & Child Development	8.2
30	Department of Health & Family Welfare	8.2
31	Ministry of Water Resources	8.0
32	Department of Land Resources	10.0
33	Department of Drinking Water & Sanitation	10.0
34	Department of Rural Development	17.5
35	Ministry of Tribal Affairs	100

\* Assumed

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सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

छठी मंजिल, 'बी' विंग, लोक नायक भवन  
खान मार्केट, नई दिल्ली-110003

6th Floor, 'B' Wing, Lok Nayak Bhawan  
Khan Market, New Delhi - 110 003

Dated .....24/11/2010

File No. 11/2/2010/Circular/RU-III

To

- (1) Dr. Rameshwar Oraon,  
Hon'ble Chairperson. NCST
- (2) Shri Maurice Kujur.  
Hon'ble Vice-Chairperson. NCST
- (3) Shri Oris Syiem Myriaw.  
Hon'ble Member. NCST
- (4) Smt. K. Kamla Kumari  
Hon'ble Member. NCST
- (5) Shri B.L. Meena.  
Hon'ble Member. NCST

Sub:- Consultation paper – cum – Questionnaire on undercover / sting operations.

Sir / Madam.

The Ministry of Law & Justice, Department of Legal Affairs vide their O.M. No. 6(3)/1131/2007-LC(LS) dated 15/11/2010 has requested for comments of the Commission on the above subject. The undersigned is directed to circulate a copy of the same O.M. alongwith its enclosure for your perusal / comments.

(N.K. Maran)  
Research Officer

Copy to:-

- (1) The Secretary. NCST
- (2) The Joint Secretary, NCST
- (3) PS to Secretary. NCST
- (4) PS to Joint Secretary. NCST
- (5) Director, RU-I and II
- (6) Deputy Director, RU-III, IV and Coord.
- (7) All AD/RO Research Units-I. II. III. IV. and Coord

Research Officer

F.No.6(3)/1131/2007-LC(LS)  
Government of India  
Ministry of Law & Justice  
Department of Legal Affairs  
Law Commission of India



Indian Law Institute Building  
Bhagawan Das Road,  
New Delhi-11 0 001

Dated : 15.11.2010

OFFICE MEMORANDUM

Sub: Consultation Paper – Cum-Questionnaire on “Undercover / Sting Operations”.

The undersigned is directed to forward a Consultation paper-Cum-Questionnaire on “Undercover / Sting Operation” and to invite your valuable view / suggestions preferably within one month.

(Sushil Kumar)

Joint Secretary & Law Officer

The Secretary  
National Commission for Schedule Tribes  
6<sup>th</sup> floor 'B' Wing,  
Lok Nayak Bhawan  
Khan Market  
New Delhi

DD (KDB)

SL

P.S. may fl see  
at date stage  
22/11/10

22/11/10

A circulate to Members/  
officers for comments

Secretary

22/11/10

23/11/10

DD  
AD/cont  
23/11/10

इस मामले का सार्वजनिक आर. प्र. 111 से  
संबंधित आवश्यक संपर्क इसी अनुभाग में  
किया जाये अपेक्षित है  
23-11-2010

## CONSULTATION PAPER-CUM-QUESTIONNAIRE ON UNDERCOVER/STING OPERATIONS

1. Technology is offering many ways to invade private and professional lives. The media with the help of private entities is making effective use of such technological opportunity to carry out the sting operations (for short, SO) to expose corruption, immorality, exploitation, flouting of the rule of law by those holding public offices, influential persons and businessmen. However, it is noticed that in some high profile criminal cases, the media by conducting SO and broadcasting the same on TV channels regularly, have been prompted by a motive to play up the emotions and sensationalise the events for a commercial purpose. It has a tendency to generate public opinion in a particular direction much to the embarrassment of law enforcement agencies. Instances are not lacking where instant SMS polls have been held to decide between guilt and innocence. Such parallel proceedings by media in a criminal case pending before a court of law can create a forceful impression on the public minds about guilt and might affect a fair trial and uninhibited verdict which is a part of constitutional guarantee.

2. On one hand, SO serves the public interest by strengthening the democratic framework by disseminating information about facts of vital interest to society that are not easy to obtain by simple requests or efforts. The records from the world over show that without the use of SO, public would have never learnt about many economic and political wrong doings. On the other hand, some recent incidents prove the misuse of SO by media and private entities to increase the channel viewership, settle political scores, harm corporate interests, malign reputation etc. Such SO that are carried on with ulterior motives not only harm the person and the institution trapped in the sting, but has the potential to shake people's faith in the institutions and create a general atmosphere of cynicism in the society.

3. The only law we have at the moment is the Cable Television Networks (Regulation) Act, 1995 and the Rules framed thereunder. This Act and Rules being a product of era when SO had not arrived on the television scene, do not have any direct provisions related to the SO. At the same time, some provisions of this Act may be applied to check malpractices associated with the SO because Sections 3 and 5 read with the Programme Code referred to in Section 6 lays down that *no programme can be*

*transmitted/re-transmitted on any cable service which contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths.*

4. However, some TV channels were found flouting these provisions. In the recent past, instances of Television channels exceeding the limits of decency by using SO as a tool for the on-going reality shows to expose waywardness or infidelity of a spouse, boyfriend, etc. have been noticed. Such SO showing private life of common man and woman are not conducted for exposing public wrongs and do not serve any public interest or public purpose. Further, manipulated and fabricated SO noticed in several instances have sullied the image of media and damaged the reputation of targeted persons irretrievably. These kinds of SO are exploiting technology available to intrude private space thereby violating the right to privacy and taking the civilization backward.

5. There is therefore need felt to evaluate whether TV channels are fulfilling their social responsibility in revealing private wrongdoing? Whose interests are served by such expose? How far they can be allowed to invade the right to privacy, when expose does not serve a legitimate public interest? Even if SO serves public interest in some way, how far the undercover operators can go? Can they themselves become party to crime to unearth the crime?

6. The Committee on Petitions of Rajya Sabha in its report dated 12.12.2008 made the following pertinent observations:

“The Committee feels that the electronic media should not air information gathered through SO unless and until there is ample evidence to conclusively prove the guilt of the alleged accused; if it is required in public interest, the version of the alleged accused should also be aired simultaneously and with equal prominence... Where a SO is found to be false and fabricated, the media company ought to be given stringent punitive punishment commensurate with the damage caused to the innocent individual... The Committee is of the view that freedom of the press is essential for healthy functioning of democracy; however, democracy comes with responsibility. Freedom of the press case responsibility on media as well. The Committee therefore expects the media to contribute to

success of democracy by protecting the freedom of individual including his/her right to privacy. The Committee observes that even though the right to know takes precedence over the right to privacy, the right of privacy should not be encroached upon, under the garb of freedom of the Press unless prompted by genuine public interest. Therefore the Committee advocates following of a middle path approach between both the rights, to meet the ends of justice.”

6.1 The Committee of Ethics too in its proceedings dated 24<sup>th</sup> Feb 2006 concerning the SO – ‘Operation Chakravayuh’ stressed the need to evolve a regulatory mechanism for undercover operations which have the potential of encroaching upon the right to privacy of an individual and further observed that the Committee feels that the electronic media should also put in place a self regulatory mechanism to ensure justice and fair play in their functioning.

7. The Government of India proposed to set up an independent regulatory authority viz., the Broadcasting Regulatory Authority of India (BRAI) under a proposed law – the Broadcasting Services Regulation Bill 2007. The accompanying Content Code revised in March 2008 lays down in detail what content can be aired and what cannot be, but, it has met strong opposition from the media agencies and channel owners who favour self regulation. According to the very recent newspaper reports, the Hon’ble Minister of I&B stated that a National Broadcasting Authority - a statutory body will be set up, but it will not regulate the content. However, the I&B Ministry has devised certain non-statutory and informal guidelines and machinery to check objectionable publications/exhibitions. For instance, the Electronic Media Monitoring Center has been set up to undertake monitoring of content of various FM and TV channels for any violation of Programme Code, Advertisement Code and the provisions of Cable TV Networks Regulation Act etc.

7.1 While so, the News Broadcasting Association (NBA) have been formed to put in place a self-regulatory mechanism and accordingly the News Broadcasting Standard Authority (NBSA) was set up in October 2008. The NBSA consists of an eminent retired Judge, eminent editors associated with broadcasting and eminent persons having special knowledge in the fields of law, education, medicine, literature, public administration etc.

It has formulated a Code of Ethics and Broadcasting Standards governing the broadcasters and television journalists. 'Broadcaster' is defined to mean any association of persons/organization or corporate entity being member of NBA who owns, manages and controls a satellite or cable T.V. channels that comprises exclusively news and current affairs contents or capsules as part of its programming and the said term includes the editor. The said Authority, on the basis of a complaint or otherwise, can proceed to hold an inquiry into the alleged violation of code of conduct and after giving an opportunity of hearing to the broadcaster concerned, may for reasons recorded in writing, warn, censure or impose a fine upon the broadcaster and or recommend the concerned authority for suspension/revocation of license of such broadcaster. The avowed purpose of the principles of self regulation is stated to be "to empower the profession of Television Journalism by an abiding set of values, which will stand the test of time and ensure that balanced and comprehensive journalism flourishes to strengthen India's democracy". As regards sting operation, it is stated thus in paragraph 9 of the Code of Ethics:

*"As a guiding principle, sting and undercover operations should be a last resort of news channels in an attempt to give the viewer comprehensive coverage of any news story. News channels will not allow sex and sleaze as a means to carry out sting operations, the use of narcotics and psychotropic substances or any act of violence, intimidation, or discrimination as a justifiable means in the recording of any sting operation..... News channels will as a ground rule, ensure that sting operations are carried out only as a tool for getting conclusive evidence of wrong doing or criminality, and that there is no deliberate alteration of visuals, or editing, or interposing done with the raw footage in a way that it also alters or misrepresents the truth or presents only a portion of the truth."*

7.2 Whether such a self-regulatory mechanism has proved to be adequate and effective and whether it would obviate the need for a statutory mechanism to regulate the contents of broadcasting including SO and taking appropriate action under law, is a matter of debate.

8. In the UK, the Broadcasting Standards Commission exists as the statutory body for regulating both standards and fairness in text, cable and digital services broadcast over television and radio, both terrestrial and satellite. Established by the Broadcasting Act, 1996 it has to: (i) produce codes of conduct relating to standards and fairness; (ii) consider and adjudicate on complaints; (iii) monitor, research and report on standards and fairness in broadcasting. It has power to require recordings of broadcast material and written statements. It may also hold hearings. Its decisions are published regularly and broadcasters must report any action they have taken as a result. It is accountable to the Parliament and each year publishes a full report of its work. It is financed by the Government and broadcasters and its accounts are subject to scrutiny by the National Audit Office.

9. The decided case law from Courts on the subject of SO has not laid down any clear cut principles or uniform approach on the legality and extent of permissibility. However certain broad principles are discernible such as the considerations of public interest, the need to recognize the fundamental rights of the targeted persons including the right of privacy and liberty. Also, the illegality inherent in the publication/exhibition of fabricated and misleading content obtained by SO which is universally condemned, is recognized by the courts in India.

10. The Law Commission of India, in view of sharp and divergent views with emotive and logical pleas that are raised regarding permissibility of SO, is eliciting suggestions from the public, including the media representatives, the NGOs, academia, professional bodies, social activists, officials and elected representatives on a set of Questionnaire prepared mainly regarding: whether there is necessity to control the misuse of SO by way of a regulatory law? what should be the nature and extent of that regulation to check unwarranted invasion of right to privacy? what kind of mechanisms has to be put in place to prevent publication/broadcasting of the content of SO so as to control fabricated versions of the SO and to protect larger public interest?

11. The response to this questionnaire can be sent to the e-mail address given in the website of the Commission or to the postal address of the Commission by 30<sup>th</sup> November, 2010.

**Questionnaire:**

1. The media led SO that expose corrupt and criminal activities of a person accused in a case create a widespread public perception of the guilt of the accused and the regular broadcast on a television/internet medium strengthens such public perception and might influence a trial court judge who has to independently conduct a trial in an atmosphere free from pressures and inhibitions. In order to have a fair and objective trial by courts, should the State prohibit or regulate the broadcast /publishing of SO expose in such a case?
  
2. In R.K. Anand's case, the Supreme Court observed that the media is not free to publish any kind of report concerning a *sub-judice* matter or to do a sting as it pleases in a pending trial matter. It was also observed that a sting based on deception would attract the legal restrictions with far greater stringency. More or less on similar lines, the Supreme Court commented in a recent case related to Manu Sharma that *the distinction between trial by media and informative media should always be maintained. Trial by media should be avoided particularly at a stage when the suspect is entitled to the constitutional protections. Invasion of his rights is bound to be held impermissible.* Do you suggest therefore regulation of a SO in a *sub-judice* matter by restricting its broadcast/publication or placing a complete ban thereof in a *sub-judice* matter?
  
3. Should a restraint be placed on SO where a special machinery is created under the Statute like the Prevention of Corruption Act, the Narcotics Drugs and Psychotropic Substances Act, etc to unearth and investigate specific crimes under those Acts?
  
4. (a) With a view to expose corruption or anti-social activities prevalent in society, and without any other ulterior/objectionable motive, a person (including a media representative) conducts a SO against a public servant or a middleman. Should he/she enjoy immunity against possible prosecution for the illegal acts committed in the course of such SO?

- b. It was observed in a case decided by the Delhi High Court that the immunity to the bribe giver is available in a case where he/she is unwilling to pay the bribe and approaches the police in order to get the public servant trapped. Whether the scope of immunity, provided under section 24 of the Prevention of Corruption Act, should be extended further so that the journalists etc. undertaking SO are protected?
5. It has been observed that some of the SO(s) make considerable intrusion into private lives of people without serving any public interest and such operations are conducted by the television channels solely to increase their viewership. In this context, would a sting qualify as investigative journalism when firstly, there was no obvious relevance of the sting to the public and secondly, if there was clear ensnarement to commit the offence?
6. If SO turns out to be manipulated or distorted or is published in a misleading or reckless manner, should it be treated as a distinct offence? If so, what punishment should be appropriate? What other sanctions do you suggest?
7. It is said that a proper balance should be struck between the right to privacy of an individual and public interest likely to be served by SO. What suggestions do you make in ensuring that SO does not substantially impinge on the right to privacy and thus the intrusion of the same is reduced to minimal? What restrictions could be imposed by law in this regard? What according to you may constitute unwarranted and palpable invasion of the right to privacy?
8. (a) Please offer your views as to which test – ‘public interest’ or ‘infringement of privacy’ – should be the predominant test for judging the legality or permissibility of the SO. Which of them may be given more consideration by a regulatory law, if enacted? Even if the test of public interest is broadly satisfied, should the regulatory law should still consider the permissible extent and degree of invasion to the right of privacy as a relevant factor?
- b. Do you think that the means and modalities of expose should be irrelevant wherever public interest is served in some degree or the other?

9. In the false SO of a School Teacher case, the Delhi High Court observed that the Court trusts that *all TV channels/Media will take steps and prohibit its reporters from producing or airing any programmes which are based on entrapment or fabricated and intrusive*. The court also observed that TV reporters and editors *should take steps for drawing up a self-regulatory code of conduct*. It implies that such Code of Conduct should be one capable of being enforced effectively. Do you think that the NBSA set up by News Broadcasting Association is adequate and effective enough to put in check on the undesirable practices associated with SO and to restrain the publication/exhibition of objectionable contents of SO?
10. In the said case, the Delhi High court disapproved of the tactic of using a budding journalist eager to make a name in the media world to pass off as a student of school to trap school teacher in a motivated SO. It relied on the US Supreme Court decision and article by a well known TV journalist to justify the use of hidden cameras when it is for capturing the event that would take place whether or not the camera was there and deploring the practice of entrapment to induce commission of crime so that the Government may prosecute. The High Court approvingly referred to the observations in the US Supreme Court judgment that the Government should not play on the weakness of an innocent party and beguile the party into committing a crime which the party otherwise would not have attempted. The State must not punish an individual for an alleged offence which is the product of the creative activity of its own officials. The High Court held that this can be applied in the Indian context also to the media. Do you agree with the above suggestion that SO should only be used for capturing what is already going on and should not create a scoop by testing individuals by putting them through inducement test?
11. In its judgment rendered on 14<sup>th</sup> December 2007, the Delhi High Court issued guidelines to be followed when undertaking a sting and observed that the Ministry of I&B may consider their incorporation in the proposed law – the Broadcasting Services Regulation Bill of 2007. What are your suggestions in this regard? According to these guidelines:

1. A channel proposing to telecast a SO shall obtain a certificate from the person who recorded or produced the same certifying that the operation is genuine to his knowledge.

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3. Permission for telecasting a SO be obtained from a committee appointed by the Ministry of Information and Broadcasting. The said committee will be headed by a retired High Court Judge to be appointed by the Government in consultation with the High Court & two members, one of which should be a person not below the rank of Additional Secretary and the second one being the Additional Commissioner of Police. Permission to telecast SO will be granted by the committee after satisfying itself that it is in public interest to telecast the same. This safeguard is necessary since those who mount a SO themselves commit the offences of impersonation, criminal trespass under false pretence and making a person commit an offence.

4. While the transcript of the recordings may be edited, the films and tapes themselves should not be edited. Both edited and unedited tapes be produced before the committee.

....

7. The Chief Editor of the channel shall be made responsible for self regulation and ensure that the programmes are consistent with the Rules and comply with all other legal and administrative requirements under various statutes in respect of content broadcast on the channel.

8. The subject matter of reports or current events shall not:

(a) Deliberately present as true any unverified or inaccurate facts so as to avoid trial by media since a "man is innocent till proven guilty by law";

....

11. Infringement of privacy in a news based/related programme is a sensitive issue; therefore, greater degree of responsibility should be exercised by the channels while telecasting any such programmes as may be breaching privacy of individuals.
12. By capturing the evidence of a criminal activity through SO against a person not yet accused of an offence and publishing the same in print/electronic media, the chances of tampering or suppressing the evidence might diminish. At the same time, such publication has the tendency to defame a person whose version is not available. Could it be yet another reason to regulate the publishing of SO through law?
13. Where the SO covers a crime or a gory incident concerning a child victim or a juvenile accused, what restrictions ought to be placed on the media publicity details of SO?
14. What should be the procedure to ensure that an expose by private entity or media led SO is not used for taking undue advantage? Who will regulate its transmission/ publication/ withholding? With whom this expose should be deposited? Should there be an independent statutory body to grant permission, monitor and take custody of all the materials collected by a SO?

P.N: It is clarified that the Commission is not contemplating to go into the issues concerning mode of proof of material obtained by way of SO, their evidentiary value and the defences that may be open to the accused in a trial.

S.No. 3 (revised)

**MOST IMMEDIATE  
BY HAND**

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**No.1/8/2010-Coord.  
Government of India  
National Commission for Scheduled Tribes**

6<sup>th</sup> Floor, 'B' Wing,  
Loknayak Bhawan,  
Khan Market,  
New Delhi-110003

Dated: 09-12-2010

To  
Dr. Rameshwar Oraon, Chairperson  
Shri Maurice Kujur, Vice-Chairperson  
Shri Oris Syiem Myriaw, Member  
Smt. K. Kamala Kumari, Member  
Shri Bheru Lal Meena, Member

**Subject: 23<sup>rd</sup> Meeting of the Commission to be held at 11.30 AM on 16-12-2010 – Notice for the Meeting.**

Sir/Madam,

I am directed to say that the next meeting of the commission will be held on 16-12-2010 at 11.30AM in the Conference Room of the Commission. The meeting will be presided over by Dr. Rameshwar Oraon, Chairperson, NCST. The Agenda Items for consideration in the meeting are given below:

S. No	Subject	Received From	Concerned F.NO./ Circulated with letter/OM No.	Remarks
(i)	Comments on the 3rd Report titled "Standards of Administration and Governance in the Scheduled Areas" by the Standing Committee on Inter-sectoral issues relating to Tribal Development.	Ministry of Tribal Affairs	PDM/Development/MTA(Policy)/2010/RU-II dated 04-10-2010	Pending from 22nd meeting held on 26/11/2010
(ii)	Recommendations of the Task Force received from the Planning Commission to revise the guidelines of SCSP and TSP for implementation by the Central Ministries/ Departments.	Planning Commission	GBP/S&PLI-2/Devel/Task Force/SCP-TSP/2010/RU-II dated 25-11-2010	
(iii)	Consultation paper-cum-Questionnaire on undercover/ sting operations.	Ministry of Law & Justice	11/2/2010/Circular/RU-III dated 24/11/2010	
(iv)	Role of Governors in Scheduled Areas- Opinion of Ld. Attorney General on the subject-Article, captioned "Centre may take over control of tribal areas", published in the Times of India dated 05-11-2010.	Ministry of Home Affairs	PDM/Development/MTA(Policy)/2010/RU-II dated 08-12-2010	

Yours faithfully,  
  
(Mrs. K.D. Bhansor)  
Dy. Director

Copy for information and necessary action to:

- (1) Secretary -
- (2) Joint Secretary
- (3) Director (RU-I & II)
- (4) Dy. Director (RU-III & IV)
- (5) Copy for information and record in F.No.1/3/10-Coord.
- (6) US(A) for making necessary arrangement for the above meeting.

Copy to SSA (NIC) for uploading on the website of NCST.

193-



BY  
HAND/POST

भारत सरकार  
राष्ट्रीय अनुसूचित जनजाति आयोग  
GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

संख्या/ No.- 1/8/10-Coord

दिनांक/ Date: 24/12/2010

To

- 1) Dr. Rameshwar Oraon, Chairperson,
- 2) Shri Maurice Kujur, Vice-Chairperson,
- 3) Shri Oris Syiem Myriaw, Member,
- 4) Smt. K. Kamala Kumari, Member,
- 5) Shri Bheru Lal Meena, Member,
- 6) Shri Raghuvendra Singh Sirohi, Secretary

Sub: **Summary record of the 23rd meeting of the National Commission for Scheduled Tribes held on 16th December, 2010.**

Sir,

I am to refer to the above subject and to say that 23rd meeting of the National Commission for Scheduled Tribes was held at 11:30 Hrs. on 16th December, 2010 in the Conference room of the Commission 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,

(Aditya Mishra)  
Joint Secretary

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 7th Jan, 2011 positively:

- (i) Director (RU-I & RU-II)
- (ii) Dy. Director (RU-III, RU-IV & Coord.)
- (iii) AD/ RO In-charge-RU-I/ RU-II/ RU-III/ RU-IV/ Coord/ SO (Admn.) / AD (OL).

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

1. PS to Chairperson/PS to Vice-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.
3. Sr. System Analyst (NIC Cell, NCST) for uploading on the website.

**National Commission for Scheduled Tribes**

**Subject: Summary record of the 23<sup>rd</sup> meeting of the Commission held at 11:30 AM on 16-12-2010.**

The 23<sup>rd</sup> Meeting of the Commission was held at 11:30 AM on 16-12-2010 in the Conference Room of the Commission in Loknayak Bhawan New Delhi and was presided over by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST. List of participants is enclosed at Annexure. There were four Agenda Items for discussion in the meeting.

2. Initiating the discussion, Secretary, NCST informed the Commission that, subsequent to the discussion in the last meeting of the Commission on the Agenda Item I relating to the 3rd Report titled "Standards of Administration and Governance in the Scheduled Areas" submitted by Standing Committee (headed by Shri Bhalchandra.Mungekar, then Member Planning Commission) on Inter-Sectoral issues relating to Tribal Development set up by PMO, the Commission had received the final report of the Task Force, of the Planning Commission, containing recommendations relating to revised guidelines for SCSP and TSP and the views of the Attorney General on the role and powers of Governor in the Scheduled Areas, which were circulated for consideration of the Commission. Secretary, NCST further explained that both these subjects were concerned with the recommendations of the Standing Committee on the areas pertaining to the Scheduled Areas and Tribal Sub-Plan (Sr. No.1 and 8 respectively of the Report). Therefore, the draft comments for Agenda Item I, circulated earlier, were appropriately revised, incorporating the draft comments on Agenda items II and IV; and re-circulated for consideration of the Commission. In view of the position explained, only Agenda Item I (Revised) and Agenda Item III required consideration of the Commission.

*Rameshwar Oraon*

डा० रामेश्वर उरांव / Dr. RAMESHWAR ORAON  
अध्यक्ष / Chairman  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

3. The decisions taken and the action points that emerged out of the discussions held in the meeting are given below:

**Agenda Item I, II and IV Comments on the 3rd Report titled "Standards of Administration and Governance in the Scheduled Areas" by the Standing Committee on Inter-sectoral Issues relating to Tribal Development.**

Secretary, NCST explained the draft comments in respect of various recommendations enumerated in the Summary of Recommendations in the Executive Summary of the Report in detail. He informed that the draft comments on some issues included in the Report pertaining to (a) displacement of tribals (Sr. No. 5 (iv)), (b) effective delivery mechanism (Sr. No. 6), (c) implementation of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Sr. No. 12), (d) shortage of staff in the NCST (Sr. No. 15 (i)), (e) consultation with the Commission on policy related issues (Sr. No. 15 (iii)) and (f) SCs & STs (PoA) Act, 1989 (Sr. No. 20) were based, inter-alia, on the views/recommendations of the Commission contained in its earlier Annual Reports on the related issues in the past. The Commission endorsed the comments suggested in the revised Agenda note but also observed on following issues as under:

Sr. No. 1: Scheduled Areas

In the context of continuing demand for inclusion of new areas/ communities, the Commission observed that there was a need to review the list of Scheduled Areas/ Tribes objectively in a time-bound manner. Appropriately, therefore, the Scheduled Area and Scheduled Tribes Commission should be constituted every 10 years to look into such demands.

*Rameshwar Oraon*

डा० रामेश्वर उरांव / Dr. RAMESHWAR ORAON  
अध्यक्ष / Chairman  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

Further, the Commission noted that the Ministry of Home Affairs (MHA) had informed that there was no proposal under consideration for review of the role and powers of the Governor in respect of the Scheduled Areas. The MHA had also not sought views of the Commission on the reported opinion of the Attorney General on the powers conferred upon the Governor under Article 244 read with the Fifth Schedule. Therefore, the Commission need not to comment on the issue at this stage.

Sr. No. 6: Effective delivery mechanism :A comprehensive Frame- The ITDPs

The Commission observed that there was a need to strengthen democratic institutions of administration, as envisaged under PESA. The Commission further noted that multiplicity of agencies should be avoided in order to provide sustained co-ordinated emphasis to the problems of Scheduled Tribes/Areas. After detailed discussion, the Commission recommended that ITDPs may be merged with ZPs.

Sr. No. 8: The Tribal Sub-Plan (TSP)- Shift from notional to reality

The Commission noted that some of the Ministries/Departments which have been listed by the task force in 'No Obligation' category for the Tribal Sub-Plan are responsible for infrastructure development and services in critical areas. The Commission, therefore, recommended that appropriate outlays for TSP should also be earmarked in respect of these Ministries/Departments, to ensure that Scheduled Areas don't continue to be hamstrung by poor infrastructure/services.

Sr. No. 15(iii): Expansion of the expertise base of the NCST to induct renowned persons in addition to political representation

Chairperson, NCST mentioned that the Gazette Notification dated 19.02.2004, stipulates that the Chairperson, the Vice-Chairperson and the

*Rameshwar Oraon*

डा० रामेश्वर उरांव / Dr. RAMESHWAR ORAON  
अध्यक्ष / Chairman  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

Members shall be appointed from amongst persons of ability, integrity and standing who have had a record of selfless service to the cause of justice for the Scheduled Tribes. These qualifications are adequate for selection of the Chairperson, Vice-Chairperson and Members having experience in diverse fields. After detailed discussion, the Commission opined that the Govt. is always at liberty to review the criteria for selection of the Chairperson, Vice-Chairperson and Members, as and when necessary. .

The Commission also authorized the Secretary, NCST to suitably modify the draft comments accordingly, also ensuring consistency in the comments/ views of the Commission on various issues, before forwarding the same to the Ministry of Tribal Affairs.

**Agenda Item III Consultation paper-cum-Questionnaire on undercover/ sting operations.**

The Commission noted that the Constitutional safeguards for Scheduled Tribes do not bar applicability of the rules/laws which are framed for self-defence, social service and control over the agencies and in framing the regulatory law in the best interest of public and the law. Accordingly, Commission decided to communicate its no objection to the Ministry of Law & Justice to the proposed regulatory law to control the misuse of sting operations. Regarding comments of the Commission on the Questionnaire, framed by the Ministry of Law & Justice with certain norms under the proposed law, the experience within the Commission is not adequate for informed comment.

3. The Meeting ended with a vote of thanks to the Chair.

*Rameshwar Oraon*

डा० रामेश्वर उरांव / Dr. RAMESHWAR ORAON  
अध्यक्ष / Chairman  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

F.No.1/8/10-Coord.

**Annexure  
(w.r.t. Para 1 of the Summary Record)**

**National Commission for Scheduled Tribes**

**Meeting of the Commission held on 16-12-2010 in the Conference Room of the Commission.**

<u>S. No.</u>	<u>Name and Designation</u>	<u>Signature</u>
1.	Dr. Rameshwar Oraon, Chairperson	(in Chair)
2.	Shri Maurice Kujur, Vice-Chairperson	
3.	Shri Oris Syiem Myriaw, Member	
4.	Smt. K. Kamala Kumari, Member	
5.	Shri R.S. Sirohi, Secretary	
6.	Shri Aditya Mishra, Joint Secretary	
7.	Shri Vinod Aggarwal, Director	
8.	Smt. K.D. Bhansor, Dy. Director	

**MOST IMMEDIATE**  
**BY HAND**



No.1/1/2011-Coord.  
Government of India  
National Commission for Scheduled Tribes

6<sup>th</sup> Floor, 'B' Wing,  
Loknayak Bhawan,  
Khan Market,  
New Delhi-110003

Dated: 17-01-2011

To

- 1) Dr. Rameshwar Oraon, Chairperson
- 2) Shri Maurice Kujur, Vice-Chairperson
- 3) Shri Oris Syiem Myriaw, Member
- 4) Smt. K. Kamala Kumari, Member
- 5) Shri Bheru Lal Meena, Member

**Subject: 24th Meeting of the Commission to be held at 11.30 AM on 31st January, 1st & 2nd February 2011.**

Sir/Madam,

I am directed to say that the next meeting of the commission will be held on **31st January, 1st & 2nd February 2011** in the Conference Room of the Commission. The meeting will be presided over by Dr. Rameshwar Oraon, Chairperson. The Agenda Item for consideration in the meeting is given below:

S. No	Subject	Received From	Concerned F.NO./ Circulated with letter/OM No.	Remarks
(i)	Draft 5th Annual Report 2009-10	Suo-motto	Being circulated separately	

2. Members are requested to provide a copy of the tour report including their observations in respect of programs/places inspected during all their visits in the year 2009-10 so that the same can be included in the Report.

Yours faithfully,

  
(Aditya Mishra)  
Joint Secretary

Copy for information and necessary action to:

- (1) Secretary
- (2) Joint Secretary
- (3) Director (RU-I & II)
- (4) Dy. Director (RU-III & IV)
- (5) Copy for information and record in F.No.1/3/10-Coord.
- (6) SO(A) for making necessary arrangement for the above meeting.

Copy to SSA (NIC) for uploading on the website of NCST.

**BY HAND/SPEEDPOST**



**No.1/1/2011-Coord.  
Government of India  
National Commission for Scheduled Tribes**

**6<sup>th</sup> Floor, 'B' Wing,  
Loknayak Bhawan,  
Khan Market,  
New Delhi-110003**

**Dated: 02-02-2011**

To

- 1) Dr. Rameshwar Oraon, Chairperson
- 2) Shri Maurice Kujur, Vice-Chairperson
- 3) Shri Oris Syiem Myriaw, Member
- 4) Smt. K. Kamala Kumari, Member
- 5) Shri Bheru Lal Meena, Member

**Subject: Summary record of the 24<sup>th</sup> Meeting of the Commission to be held at 11.30 AM on 31-01-2011.**

Sir/Madam,

I am to refer to the above subject and to say that the 24<sup>th</sup> meeting of the National Commission for Scheduled Tribes was held at 11.30AM on 31-01-2011 in the Conference Room of the Commission. The meeting was presided over by Dr. Rameshwar Oraon Chairperson. A copy of the Summary Record of the meeting is enclosed for information and record.

Yours faithfully,

  
**(Aditya Mishra)  
Joint Secretary**

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 15-02-2011 positively:

- (i) Director (RU-I & RU-II)
- (ii) Director (Admn.)
- (iii) Dy. Director (RU-III & RU-IV)
- (iv) AD/RO in-charge – RU-I/RU-II/RU-III/RU-IV/Coord./US(Admn.)/SO(Admn.)/AD(OL):

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

1. PS to Chairperson/PS to Vice Chairperson
2. PSs to Member(OSM)/Member(KKK)/Member(BLM).
3. PPS to Secretary/PS to Joint Secretary.
4. Director/Assistant Director/Research Officer in Regional Offices of NCST at Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi and Shillong.
5. Senior System Analyst (NIC Cell, NCST) for uploading on the website.
6. consultant



**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Subject: Summary record of the 24<sup>th</sup> meeting of the Commission held at 11:30 AM on 31-01-2011.**

The 24<sup>th</sup> meeting of the Commission was held at 11:30 AM on 31-01-2011 in the Conference Room of the Commission in Loknayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST. List of participants is enclosed at Annexure. There were two Agenda Items for discussion in the meeting, which were discussed in detail:-

2. The decisions taken and the action points that emerged out of the discussions held in the meeting are given below:

<b>Agenda Item I</b>	<b>Draft 5th Annual Report for the year 2009-10.</b>
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The Draft Chapters were taken up for consideration as under:

[A] Chapter 1: Organizational set-up and functioning of the Commission.

Secretary, NCST mentioned that while the visits and tours by Members were being listed in this Chapter, a deficient area was the Members' contributions and feed back on various issues concerning the STs based on their field visits. He, therefore, requested the Members to forward the gist of feedback regarding their visits to various States/ UTs during 2009-10 within a month, for suitably incorporating in the Annual report. Secretary, NCST further mentioned that Member's report will also be hosted on the Commission's website for information and benefit of public at large.

The Commission observed that the position regarding submission of the 4<sup>th</sup> Annual Report to the President on 27/08/2010 was also required to be reflected in paragraph 1.10.2. Secretary, NCST emphasized that there was a need to disassociate consideration of the Report from its laying before the Parliament., and

in the draft Chapter. He further added that the issues arising out of the proposed change of focus of the scheme with inclusion of skilled manpower or those not engaged in manual labour, and enlarging the scope of the scheme with inclusion of more people with an objective to provide a social security system were required to be carefully examined, because of their inherent potential to marginalize weaker sections, like STs, whose poor bargaining capacities required pre-emptive support of such schemes for their very existence. He further emphasized that, considering the fragile economic condition of the tribals, primarily as a result of poor agricultural practices including single crop culture, rather than relying on capricious demand estimates, it was desirable to ensure provision of funds to ensure a minimum 100 days of employment to all tribal families as per the latest census in the tribal areas and earmark sufficient funds under the TSP component of the Scheme. After detailed discussion, the Commission observed that the recommendations in this regard may be suitably modified/ finalized, based on the interaction held with the Deptt. of Rural Development.

#### [4] Chapter 4: Service safeguards

Secretary, NCST mentioned that for the sake of completeness, the views of the NCST on proposal from MHA regarding specification of common list of the SCs/ STs in respect of all Union Territories, in consideration of various court orders, should also be appropriately included in this Chapter. He further suggested that the statement regarding various proposals received by the Commission for de-reservation of posts may be hosted on the Commission's website, to provide feedback to concerned Ministries/ other persons interested.

#### [5] Chapter 5: Atrocities on Scheduled Tribes

Secretary, NCST mentioned that the material relating to atrocities on STs was initially considered as part of the Chapter on Case Studies in the Fifth Report, but in view of the size of the material on the subject a separate draft chapter was designed on the format used for the subject in the 4<sup>th</sup> Annual Report for the year 2008-09. Secretary, NCST requested the Members to suggest modifications/ improvement, if any, in respect of the recommendations on the subject mentioned in the Chapter.

Hon'ble Chairperson mentioned that there was need to sensitize the Police Departments at the local level regarding implementation of various provisions of the PoA Act . He suggested that a workshop for senior police officials, judicial officers and the Special Public Prosecutors of the State Govts. etc. could be arranged in this regard. After detailed discussion, the Commission decided that the MTA should be approached to organize the workshop.

[6] Chapter 6: Case studies:

The Members endorsed Secretary, NCST's suggestions that case of grievances , wherein the Commission's recommendations had not been accepted by the organization, may be brought to the attention of the Minister-in-Charge when they are specifically cited in the Annual report. A compiled statement would be hosted on the NCST website for the information of the complainants as well as other persons/ associations interested in the case(s).

[7] Chapter 7: Consultation on policy related issues

Secretary, NCST mentioned that the various Ministries/Departments had been requested at the level of the Minister-In-Charge to communicate action taken on the comments/views/advise rendered by the Commission on various policy related issues. The Commission observed that feedback in this regard had not been received. Considering this position, the Commission recommended that Central Govt. may be advised to issue instructions that the Ministries/Departments/State Govts./UTs, to whom the Commission renders its comments/views/advise on various policy related issues, should be obliged to communicate action taken in such cases to the Commission in a time-bound manner.

<b>Agenda Item II</b>	<b>Action Plan for the 6th Annual Report for the year 2010-11-Additional Agenda Item for discussion</b>
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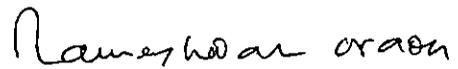
The Commission discussed the Action Plan for the 6<sup>th</sup> Annual Report for the year 2010-11 in detail. Secretary, NCST mentioned that in respect of the

proposed Chapter on 'Implementation of selected Central Sector and Centrally Sponsored Schemes', it was necessary to include field level assessment regarding effective implementation of various schemes, otherwise the Chapter was likely to represent only a desk study, which served little purpose. He further mentioned that the Chapter could be attempted provided adequate feedback was available in respect of various schemes from the Members based on their field visits and interaction with the concerned authorities.

Hon'ble Chairperson suggested that the Commission may sponsor research studies in some selected areas to ascertain their effectiveness. Secretary, NCST mentioned that due to absence of the requisite manpower to process related proposal and shortage of funds allocated to the Commission, MTA could be requested to undertake such research studies in respect of selected schemes.

3 The Commission decided to hold its next meeting in the first week of March 2011 to discuss the draft Report as revised after taking into consideration suggestions/ modifications mentioned above.

4. The Meeting ended with a vote of thanks to the Chair.



डॉ० रामेश्वर अर्चा / Dr. RAMESHWAR ORACH  
अध्यक्ष / Chairman  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

**National Commission for Scheduled Tribes**

Meeting of the Commission held on 31-01-2011 in the Conference Room of the  
Commission-List of Participants.

<b>S. No.</b>	<b>Name and Designation</b>	
1.	Dr. Rameshwar Oraon, Chairperson	(in Chair)
2.	Shri Maurice Kujur, Vice-Chairperson	
3.	Shri Oris Syiem Myriaw, Member	
4.	Smt. K. Kamala Kumari, Member	
5.	Shri Bheru Lal Meena, Member	
6.	Shri R.S. Sirohi, Secretary	
7.	Shri Aditya Mishra, Joint Secretary	
8.	Shri Vinod Aggarwal, Director	
9.	Smt. K.D. Bhansor, Dy. Director	

BOARD CHAIRMAN, NCS  
National Commission for Scheduled Tribes  
Ministry of Tribal Affairs  
New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

After discussion with other Members of the Commission date of next meeting is fixed on 31/03/2011. In addition to subjects suggested by you, the following subjects will also be discussed by the Commission :-

- i. Functioning of the Regional Offices of the Commission.
- ii. Studies to be made on subjects :-
  - (a) MNREGA in tribal areas.
  - (b) PMGSY in tribal areas.
  - (c) Acts, Regulations in force in different states to prevent alienation of land belongs to STs.

*Rameshwar Oraon*  
(Dr. Rameshwar Oraon)  
Chairperson  
16-03-2011

Secretary

1. 083/cp/2011  
2. Give notice R.  
as above.  
3. We may possibly  
collect information  
and initiate  
compilation  
of an agenda  
note/dept inputs  
from Members.

*[Signature]* - 16/3/11  
A.M.

We have  
discussed  
with consultant - R.  
put up by 22/03/11  
A.D. Coor

*[Signature]*  
T/B.

**MOST IMMEDIATE**  
**BY HAND**



**No.1/2/2011-Coord.**  
**Government of India**  
**National Commission for Scheduled Tribes**

**6<sup>th</sup> Floor, 'B' Wing,**  
**Loknayak Bhawan,**  
**Khan Market,**  
**New Delhi-110003**

**Dated: 24-03-2011**

To

- 1) Dr. Rameshwar Oraon, Chairperson
- 2) Shri Maurice Kujur, Vice-Chairperson
- 3) Shri Oris Syiem Myriaw, Member
- 4) Smt. K. Kamala Kumari, Member
- 5) Shri Bheru Lal Meena, Member

**Subject: 25<sup>th</sup> Meeting of the Commission to be held at 11.30 AM on 31-03-2011 – Notice for the Meeting.**

Sir/Madam,

I am directed to say that the next meeting of the commission will be held on 31-03-2011 at 11.30AM in the Conference Room of the Commission. The meeting will be presided over by Dr. Rameshwar Oraon, Chairperson. The Agenda Items for consideration in the meeting are given below:

<b>S.No</b>	<b>Subject</b>	<b>Received From</b>	<b>Concerned F.NO./ Circulated with letter/OM No.</b>	<b>Remarks</b>
(i)	Revised draft of 5th Annual Report of the Commission for 2009-10.	Suo-moto	Being circulated	
(ii)	The establish an independent Regulatory Authority for the Broadcasting Sector-the Ministry of Information and Broadcasting formulated a draft Broadcasting Service Regulation Bill in 2007.	Ministry of Information and Broadcasting	Circulated F.No.AK/1/2011/MINB1/ DEOTH/RU-III dated 23-03-2011	
(iii)	SB Civil WP No.8623/2010 filed by Inder Mohan Singh Dhanka & Ors Vs Union of India & Ors. in the High Court of Rajasthan at Jodhpur- draft comments of National Commission for Scheduled Tribes.	High Court of Rajasthan at Jodhpur	Circulated F.No.IMSD/02/2010/ STGRJ/MIMISC/RU-I dated 23-03-2011	

**Contd..2/-**

- |      |  |          |   |
|------|--|----------|---|
| (iv) | Functioning of the Regional Offices of the Commission  | Suo-moto | Circulated<br>F.No.1/3/11-Coord.<br>dated<br>24-03-2011 |
| (v)  | Studies to be made on subjects:<br>(d) MNREGA in tribal areas<br>(e) PMGSY in tribal areas<br>(f) Acts, Regulations in force in different states to prevent alienation of land belongs to STs. | Suo-moto | Circulated<br>F.No.1/4/11-Coord.<br>dated<br>24-03-2011 |
| (vi) | Status on State Review   | Suo-moto | Circulated<br>F.No.1/2/11-Coord.<br>dated<br>24-03-2011 |

Yours faithfully,

  
(Aditya Mishra)  
Joint Secretary

Copy for information and necessary action to:

- (1) Secretary
- (2) Joint Secretary
- (3) Director (RU-I & II)
- (4) Dy. Secretary (Admn.)
- (5) Dy. Director (RU-III & IV)
- (6) Consultant, NCST
- (7) Copy for information and record in F.No.1/3/10-Coord.
- (8) US(A) for making necessary arrangement for the above meeting.

Copy to SSA (NIC) for uploading on the website of NCST.



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग  
GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

संख्या/ No.- No:4/2/11-Coord

दिनांक/ Date: 29/03/2010

To

- 1) Dr. Rameshwar Oraon, Chairperson
- 2) Shri Maurice Kujur, Vice-Chairperson
- 3) Shri Oris Syiem Myriaw, Member
- 4) Smt. K. Kamala Kumari, Member
- 5) Shri Bheru Lal Meena, Member

**Sub: Finalization of 5th Report of the National Commission for Scheduled Tribes for the year 2009-10 – Agenda Item I in the 25th Meeting of the Commission to be held at 11.30 AM on 31.03.2011**

Sir,

I am directed to refer to this Commission's letter No. 1/2/2011-Coord. dated 24.03.2011 regarding next meeting of the Commission to be held on 31.03.2011 at 11.30 AM in the Conference Room of the Commission and to enclose a copy of the revised draft of the 5th Report of this Commission for consideration and approval by the Commission in the ensuing meeting. The draft of the Report has been revised on the basis of suggestions made in the discussions on the draft Report held in the Commission's 24th meeting on 31st Jan 2011. The revised draft has 8 Chapters including Chapter 8 on Summary of Recommendations made in main 7 Chapters of the Report.

2. Since it is final draft of the Report, the contents of the report may not be kindly reproduced or made public or shared with any outsider in any form. Similarly, reference to any content or recommendation contained in the report, may also be kindly avoided in any communication in written or verbal form till the same has been placed before Parliament.

Yours faithfully,

  
(Aditya Mishra)  
Joint Secretary

Copy with a copy of the revised draft Report for information and necessary action to:

1. Secretary
2. Joint Secretary
3. Director (RU – I & RU – II)
4. Deputy Director
5. DS (Admin.)
6. Coord.
7. Consultant

Copy for information to US (Admn.)

Copy also for record in F.No. 1/3/10-Coord. and 1/2/11-Coord.