

Meetings of the Commission Held

SNo.	Date	Chaired By	Copy of Minutes of Meeting
20 19	06/05/2010	Vice Chairperson	Copy Agenda: I ✓
21 20	11/06/2010	Vice Chairperson	Copy Agenda: I, II, III, IV ✓
22 21	21/09/2010	Vice Chairperson	Copy Agenda: II, III, IV, Guidelines
23 22	26/11/2010	Chairperson	Copy, Enclosure
24 23	16/12/2010	Chairperson	Copy ✓
25 24	31/01/2011	Chairperson	Notice, Agenda for Report 2010-11, Copy
26 25	31/03/2011	Chairperson	Copy ✓
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9			
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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.

National Commission for Scheduled Tribes

Subject: Summary record of the 22nd Meeting of the Commission held at 11 AM on 26-11-2010

The 22nd Meeting of the Commission was held (at 11 AM on 26-11-2010) in the Conference Room of the Commission in Loknayak Bhawan New Delhi and was presided over by Dr. Rameshwar Oraon, ~~Chairperson~~ ^{Chairperson}, NCST. List of participants is enclosed at Annexure. There were three Agenda Items for discussion in the meeting.

2. At the outset, Secretary, NCST extended ^a warm welcome to Dr. Rameshwar Oraon, the Chairperson and Shri Bheru Lal Meena, Member, who had recently joined the Commission.

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

Agenda Item 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
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~~Initiating the discussion,~~ Secretary, NCST mentioned that ^{the} Governor's role in administration of Tribal Areas and effective ^{implementation} management of Tribal- Sub Plan (TSP) were two major areas in the Report. In this connection, Secretary, NCST referred to the media reports quoting ^{the} views of the Attorney General regarding ^{the} powers of the Governor to act independently in the matter of administration in Tribal Areas, covered under Schedule 5 of the Constitution, and an exercise being taken by the MHA to review the role and powers of the Governors to ^{strengthen administration} boost management and development of the Scheduled Areas. He ^{also} further apprised the Commission that the Ministry of Home Affairs had ~~also~~ been requested to forward the reported views of the Attorney General and the details of the review being taken by the MHA in the matter, *which was awaited.*

Secretary, NCST further informed the Commission that a Task Force, under the Chairmanship of Dr. Narendra Jadhav, Hon.ble Member-in-Charge with representatives of various agencies and stakeholders, had been constituted in the Planning Commission to revise the guidelines of SCSP and TSP. The Task Force has yet to submit its report. Meanwhile, the Planning Commission has circulated recommendations drafted by the Ministry of Social Justice & Empowerment and the Ministry of Tribal affairs to revise the guidelines for implementation of SCSP and TSP respectively by the Central Ministries/Departments. The recommendations in respect of TSP are being circulated separately for perusal of the Members of the Commission.

After detailed discussion, the Commission decided that the draft comments on the Report may be discussed in the next meeting of the Commission, taking into consideration inter-alia, the reported views of the Attorney General and the MHA regarding Governor's role in Tribal areas (if these were available from MHA) and the draft guidelines circulated by the Planning Commission for implementation of TSP by the Central Ministries/Departments.

Agenda Item II	Strengthening of Central Zoo Authority Reference from the Ministry of Environment & Forests –comments
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Secretary NCST mentioned that the Ministry of Environment and Forests had sought comments of the Commission on their proposal of strengthening of the Central Zoo Authority (CZA), which envisaged increase in its existing strength from 11 to 36 posts towards augmentation of the existing strength at the Hqrs. and creation of four Regional Offices at Jaipur, Nagpur, Guahati and Hyderabad. He further informed the Commission that the proposal, which was mainly for appointments/recruitments at regional level, didn't include any specific provision regarding implementation of reservation policy in this regard. After detailed discussion, the Commission decided to recommend that the Ministry of Environment and Forests should be advised to include specific provision regarding implementation of the stipulated reservation policy while issuing Govt. sanction for additional posts for the CZA.

Agenda Item III	Programme for State Review by the Commission to monitor and evaluate the impact of development schemes pertaining to STs
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Secretary, NCST apprised the Commission that in accordance with the approach and methodology outlined in the Rules and Procedure, contained in the Handbook of the Commission, the Commission monitored and evaluated the impact of development schemes pertaining to Scheduled Tribes by holding State level review meetings with the Chief Secretaries and other senior officers and conducting field level visits. He further informed that during the current year viz. 2010-11, the Commission had conducted reviews in respect of Chhattisgarh, Tripura and Madhya Pradesh and a tentative programmes of visits during the remaining period of the year 2010-11 and 2011-12 had been submitted for consideration of the Commission.

After detailed discussion, the Commission approved the programme for State reviews as per the Annexure and also desired that necessary budgetary support, if required, may be projected to the Ministry of Tribal Affairs.

Additional ~~point~~ items:

3. Member (OSM) referred to his Note dated 19.11.2010, submitted to the Chairman NCST regarding implications on the reservation for the SCs, STs in services in the light of the instructions contained in the draft OM of the DoP&T dated 25.06.2010. The Commission decided that the matter may be taken up for discussion in the next meeting.
4. The Commission decided to hold its next meeting on 16.12. 2010.
5. The Meeting ended with a vote of thanks to the Chair.

F.No.1/7/10-Coord.

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

National Commission for Scheduled Tribes

Meeting of the Commission held on 26-11-2010 in the Conference Room of the Commission.

S. No.	Name and Designation
1.	Dr. Rameshwar Oraon, Chairperson
2.	Shri Maurice Kujur, Vice-Chairperson
3.	Shri Oris Syiem Myriaw, Member
4.	Shri Bheru Lal Meena, 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

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Sl. No 1(R)

GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES
(COORDINATION UNIT)

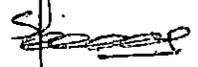
Sub: Meeting of the National Commission for Scheduled Tribes – Agenda Items.

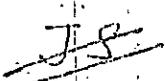
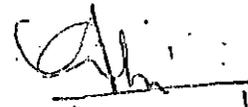
Reference discussion with Secretary, NCST in the Friday meeting held on 27/08/2010, the following issues received from various Units of the Commission which require discussion in meeting of NCST for formulating its views and forwarding of the same to the concerned Ministries/Departments are pending for discussion.

S.No	Subject	Received From	Concerned F.NO./ Circulated with letter/OM No.	Member Concerned	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	Vice-Chairman	Circulated dated 04/10/2010
2.	Strengthening of Central Zoo Authority. Reference from the M/o Environment & Forests Comments	Ministry of Environment & Forests	RU-IV/Policy-1/M&EF/2010	Vice-Chairman	Circulated dated 04/10/2010

2. File submitted for consideration of Hon'ble Chairman with the request to indicate the Agenda Items to be included in the meeting and the date and time convenient for holding the meeting of the Commission.

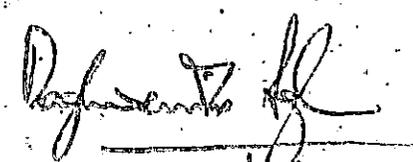
3. It is also submitted for information that Member (OSM) is on Tour from 03/11/2010 to 10/11/2010, Member (KKK) is on Tour from 29/10/2010 to 06/11/2010 while Member (BLM) is on Tour from 29/11/2010 to 01/11/2010. Copy of approved Tour programme as placed below.


(S.F. Meena).
Assistant Director
29/10/2010



29/10/2010

Secretary It is more than a month since the last meeting and meetings have to be held within 2 months intervals. May indicate a date/time for the next meeting pl.

Chairperson


29/10/10

Plc fix meeting on 26/11/10 and inform all concerned

- Narmishan 23/10

AD/Coord
29/10
Discussed
Meeting at 11 AM PL





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

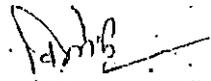
- 1) Sh. Maurice Kujur,
Vice Chairperson,
- 2) Sh. Oris Syiem Myriaw,
Member,
- 3) Smt. K. Kamala Kumari,
Member,

Sub: Comments on the 3rd 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:-

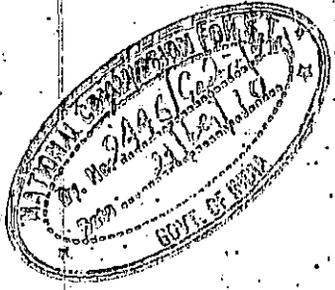
PS to Secretary,
PS to JS
Director(A)
DD(KDB),
AD, C.Cell

Handwritten notes:
14.10.2010



S.N.O. (P)

3
Confidential
Urgent



No. 6/1/2009-CP&R
Government of India
Ministry of Tribal Affairs

Shastri Bhavan, New Delhi - 110001
14th September, 2010

To,

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

DD (B) B/
[Handwritten initials]

Sub:

Forwarding of 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.

Sir,

Kindly find enclosed herewith a copy of 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 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 30th September, 2010 at the latest.

With regards

Yours faithfully,

May kindly see
at Desk stage

(PRABHUDAYAL MEENA)
Joint Secretary to the Government of India
Tele: 23383622
Fax: 23073607

Under category
under policy category

2010 Secretary

22/9/10
Please inform that comments with the enclosed report has been considered in the meetings of the Commission
Please open a file
and up
30/9/10



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. Mungelkar, 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 2nd 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 coverings 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 (ii), (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:**

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 12th 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 11th 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 'i' to 'ii') 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

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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 (N-RSA) 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.

3. 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.

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- (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 EXA 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

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.

- iii. *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 rôle 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 rôle 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 include 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 2nd 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 7th Finance Commission 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 8th Finance Commission also followed suit. The 9th

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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 & STs (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.

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 Mungelkar, 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 Mungelkar, Member, Planning Commission
Chairman.

- | | |
|--|--------|
| 1. Sh.M. K. Narayana, Special Adviser to PM | Member |
| 2. Sh.B.M. Yugandhar, Member, Planning Commission | Member |
| 3. Sh. T.K. A. Nair, 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 | Member |

Secretary

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 Starkland.

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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 st Interim Report	Interim Report of the Standing Committee on Inter Sectoral Issues Relating to Tribal Development	27.10.2005
2.	2 nd 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

1st Report of the Standing Committee on Inter-sectoral Issues Relating to Tribal Development

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.



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

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

30
छठी मजिल, 'बी' विंग, लोक नायक भवन
खान मार्केट, नई दिल्ली-110003
6th Floor, 'B' Wing, Lok Nayak Bhawan
Khan Market, New Delhi-110 003

Dated04.10.2010.....

To,

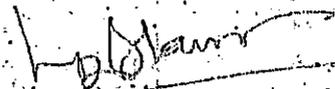
- (1) Shri Maurice Kujur
Vice Chairperson
- (2) Shri Oris Syiem Myriaw,
Member
- (3) Smt. K. Kamala Kumari
Member

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

Sir,

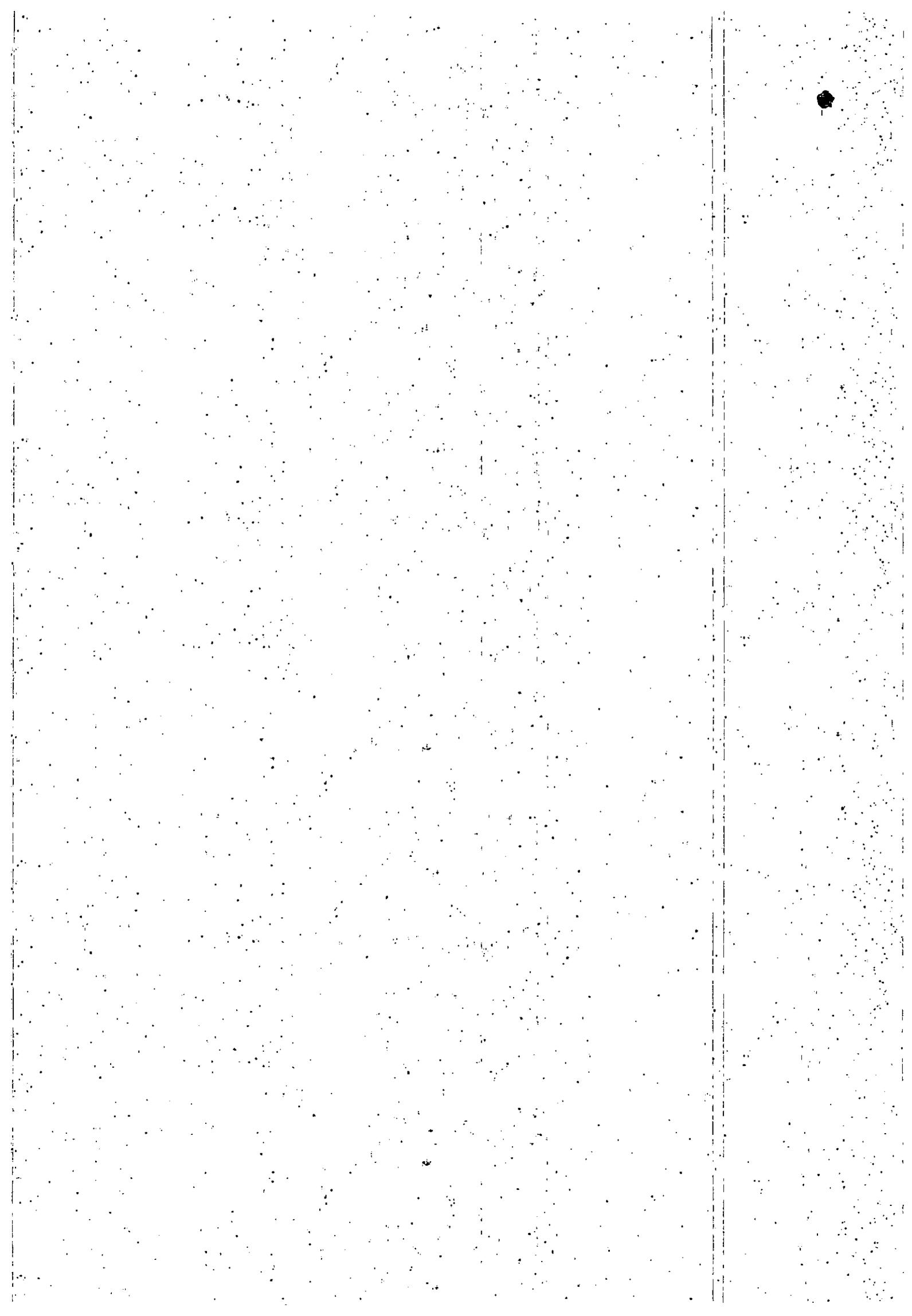
The Ministry of Environment & Forests have requested comments of the Commission on the above mentioned subject. Letter No. 3-1/2010-CZA/106 dated 27.09.2010 of the Ministry is enclosed for your perusal/comments. The subject is likely to be discussed in the next meeting of the Commission.

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)
<igfw-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, 6th 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. I inform that the matter will be submitted to the Commission for consideration at its next meeting.
2. Where is the earlier letter from M/EMF? *delh/bird etc*

Pl trace and discuss w/ut
offices concerned.

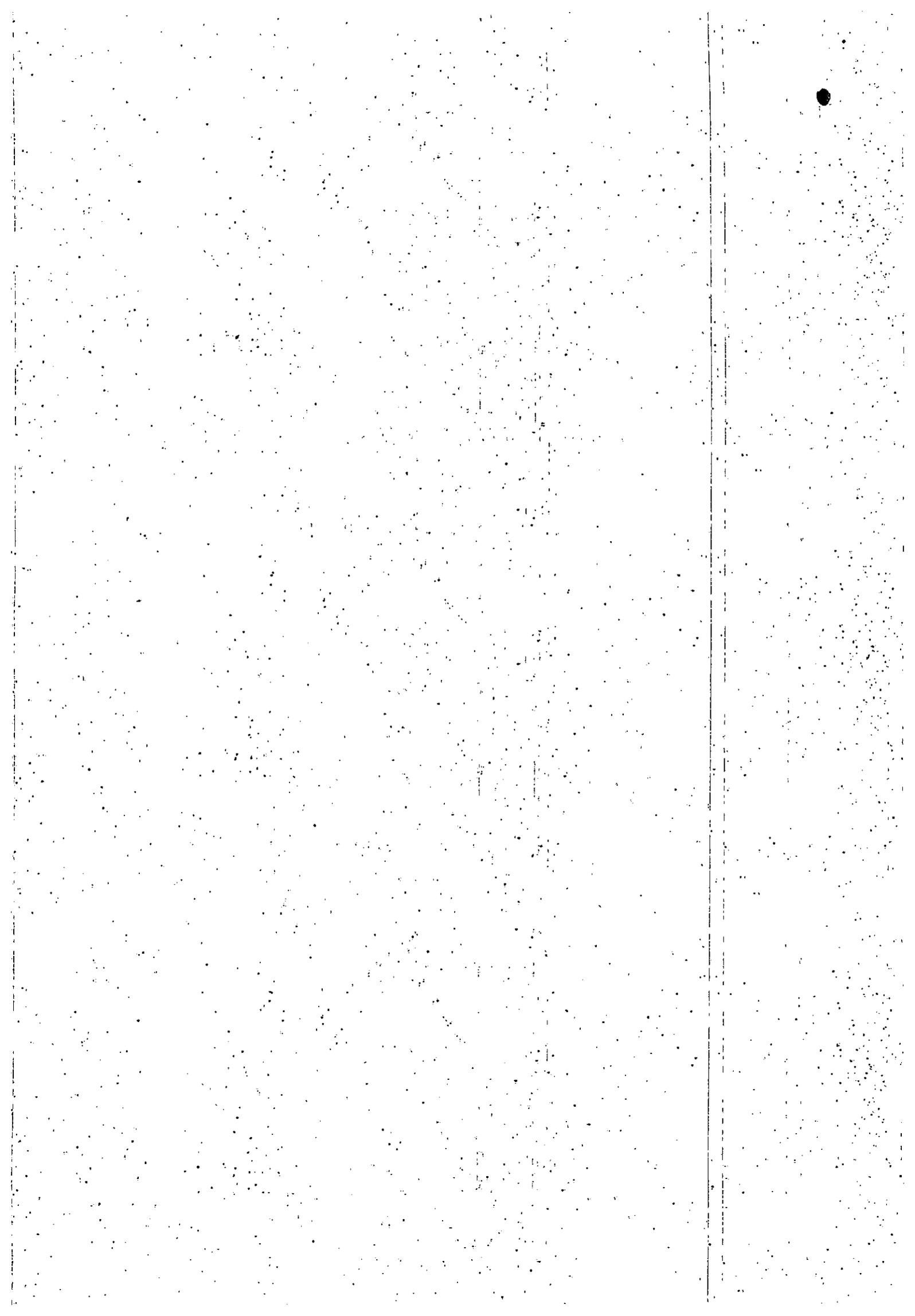
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Plv. Please regular under Policy

28/9

28/09



K. Srivastava
Inspector General of Forests



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

F.No. 3-1/2010-CZA / 100

Dated : 15.09.2010

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

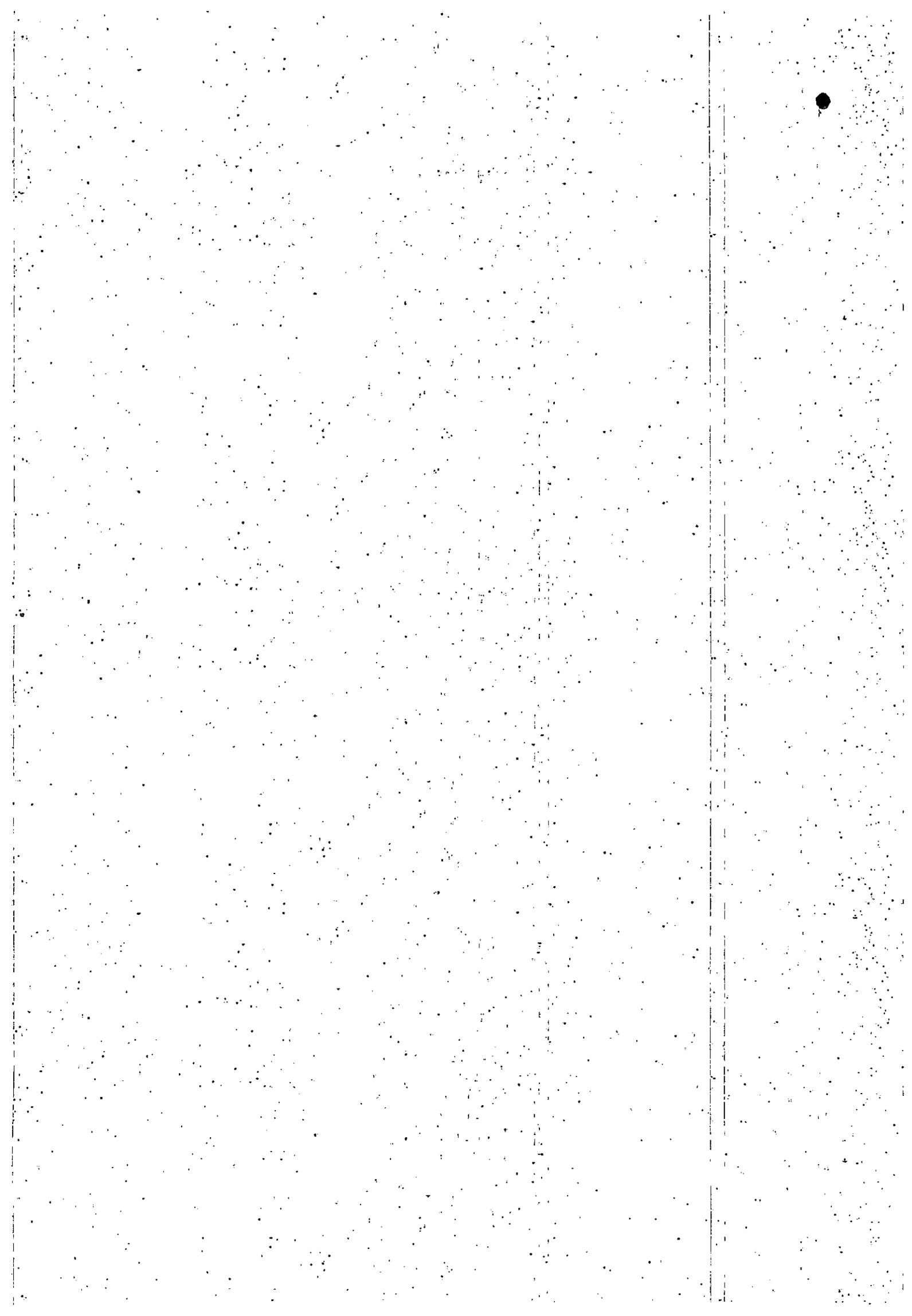
Sub: Strengthening of Central Zoo Authority - reg.

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 strength 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.



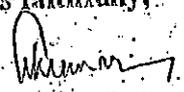
The strengthening would require creation of 36 posts of different categories. Proposed manpower requirement and annual additional financial requirement of CZA is enclosed. The annual additional financial requirement would be about Rs 197.33 (lakhs) which is proposed to be met under the relevant plan 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 11th 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.

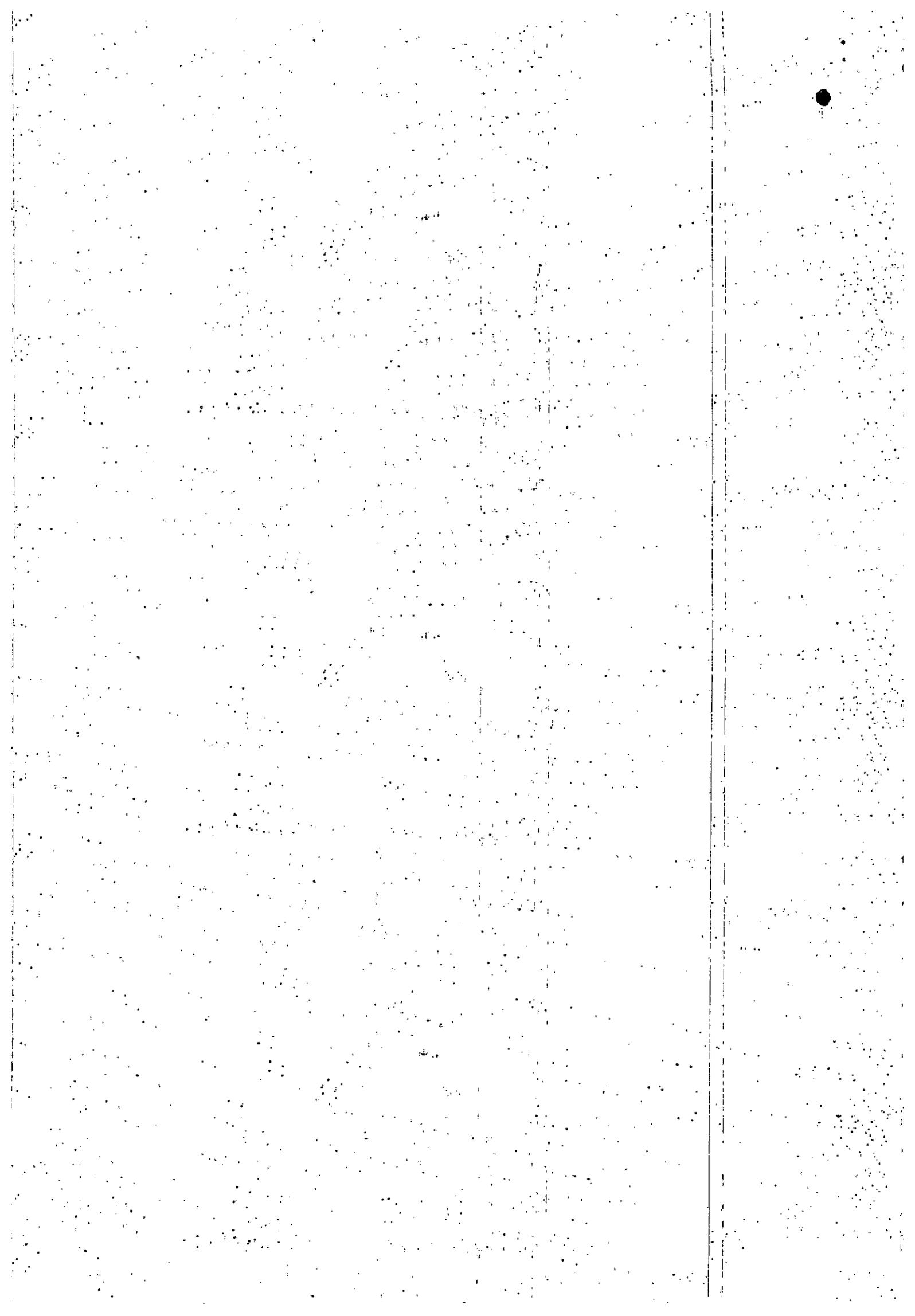
In this regard, following the suggestion of the Planning Commission, the earlier draft Cabinet Note has been revised accordingly. Four regional offices at Jaipur, Nagpur, Guwahati and Hyderabad have been proposed as per distribution of zoos in regions & as suggested by the Planning Commission on bio-geographical 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 ^{the comments of your office} 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.

Yours faithfully,


(A.K. Srivastava)

Encl: As above



SECRET

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

Ministry of Environment & Forests

Copy No. _____

New Delhi, dated 17th, 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 & UC) 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. GIL 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

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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

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- 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.858.96 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



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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 implementation/ Reporting to Cabinet Secretariat
Approval of the Cabinet is solicited for: I. Strengthening the headquarter set up 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. Creation of four regional offices of CZA at Nagpur, Jaipur, Guwahati 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:

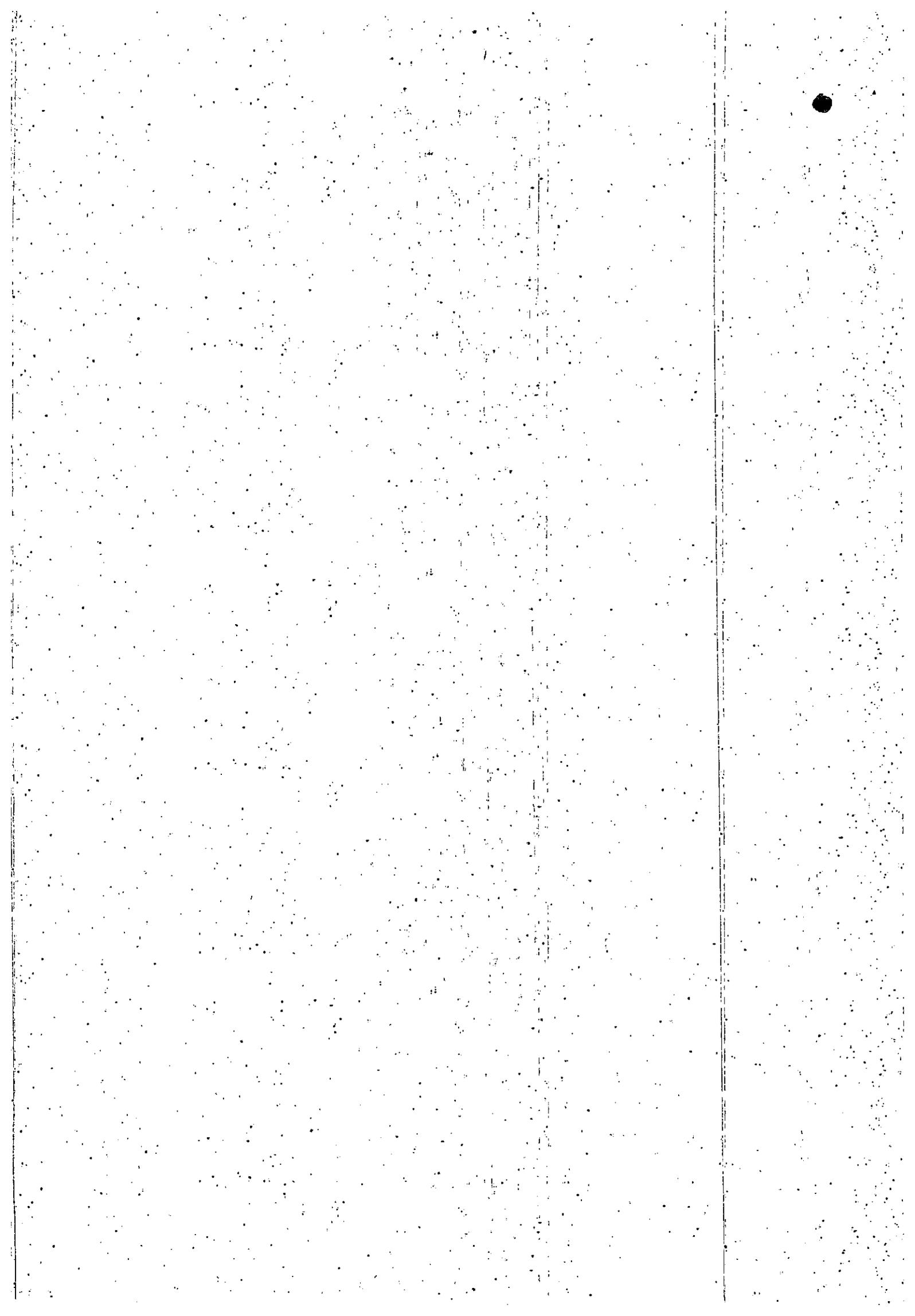
Designation:

Phone:

(GF/WL)

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Appendix - II

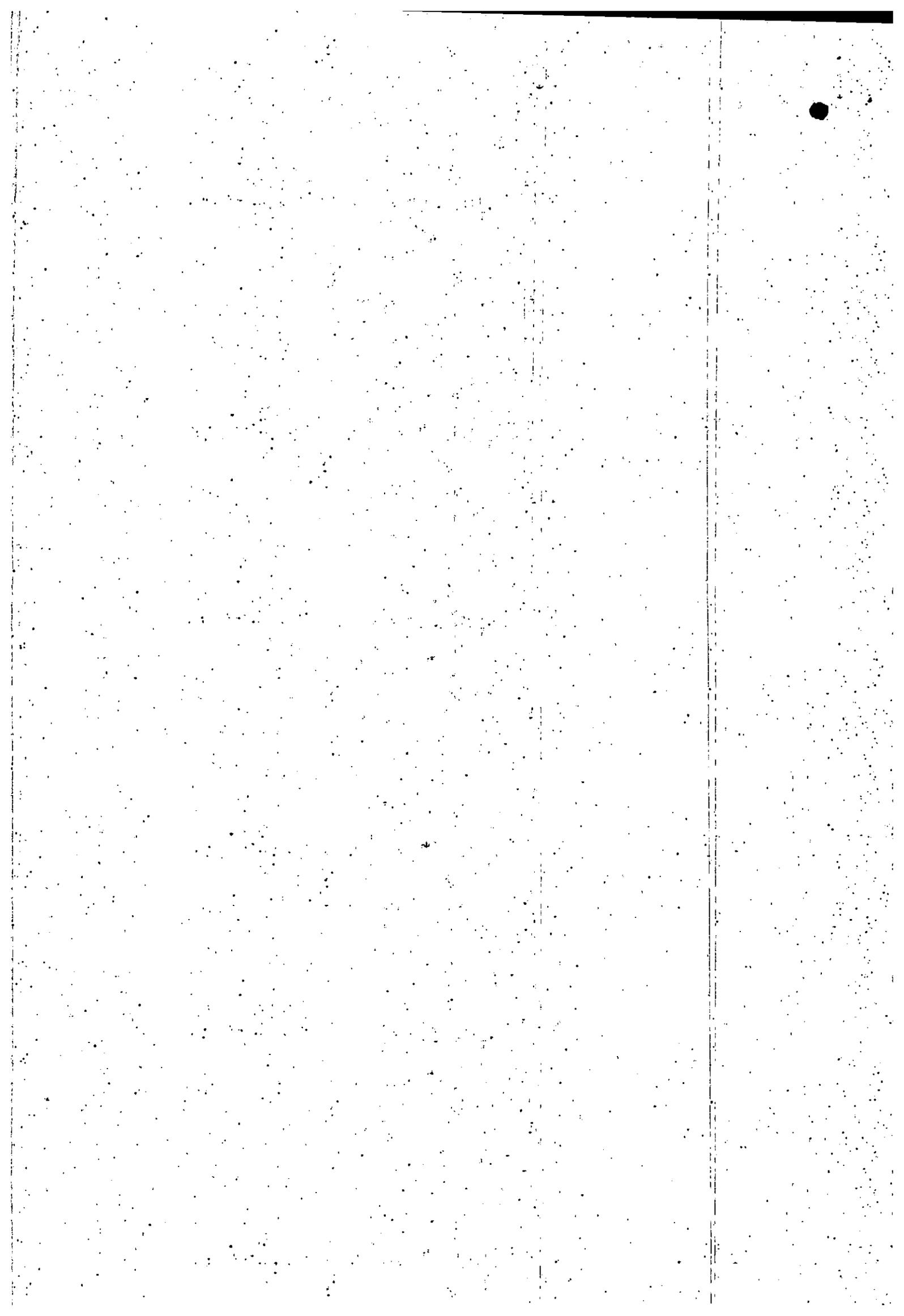
STATEMENT OF EQUITY, PUBLIC ACCOUNTABILITY AND INOVATION

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



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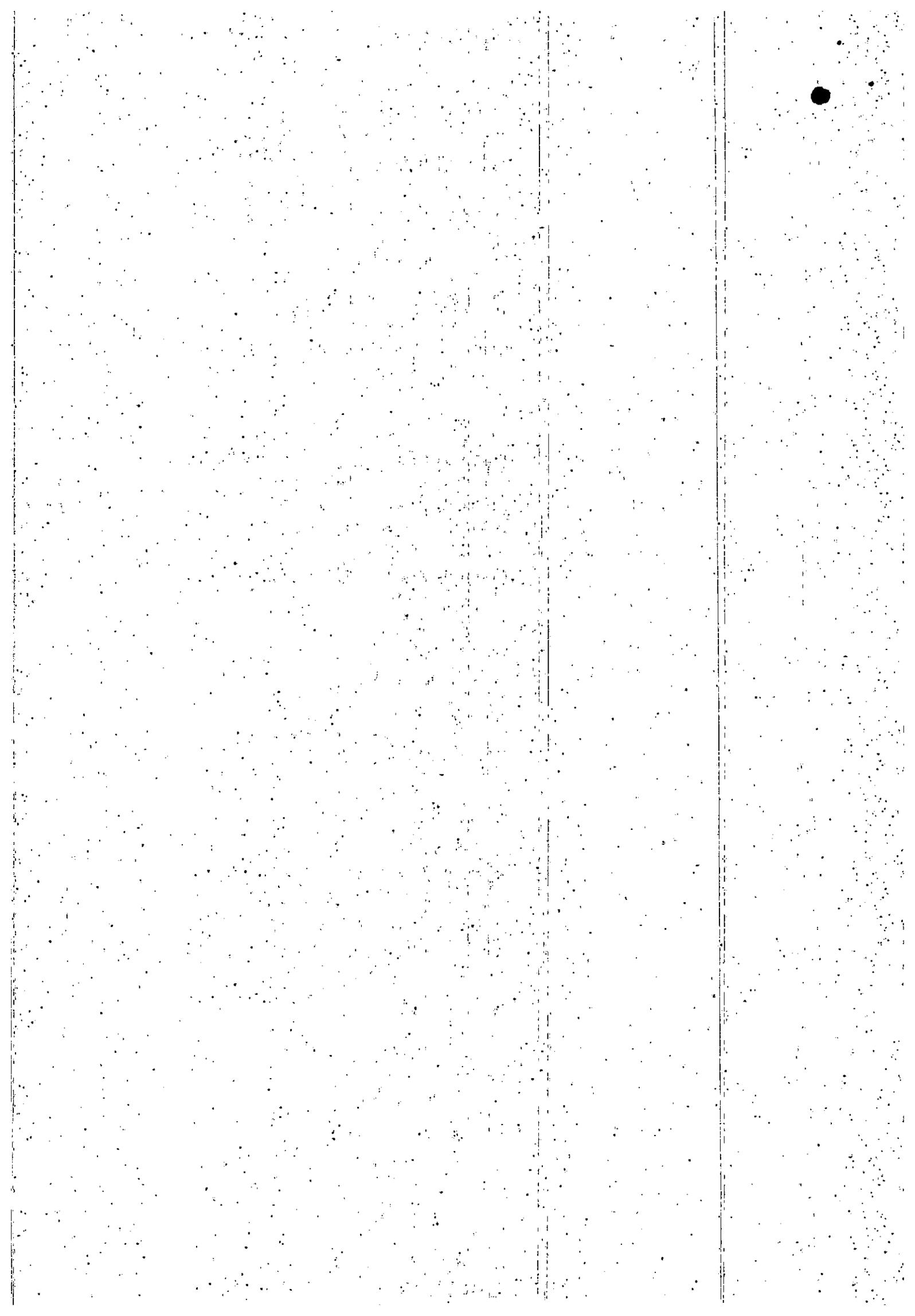
F. No. 3-1/2010-CZA(M)

Ministry of Environment & Forests

Annexure - 1Existing 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



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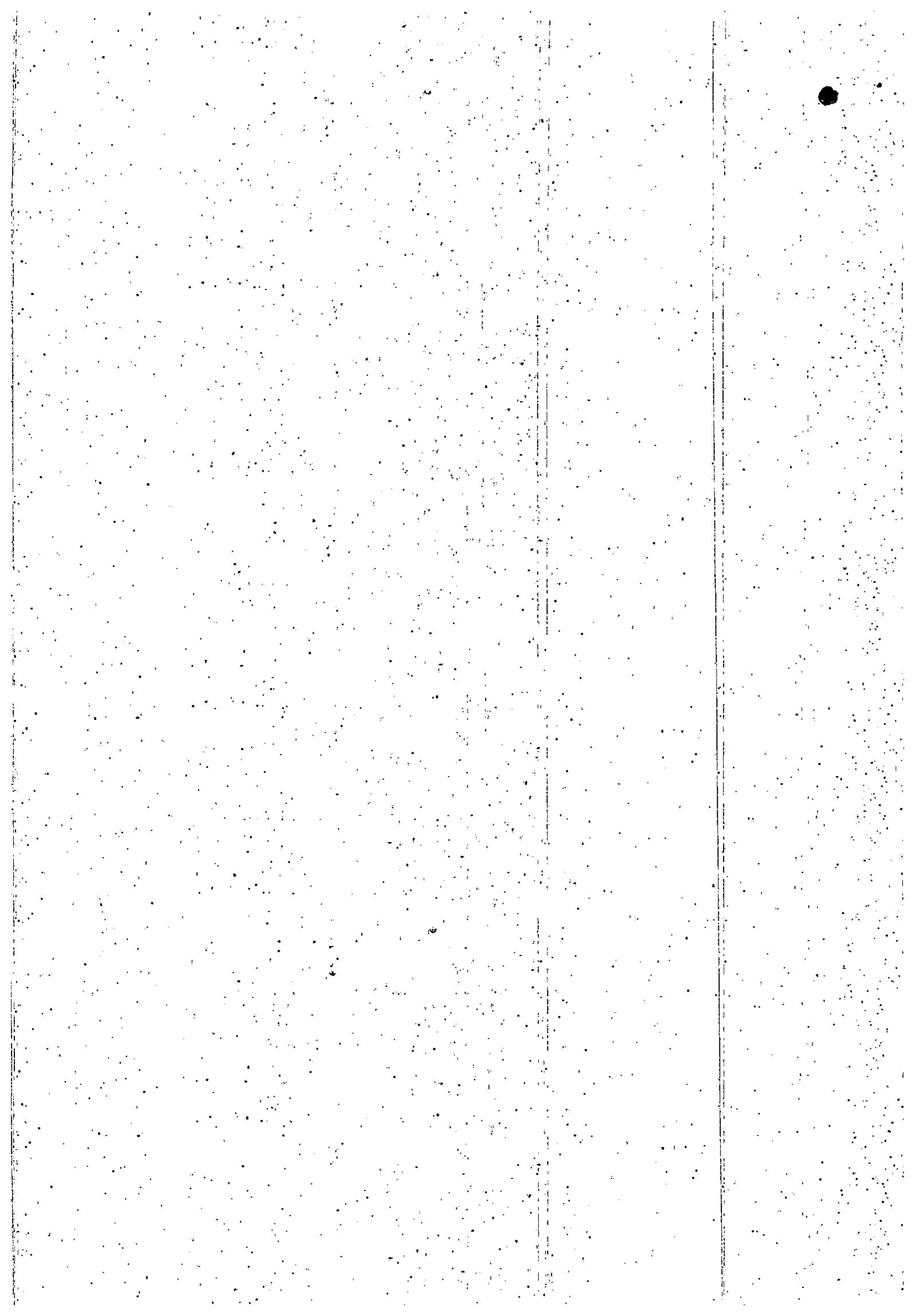
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Incremental financial implication due to upgradation and creation of new posts and infrastructure/ maintenance/ office expenditure at the proposed Regional Offices and Head quarters. Annexure - II

S. No.	Description	Number	Pay-scale Amount in Rs.	Amount per year	Amount for the XI plan period
F.	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)	13.74	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	
	Total		52.85	105.70	

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
	Total		102.48	204.96	
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 LISIS/ZIMS, etc @ Rs. 5.00 per office		20.00
		5. Stationary & other office expenses @ Rs. 4.50 lakhs per year per office		56.00
	Total		18.00	56.00	
	Total I & 2		42.00	154.00	
	Grand Total		144.48	358.96	
			197.33	464.66	

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Restructuring of CZA and distribution of zoos among regional offices

Annexure - III

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
Uttarakhand	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	Chhattisgarh	03	Tripura	01		
Punjab	05	Gujarat	08	Nagaland	01		
Rajasthan	08			Manipur	01		
				West Bengal	15		
				Bihar	01		
				Jharkhand	07		
Total	45	Total	45	Total	38	Total	47

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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	



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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 20th May, 2010.

In view of 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	Jalpur	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 Plains
5.		Thiruvananthapuram	Konkan Coast, Western Ghats, Malabar Coast, Lakshadweep Islands, Eastern Ghats, Coromandel Coast, Andaman & Nicobar Islands

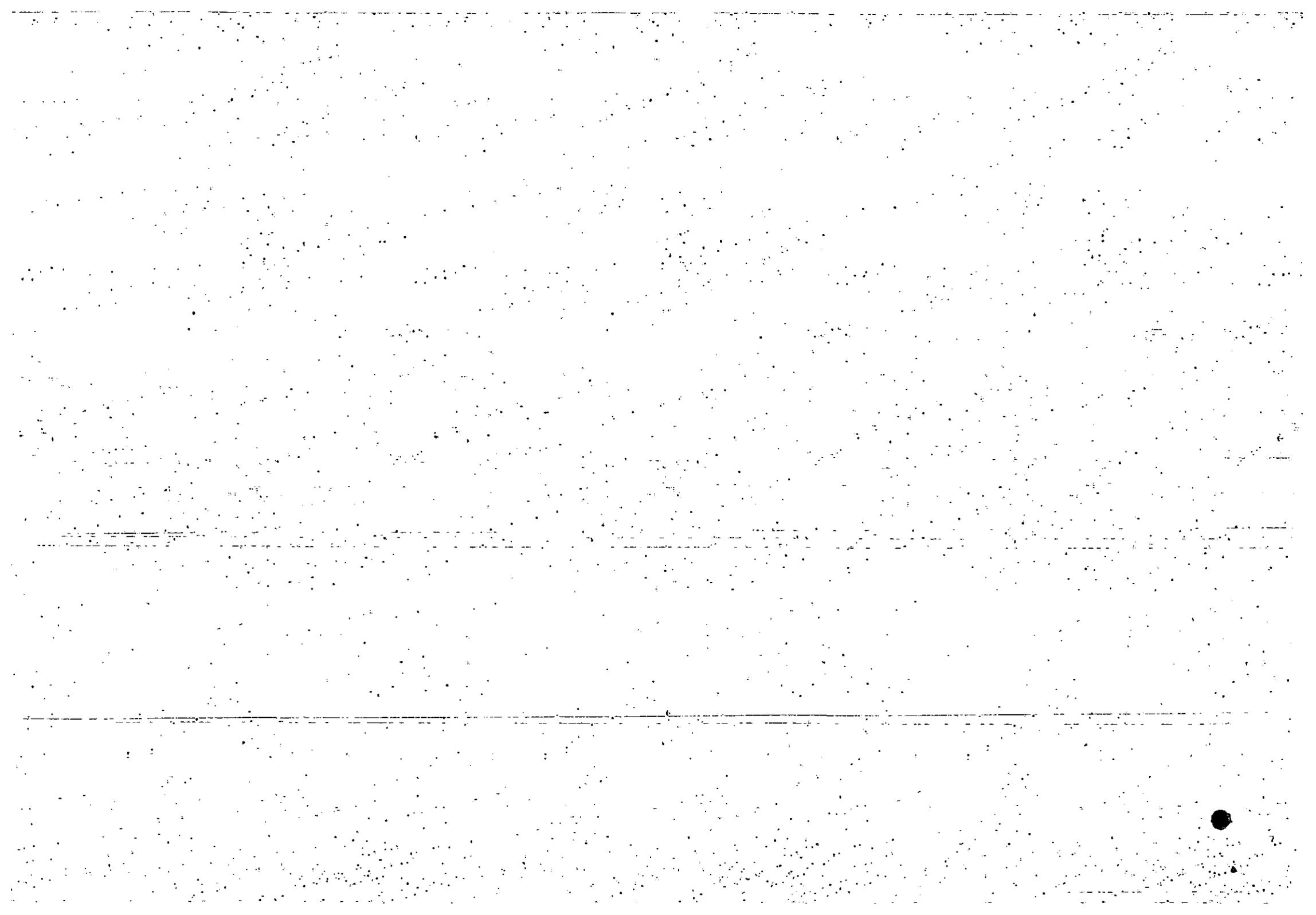
The other modifications regarding budget estimates for Headquarters and regional headquarters for the years 2010-11 and 2011-12 are given in Annexure - I. It is requested to modify the proposal in the light of modifications suggested (Annexure - I) for future plan of action.

Encl. Annexure - I)

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

To,
Shri A.K. Srivastava, *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

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**MOST IMMEDIATE
BY HAND**

53



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

6th Floor, 'B' 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: 22nd 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.



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No- RU-IV/Policy-1/M/E&F/2010

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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

Dated11.11.2010.....

To

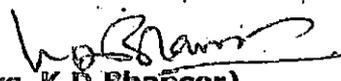
- 1) Dr. Rameshwar Oraon, Chairperson.
- 2) Shri Maurice Kujur, Vice -Chairperson
- 3) Shri Oris Syiem Myriaw, Member
- 4) Smt. K.Kamala Kumari, Member
- 5) Shri. Bheru Lal Meena, Member

Subject: Views of the commission on the Strengthening of Central Zoo Authority

Sir/Madam,

I am directed to enclose a copy of brief on the agenda regarding views of the commission on the strengthening of Central Zoo Authority. This matter is slated as agenda item no. 2 in the next meeting of the Commission. The proposal on the above matter, as received from the ministry of Environment & Forest was circulated vide letter RU-IV/Policy-1/ME&F/2010 dated 04/10/2010.

Yours faithfully


(Mrs. K.D. Bhanjor)
Deputy Director

Copy for information to :-

- 1) Secretary
- 2) Joint Secretary
- 3) Director (RU-I&II)
- 4) Deputy Director (RU III&IV)
- ✓ 5) A.D (C.Cell)

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Brief on AGENDA ITEM NO. 2 : Views of the Commission on the strengthening of Central Zoo Authority.

I. Background

The M/o Environment & Forests vide letter No. 3-1/2010-CZA/106 dated 27.09.2010 has sought comments of the NCST on the proposal of strengthening of Central Zoo Authority. 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.

2. M/o Environment & Forests have highlighted that:

- (i) 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 breeding of the identified endangered wild animal species, research on wildlife and conservation education and conduction, Evaluation & Monitoring of zoos in order to achieve the defined objectives, the existing strength 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

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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.

(ii) The mandate of CZA has expanded considerably due to inclusion of conservation breeding programs, rescue centers, ISIS/ ZIMS and regulation of circuses resulting into considerable increase in the work load. Presently, there is no regional office. 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.

(iii) The strengthening would require creation of 36 posts of different categories. Proposed manpower requirement and annual additional financial requirement of CZA as per the Annexure-I. 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."

3. Ministry of Environment & Forests has mentioned that 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 11th Five Years 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. Following the suggestions of the Planning Commission, the earlier draft Cabinet Note has been revised by the Ministry of Environment Forests. 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 is stated to have been approved by the Hon'ble Minister of State (Independent Charge), Ministry of Environment & Forests. A copy of the revised Cabinet Note for inter ministerial consultation and approval is placed at Annexure-II.

II. Earlier views of the Commission on a related issue:- Filling up of frontline staff vacancies under the Tiger Protection Force (Proposed of NTCA):

The subject was discussed in the meeting of the Commission held on 17.12.2008. The views of the Commission are as under:-

As local forest tribal and other forest dwellers, a defined under the scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2007, are well versed with the forest areas, conservation of forests and the Wildlife, preference should be given to local forest dwelling tribal and other people, if necessary, by relaxing the prescribed qualifications for such posts. Similar provisions should be made while raising the proposed Special Tiger Protection Force. These recommendations may not be germane in the instant case.

III. Examination

According to Article 338A of the Constitution, the duty of the Commission as per Clause 5(a) to (e) is to safeguard the interests of Scheduled Tribes. The proposal is mainly for appointments/recruitments at regional level. There is, however no mention regarding implementation of reservation policy in the proposal of the Ministry of Environment & Forests.

IV. Proposed suggestions

The Commission may suggest implementation of the reservation policy of the Govt. while filling up the posts according to the instructions on reservations in services and posts of the Govt.

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

6th Floor, 'B' Wing,
Loknayak 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: 22nd Meeting of the Commission to be held at 11 AM on 26-11-2010 – Notice for the Meeting.

Sir/Madam,

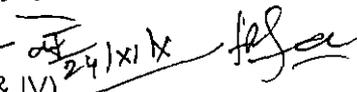
I am directed to refer to the Commission's letter of even No.1/7/2010-Corrd. dated 01/11/2010 regarding meeting of the Commission held on 26-11-2010 at 11AM in the Conference Room of the Commission and to enclose herewith a copy of the Agenda Note on the following item:

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.

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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.

60

MOST IMMEDIATE
BY HAND



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

6th Floor, 'B' Wing,
Loknayak 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

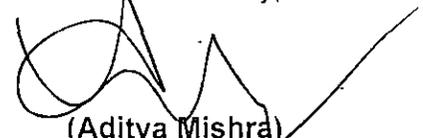
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Item No.3	Programme for State Review by the Commission to monitor and evaluate the impact of development schemes pertaining to STs.

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)
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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.

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	Meghalaya	

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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

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

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

23.11.2010

To

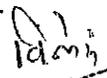
- 1) Dr.Rameshwar Oraon, Chairperson
- 2) Sh.Maurice Kujur, Vice-Chairperson
- 3) Shri Oris Syiem Myriaw, Member
- 4) Smt.K.Kamala Kumari, Member
- 5) Shri Bheru Lal Meena, Member

Sub: Comments on the 3rd 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 Agenda/ draft comments in respect of Summary of Recommendations of Executive Summary of 3rd Report titled "Standards of Administration and Governance in the Scheduled Areas" by the Standing Committee on Inter-Sectoral issues relating to Tribal Development are enclosed for your perusal please. This item is listed as Agenda No.1 for the 22nd Meeting of the Commission scheduled to be held on 26.11.2010.

Yours faithfully,


(Vinod Aggarwal)
Director

Copy for information and necessary action alongwith a copy of draft comments to:-

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

S.No.	Rec. No.	Recommendations of the Standing Committee	Draft comments of NCST
1	1	Scheduled areas	<p>It is desirable that all Acts and laws should be reviewed for their adaption to the Scheduled Areas, but this is not practically feasible by the concerned departments. The Law Commission (under the Ministry of Law) should be entrusted this responsibility of review of existing Laws and Acts for adaption to Scheduled Areas in consultation with Ministry of Tribal affairs, State Govts., NCST, etc.</p> <p>The task of review of Scheduled Areas/Tribes should be entrusted to the Scheduled Areas & Scheduled tribes Commission.</p> <p>Continuing demands for inclusion of new areas / communities would indicate that the political process in the country tends to increase the errors of inclusion. These are required to be reviewed objectively to at least eliminate such errors.</p>
2	2	Governor's Report	<p>Considering the comprehensive nature of the task, it is not pragmatic to expect the desired report from the Governor, as he is merely the Head of the State and not part of the executive machinery of the State Govt. Every department in the State should submit a report about the schemes/policies being run by them to the Tribal Welfare department of the State, which in turn should compile these reports to identify the strong areas and weak points.</p>
3	3	Reviving institutions of self-governance.	<p>The elections to the lowest body of the administration i.e. Gram Panchayat are fought on party lines or influenced by the political parties. Therefore, these institutions are incapable of functioning on the basis of bipartisan interest, as was the case with traditional system.</p> <p>The elections to the lower bodies should be conducted keeping in view only the interest of inhabitants of the village without any overt political involvement.</p>
4	4	Governance.	<p>A single line administration, in which head of the district is head of all the departments / local bodies in the district, which was being followed in earlier days, is an effective form of administration for robust decision making in times when the administrators enjoy high</p>

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			personal credibility. Nowadays, due to high degree of politicization, intensive oversight mechanisms and heightened expectations administrators also lack self-confidence. The current environment is not conducive for Single line administration, as specialized and more refined administrative practices are being followed, which may not be easily reversible. For single-line administration to be effective, besides PESA, operating / legal frame work is required to be simplified in addition to availability of administrators committed to rule of law and public interest.
5	5	Regaining the Confidence of Tribal People:	
	(i)	(a) All those cases For disposal	Yes, Agreed.
		(b) All those cases To the District Tribunal.	Yes, Agreed.
	(ii)	Effective Protection	Yes, Agreed.
	(iii)	Land Alienation and its Restoration	In most of the States, laws already exist to prevent alienation of tribal land. Laws about Land alienation should be implemented with greater sincerity / reviewed and suitably amended to protect the tribal interest in all the States. All the pending cases should be settled on the priority and illegally alienated land should be restored to the tribals at the earliest.
	(iv)	No Displacement	Land should invariably be provided to the tribals besides compensation against land acquired from them which were a source of livelihood for them; and, if the Govt. land is not available in the resettlement area, private land may be purchased and made available to tribal agriculturists ¹ .
			<i>1. Para 3.16.29 of Fourth Annual Report for 2008-09 of NCSI</i>
6	6	Effective delivery mechanism: A Comprehensive Frame -- The ITDPs	PESA envisaged on democratic institutions of administration, which are now taken over by the politics and not always capable of according overriding emphasis of community interests. Since traditional autocracy is not feasible in the current scenario, supervised autonomy of the Gram Panchayat by the District Administration may be one of the feasible solutions for scheduled areas. The Commission would recommend that the Ministry of Tribal Affairs should streamline the procedure for release of grants to ensure steady release of grants

			<p>during all the quarters in the year to enable the States to properly utilize the same¹.</p> <p>The Commission recommends that the benchmarks/norms for extending the benefits should be urgently reviewed by the Ministry of Tribal Affairs. The allocation of funds for this purpose may be suitably enhanced by the Ministry of Tribal Affairs².</p> <p>All the Ministries should have a Tribal Sub Plan component in their major schemes/programmes within the ambit of a plan/scheme, as a part of their overall Annual Plan/ Five Year Plan to ensure required focus on overall development of STs³.</p> <p>The Commission recommended that support to ST dominated districts should be given priority in terms of funds as well as other resources like specialized manpower⁴.</p> <p><i>1. Para 3.9.2.3 of Third Annual Report for 2007-08 of NCST. 2. Para 3.9.10.3 of Third Annual Report for 2007-08 of NCST. 3. Para 3.10.3 & 4.10.2 of Third Annual Report for 2007-08 of NCST. 4. Para 4.10.4 of Third Annual Report for 2007-08 of NCST</i></p>
7	7	Creation of Critical Infrastructure; Bridging the Divide.	<p>Non-lapsable fund should be set up for creating infrastructure in the Scheduled Areas as for development of North East Region. If the Govt. of India (GOI) feels that the State Govt. is not able to create infrastructure, run a particular scheme / policy, then GOI should extend direct implementation support to materialize it. Full funding should be extended by GOI for infrastructure in Scheduled Areas. The costs of governance in Tribal Area should also be funded under Article 275(1).</p>
8	8	The Tribal Sub-Plan (TSP): Shift from notional to reality.	<p>During the review of different schemes, the Commission noticed that in most of the Ministries/ Departments the TSP component is missing in their Schemes/Programmes. The Commission, therefore, recommends that specific Tribal Sub Plan (TSP) component in all the major missions/schemes/programmes of all the Ministries/ Departments is considered necessary to have a clear focus on formulation of schemes/programmes concerning the STs and their effective implementation and monitoring. Further, adequate support to ST dominated districts should be ensured both in terms of</p>

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			availability of funds and other resources to improve their condition up to acceptable/targeted standards.
	(i)	(a) There should be a separate Budget Head for each Ministry/Department for TSP.	Each Ministry/Department should have a separate budget sub-head for TSP.
		(b) A minimum quantum of 8% of the Budgeted 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.	The TSP and non-lapsable funds should not be less than 8% of the Budgeted funds. The Planning Commission should issue revised guidelines for implementation of TSP. In this connection, Task Force constituted by the Planning Commission on the SCSP and TSP to review existing guidelines on SCSP & TSP should urgently finalize its recommendations, <u>inter-alia</u> including scope of TSP, criteria for categorization of Outlay/Expenditure under TSP, classification of ministries according to their obligations to earmark their plan outlay/expenditure under TSP, Ministry-wise targets for earmarking plan outlay, suggestive TSP approach allocation for ensuing years etc. The revised guidelines should be codified as part of the Budget / Planning manuals.
		(c) The TSP funds of each Ministry/Department should be made non-lapsable and non-divertible.	SCA for TSP is non-lapsable. The TSP funds earmarked by each Ministry/Department should also be non-divertible to non-tribal activities.
		(d) As in the case the North East Fund, for pooling at the end of the year.	Unutilized non-lapsed TSP funds should be placed in a non-lapsable infrastructure development fund administered by the MTA. For this purpose, appropriate guidelines should be formulated, on the lines of the guidelines issued by the Ministry of Development of North Eastern Region for administration of non-lapsable central pool of resources, to ensure utilization consistent with objectives.
		(e) Every Ministry/Department shall prepare its ST-specific Annual Tribal Sub-Plan.	Yes. Planning Commission should not consider the Five Year/Annual Plan proposal of any Ministry/Department which is not accompanied with ST-specific Tribal Sub-Plan.
		(f) A better and targeted implementation of	Yes. As suggested w.r.t. (c) above, MTA be designated as the single Nodal Agency for the purpose

		TSP are managed on the advice of a single nodal agency.	
		(g) The TSP funds should be spent Nodal Agency, namely, Ministry of Tribal Affairs.	As suggested in the Report.
		(h), (i) & (k)	The Second 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 Plan for the concerned Ministry, under Member (PC), should approve and finalize the TSP of the concerned Ministry immediately after the total Planning and overall flow to TSP is finalized by the Planning Commission.
		(j) The Planning Commission	As suggested in the Report.
		(l) The Committee Concerned Ministry/ Department.	The Committee for approval and Monitoring of TSP should be served by Planning Commission and the MTA as well as Planning Commission should be enabled to do so.
		(m) Similarly, the TSP such approval on TSP.	The TSP of each State shall be formulated, examined and approved in the same manner. The Committee in the MTA, headed by Secretary, MTA, would have representations from Sectoral Ministries, Planning Commission, M/SJ&E, Ministry of Finance and NCST.
	(ii)	There should be closer involvement of Panchayati Raj And technically empowered.	ITDAs are generally headed by the District Collectors, while CEO of Zila Parishad is Additional District Collectors. To provide sustained co-ordinated emphasis to the problems of Scheduled Tribes/Areas; multiplicity of agencies should be avoided. ITDPs may be integrated into single-line administration under the control of the District Collector, if it is possible to substitute elected chiefs in the ZPs.
	(iii)	It was all right generally make them flexible.	The basic TSP policy envisaged extending various development services to tribal areas on relaxed norms. As tribal areas still lack several essential services, the norms may be further relaxed in TSP areas, to achieve the desired goal for bringing the administration in tribal/TSP areas, at par with the rest of the areas.

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	(iv)	At the State level, the for Schedule Areas.	The TSP areas in the States, having Scheduled Area, are generally co-terminus with the Scheduled Areas. There is, therefore, need for devising TSP, in such States, keeping in view the special constitutional provisions relating to Scheduled Areas.
	(v)	These nodal Departments by the Planning Commission.	A Monitoring Committee headed by Chief Secretary of the State, having representations of various Sectoral Department and serviced by Tribal Welfare Department may be set up in each States having TSP. Such Committees may meet at least once in six months. Regional Offices of NCST having jurisdiction over the States, may also be associated as member of the Committee. Copies of Agenda and proceedings of such meetings may be sent to the MTA.
9	9	Rejuvenation of the Traditional Economy	Land is the only asset tribals are having and is also the source of their livelihood. Tribals are facing difficulties in meeting their special needs like marriages, educational needs, housing etc. To meet their requirements they are taking loans from the public financial institutions by mortgaging their land. The Commission of the view to find other solutions to ensure that public financial institutions do not lose their money and the Scheduled Tribes also do not lose their ownership over land. If necessary, the Government should step in as a "purchaser of the last resort" in these cases. On the lines of the Credit Guarantee Fund set up for the comfort of the lenders under the scheme of Ministry of Micro, Small and Medium Enterprises, a scheme may also be considered for the benefit of the tribals. To safeguard the livelihood of tribal farmers, the Government could consider setting up Land Banks comprising lands resumed by the Govt. in cases of mortgage default; and such lands may be leased to the previous ST owners with the opportunity/ right to re-purchase the same at any subsequent stage of time, beside rights to additional potential compensation due to change in land use pattern in future.
10	10	Priority Accorded Tribal Groups: (i) Mission Navjeevan (PTGs)	The Commission felt that the suggestions in proposed policy (as per Expert Committee, set up by MTA in May, 2007) of almost complete isolation of PTGs was justified only to the limited extent of protecting them from undesirable exploitation. It was, however, not defensible to forever deny the community the fruits of various development processes which are available to the mainstream population. They should be regularly provided with food items and health services beside special schools for education of their children. The views of the Commission were communicated vide letter no 15/1/2009/STGAN/DEOTH/RU-III dated

		<p>(ii) Mission Abhayadan for Vulnerable Girls.</p> <p>(iii) Mission Dignity for Migrant Labour.</p>	<p>18/09/2009.</p> <p>As per 'The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979', no principle employer of an establishment to which the Act applies shall employ inter-State migrant workmen in the establishment unless a certificate of registration in respect of such establishment issued under this Act is in force. Further, a contractor has to obtain a license to employ inter-State workmen. A contractor is required to issue a pass-book to every inter-State migrant workman with a passport size photograph, name and place of establishment, period of employment, the proposed rates and modes of payment of wages, displacement allowance payable, return fare payable on expiry of period of employment, deductions made and other such particulars. As per provisions, inter-State migrant workman shall in no case be paid less than wages fixed under the Minimum Wages Act, 1948. However, this Act is applicable only to inter-State migrant workman employed in an establishment. The provision of the Act should also be made applicable to the placement agencies in respect of Migrant Domestic Workers.</p> <p>After the commencement of 'The Bonded labour System (Abolition) Act, 1976, the bonded labour system shall stand abolished and every bonded labourer shall stand freed and discharged from any obligation to render any bonded labour. Any custom or tradition or any contract, agreement or other instrument leading to bonded labour shall be void and inoperative. Every obligation of a bonded labourer to repay any bonded debt shall be deemed to have been extinguished. All the property of vested in a bonded labourer mortgaged in connection with any bonded debt shall stand freed and discharged. No creditor shall accept any payment against any bonded debt, which has been fully satisfied by virtue of the provisions of this Act. These provisions need to be adapted to ensure humane treatment of Migrant workers.</p>
11	11	Employment Policy	<p>A public employment policy for tribal areas may be formulated on the lines of employment policy for North-East States. Standards of population density and development of the area may be different as tribal areas may be less thinly populated and more under developed.</p>

			<p>After the implementation of 6th Pay Commission, the difference in pay is not much between the max and min grade and within the grades also. Due to this, better conditions like free hostel and ration facility in disturbed areas and incentives like income tax exemption and extra travel leave in NE States may be considered for Scheduled Areas also.</p> <p>Constituting a separate Tribal Administrative Service cadre may not work. In the absence of a separate pay structure, the existing system of pay structure is to be followed. In view of this, the working conditions of the present administrative cadre are required to be improved.</p>
12	12	Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.	<p>All the cases of alleged encroachment of forest land by the Scheduled Tribes which were registered prior to 31.12.2007 may be withdrawn by the concerned authorities and their claims on forest lands may be settled as per provisions under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007¹.</p> <p>The claim of community over land and resources is of much relevance to all the inhabitants of the area and therefore, settlement of community claims and distribution of title deeds about community rights also has same relevance as the settlement of individual claims. The Commission, therefore, recommends that the Ministry of Tribal Affairs may advise the State Governments to furnish complete data on the monitoring system, web based or other wise².</p> <p>The over all position prevailing in most of the States indicate that (i) a large proportion of claims have not yet been disposed off, (ii) ratio of rejection out of the claims disposed by the various Committees is very high and (iii) barring a few States the pace of distribution of title deeds is slow. The Commission, therefore, recommends that the Ministry of Tribal Affairs and the State Governments should evolve a strategy (i) for disposal of all the claims within a prescribed time frame, (ii) ensuring that genuine claims are not rejected, (iii) title deeds are distributed to all the</p>

			<p>approved claimants within the set time frame and (iv) furnishing full details in respect of individual claims as well as community claims separately³.</p> <p>Land holdings regularized under The Scheduled Tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006 must not be alienated/acquired except in the case of emergency, wherein equivalent land must be provided in the forest with similar rights⁴.</p> <p><i>1. Para 4.8.9 of Fourth Annual Report for 2008-09 of NCST. 2. Para 4.10.31 of Fourth Annual Report for 2008-09 of NCST. 3. Para 4.10.36 of Fourth Annual Report for 2008-09 of NCST. 3. Para 3.16.27 of Fourth Annual Report for 2008-09 of NCST.</i></p>
13	13	Early finalization of Tribal Policy	The Commission had already furnished its comments on the draft National Tribal Policy and its early finalization is required in the interest of the Scheduled Tribe community.
14	14	Role of the Ministry of Tribal Affairs and Tribal Welfare Departments.	<p>MTA should be responsible for SCA to TSP to State Govt, its utilization and development in the Tribal Area. MTA should control the release of fund from the non-lapsable pool for infrastructure in Tribal Areas and its effective utilization.</p> <p>All the laws and Acts to be adapted in the Scheduled Areas should be got reviewed by the Law Commission under guidance from MTA.</p> <p>Any weak areas / spots in schemes / policies for Tribal areas should be got remedied, either directly or indirectly by MTA.</p>
15	15	(i) If the Commission suffers from staff constraints, the Government should suitably strengthen the hands of the Commission to enable it to function effectively.	The commission suffers both on account of reduced sanction of staff as well as neglect of cadre-controlling authorities in filling up sanctioned posts. The total sanctioned strength of the staff of the Commission including various categories of posts is 124, out of which 56 are for the Headquarter and 68 for its six Regional Offices at Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi and Shillong. Out of 56 sanctioned posts at the Headquarter, 42 were filled and 14 posts vacant as on 31.03.2008. Similarly out of 68 sanctioned posts for Regional Offices, 35 were filled and 33 posts were vacant. The sanctioned strength of 124 is inclusive of the 35 posts to be filled from the Joint Cadre, out of which 2 posts of the Deputy Director, 6 posts of Sr. Investigator and 8 posts of Investigator (total 16 posts) were vacant ¹ .

			<p>As per recommendations in the Report on Study of performance of the National Commission for Scheduled Tribes conducted by Centre for Policy Research, New Delhi, the Commission is short staffed, as well as under funded and therefore unable to deal satisfactorily with the volume of cases. The Regional Offices need to be strengthened, along with an independent investigating mechanism.</p> <p>The need of additional manpower and additional Regional Offices was also highlighted in the 33rd Report of the Parliamentary Committee on the Welfare of SCs & STs (14th Lok Sabha).</p> <p>The Commission has already formulated a proposal to strengthen its Headquarter and augment its Regional Offices and submitted a detailed proposal for additional manpower vide letter no. 27/4/NCST/2009-Admn. dated 21/10/2009 to the Ministry of Tribal Affairs. The proposal is being regularly followed up. However, the approval of the Ministry of Tribal Affairs is still awaited.</p> <p>A proposal for allotment of additional office space of 4459 Sq.ft. for accommodating the staff of the Commission, setting up the Library, Court/ Hearing Room and Reception-cum-Facilitation Centre etc. of the Commission in the prescribed format was sent to the Directorate of Estates, Ministry of Urban Development vide letter no. 1/1/NCST/2004-Admn. dated 10/06/2009.</p> <p>A proposal for grant of financial autonomy to the Commission for its smooth and effective functioning was submitted to the Ministry of Tribal Affairs vide U.O. Note no. 13/1/NCST/2009-Admn. dated 21/01/2009. In the aforesaid U.O., it was highlighted that the Committee on the Welfare of SCs and STs had also strongly recommended for granting full administrative and financial powers to the Commission. Replying to the queries raised by MTA, NCST vide letter no. 13/1/NCST/2009-Admn. dated 23/3/2009 requested MTA that NCST may be notified as a Department of the Central Govt. so that it is empowered to exercise the powers of the Ministry/ Department under the Delegation of Financial Powers Rules, 1978; General</p>
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			<p>Financial Rules, 2005; the Fundamental and Supplementary Rules; Central Civil Services (Leave) Rules 1972 the Central Civil Services (joining Time) Rules 1979; the General Provident Fund (Central Services) Rules 1960; Contributory Provident Fund Rules and similar other rules. The Ministry of Tribal Affairs vide letter dated 20/05/2010 have sought certain clarifications/ details specially with regard to the areas of the proposed financial autonomy, which was replied vide NCST letter dated 15/06/2010².</p> <p>The Commission has formulated draft recruitment rules for the posts of Investigator, Accountant, Librarian, driver, Law Officer etc. and sent these proposals to MTA for approval.</p> <p><i>1. Para 1.6.2 of Fourth Annual Report for 2008-09 of NCST.</i> <i>2. Para 8.4.3.4.1 of Fourth Annual Report for 2008-09 of NCST.</i></p>
		<p>(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.</p>	<p>Clause 9 of Article 338A of the Constitution provides that the Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.</p> <p>Notwithstanding the above provision, the Commission has repeatedly observed that it has not been consulted while enacting important legislations of vital significance to the well being and existence of tribal people, viz; Reservation Bill, the Bill relating to Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006, the Land Acquisition (Amendment) Bill, 2007, the Rehabilitation and Resettlement Bill, 2007 and Wild Life Protection (Amendment) Act, 2006. Since legislation is the most pristine articulation of the policy measures undertaken by the State, it is rather distressing to note that most Ministries of the Government are generally oblivious of the need and obligation to consult the Commission in respect of those legislative proposals which may affect Scheduled Tribes. The Commission, therefore, recommends that different Ministries / Departments should be tasked with the responsibility of ensuring such consultations with the National Commission for Scheduled Tribes before such proposals are placed for consideration before the Council of Ministers.</p> <p>A review of the position reflects that the concerned Ministries/ Deptts. (including Ministry of Tribal Affairs) have not been very forthcoming about the status with</p>

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			<p>regard to acceptance/ non-acceptance of recommendations/ the comments/ views/ advice of the Commission on various policy related issues. The Commission, therefore, recommends that all the concerned Ministries/ Depts of the Central Govt. and State Governments /UT Administration should communicate action taken on the comments/ views/ advice rendered by the Commission at the earliest so that the same can be highlighted in the reports submitted by the Commission².</p> <p>Regarding inclusion in or exclusion from the lists of SCs and Scheduled Tribes, the Ministry of Social Justice & Empowerment has already framed revised modalities to be followed for dealing with such proposals vide letter dated 30.07.2002. The revised modalities, <i>inter-alia</i>, requires consultation with the Commission. Experience so far is that views/ comments of the Commission are not given due consideration, which is evident from the proposal for Amendments to Part-I (Lakshadweep) of the Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951 vide the Constitution (Scheduled Tribes) (Union Territories) Order (Amendment) Act, 2008. In this case, the views/ comments of the Commission were communicated to the Ministry of Tribal Affairs vide letter dated 19/01/2009 and the decision was taken and notified in the Gazette of India Extraordinarily Part-II Section-1 dated 09/01/2009³.</p> <p>It is a fact that the political processes in the country tend to increase the errors of inclusion because of pressure by interested groups. Therefore, instead of adopting processes liable to hijack by vested interest the review of Scheduled Areas and Scheduled Tribes should preferably be done after every fixed interval of time (say 10 years) by appointing the SA and ST Commission, as the first review was mandated at the end of 10 years.</p> <p><i>1. Para 8.3.16.4 of Fourth Annual Report for 2008-09 of NCST. 2. Para 8.7 of Fourth Annual Report for 2008-09 of NCST. 3. Para 8.3.9.6 of Fourth Annual Report for 2008-09 of NCST.</i></p>
		(iii) The expertise base of the NCST should be expanded	As per recommendations in the Report on Study of performance of the National Commission for Scheduled Tribes conducted by Centre for Policy

		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.	Research, New Delhi, the composition of the Commission needs to be examined; in particular, the implications of a Commission composed entirely of political appointments by the ruling party. The qualifications of the Chairperson and Members should be publically available, and there should be an effort to involve people from different professions concerned with Scheduled Tribes. Selection to Constitutional Offices should be done in a transparent and bipartisan manner and at least 50% of the Members should be from non-political fields of activity.
		(iv) The reports of the NCST..... implementable recommendations.	As per the Clause (6) and (7) of the Article 338A of the Constitution, the President or the Governor shall cause all the Reports to be laid before each House of Parliament or the State legislation as the case may be along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union or the State/UT and the reasons for non-acceptance, if any, of any of such recommendations. Though, the Commission has submitted four Reports, not even the 1 st Report has been laid in the Parliament so far. Hence, none of the Reports could be made public. Therefore, the grounds on the basis of which Standing Committee has framed their comments regarding role and functioning of the Commission and made recommendations in the matter are not clear.
		(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.	It is very important that Reports of the Commission are laid in Parliament and the State Legislatures, as the case may be, within a reasonable period of time and therefore, recommended a time-frame, not exceeding three months for this purpose and also six months (after such submission of the report) for memorandum of action taken/ proposed to be taken on its recommendations by the Ministry of Tribal Affairs/ the respective State Government are separately laid in the Parliament/ State Legislature. The proposed provision, <u>inter-alia</u> , requires amendment to Clause (6) and (7) of Article 338A of the Constitution. Annual Reports should be submitted within a period of nine months after the close of the financial year.
16	16	Scheduled Areas &	SA & ST Commission should be entrusted the review

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		Scheduled Tribes Commission (SA&ST Commission)	of Scheduled Areas, Scheduled Tribes list and Laws and rules relating to administrative and financial structure. The Terms of reference of SA & ST Commission should be amended accordingly.
17	17	Structure at the Apex level.	The National Tribes Advisory Council should be established with clear definition of scope and terms & condition. It should also co-ordinate the governance of Scheduled Areas.
18	18	The National Development Council.	The role of Committee on Administration of Scheduled Areas in the National Development Council may be clearly spelt out.
19	19	The Finance Commission.	The Finance Commission should assess the costs of governance of Scheduled Areas and provide funds under 275(1).
20	20	SCs & STs (POA) Act, 1989	<p>The Commission has observed that delay in disposal may be a possible reason for large scale acquittal. The Commission, therefore, recommends fixation of a time- frame of 6 months for disposal of the cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on the lines of the stipulation under section 13(3A) of the Consumer Protection Act, 1986, which provide a period of 2 to 5 months for disposal by a District forum. To meet this objective, the Act could also be amended to provide for setting up exclusive Special Courts instead of designating a Session Court as a Special Court for trial of cases under this Act.</p> <p>The Commission also recommended attachment of adequate number of Special Public Prosecutors with the special courts for speedy trial of atrocity cases. The special Public Prosecutor should possess requisite qualifications and experience and their selection should be made through a well laid down procedure. The fee of the Special Public Prosecutors requires to be suitably enhanced to attract more qualified and dedicated persons.</p> <p>The Commission noted that it was not mandatory under the Criminal Procedure Code to register an FIR immediately when a complaint is made. The Commission has also observed that a large number of atrocities against Scheduled Tribes primarily pertain to grabbing of tribal land and crimes against their women folk. Therefore, it is advisable to report cases registered under sub-clause (iii), (v), (xi) or (xii) of sub-</p>

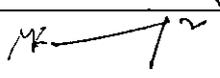
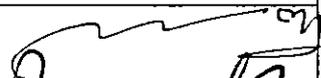
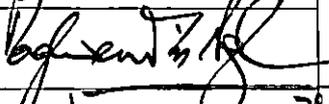
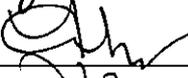
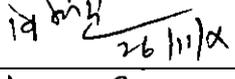
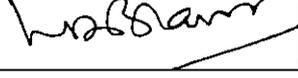
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			<p>section (1) of Section 3 too for monitoring purposes. The Commission also feels that there should be prompt reporting of all such complaints made to the police, without awaiting the registration of an FIR.</p> <p>In order to ensure effective implementation of the PoA Act, the Commission also recommended various measures like conduct of awareness programmes about the POA Act, 1989, and POA Rules, 1995, regular holding of State level and District level Vigilance and Monitoring Committee meetings to review the of the provisions of the POA Act, regular training to sensitize the police personnel in every State / UT, review of at least 5% of the closed cases by SP in all districts on quarterly basis and payment of TA/DA to victims and witnesses, not less than minimum wages fixed from time to time².</p> <p>1. Para 6.12.8 of Fourth Annual Report for 2008-09 of NCST. 2. General Recommendation at 6.12 of Fourth Annual Report for 2008-09 of NCST.</p>
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Attendance Sheet

National Commission for Scheduled Tribes

Subject: 22nd meeting of the NCST on 26-11-2010 at 1100 hours – Attendance

S. No.	Name & Designation	Signature
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	 26/11/10
8.	Shri Vinod Aggarwal, Director	 26/11/10
9.	Smt. K.D. Bhansor Dy. Director	

BY HAND/SPEEDPOST



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

6th Floor, 'B' Wing,
Loknayak Bhawan,
Khan Market,
New Delhi-110003

Dated: 15-12-2010

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

15/12/2010

20-12-10

Subject: Summary record of the 22nd Meeting of the Commission to be held at 11.00 AM on 26-11-2010.

Sir/Madam,

I am to refer to the above subject and to say that the 22nd meeting of the National Commission for Scheduled Tribes was held at 11.00AM on 26-11-2010 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.

[Handwritten signature]

Yours faithfully,

[Handwritten signature]

(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 31-12-2010 positively:

- (i) Director (RU-I & RU-II) *15-12-2010*
- (ii) Director (Admn.)
- (iii) Dy. Director (RU-III & RU-IV) *15.12.10*
- (iv) AD/RO in-charge - RU-I/RU-II/RU-III/RU-IV/Coord./US(Admn.)/SO(Admn.)/AD(OL) *15-12-2010*

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.

15/12/10

11260

15/12/10

**जायी किया
ISSUED**

National Commission for Scheduled Tribes

Subject: Summary record of the 22nd Meeting of the Commission held at 11 AM on 26-11-2010

The 22nd Meeting of the Commission was held in the Conference Room of the Commission in Loknayak Bhawan New Delhi at 11 AM on 26-11-2010 and was presided over by Dr. Rameshwar Oraon, Chairperson, NCST. List of participants is enclosed at Annexure. There were three Agenda Items for discussion in the meeting.

2. At the outset, Secretary, NCST extended a warm welcome to Dr. Rameshwar Oraon, the Chairperson and Shri Bheru Lal Meena, Member, who had recently joined the Commission.

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

Agenda Item 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
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Secretary, NCST mentioned that the Governor's role in administration of Tribal Areas and effective implementation of Tribal- Sub Plan (TSP) were two major areas in the Report. In this connection, Secretary, NCST referred to the media reports quoting the views of the Attorney General regarding the powers of the Governor to act independently in the matter of administration in Tribal Areas, covered under Schedule 5 of the Constitution, and an exercise being taken by the MHA to review the role and powers of the Governors to strengthen administration and boost development of the Scheduled Areas. He apprised the Commission that the Ministry of Home Affairs had been requested to forward the reported views of the Attorney General and the details of the review being taken by the MHA in the matter, which were awaited.

Secretary, NCST further informed the Commission that a Task Force, under the Chairmanship of Dr. Narendra Jadhav, Hon.ble Member-in-Charge with

Rameshwar


Dr. RAMESHWAR ORAON
 अध्यक्ष / Chairman
 राष्ट्रीय अनुसूचित जनजाति आयोग
 National Commission for Scheduled Tribes
 भारत सरकार / Govt. of India

representatives of various agencies and stakeholders, had been constituted in the Planning Commission to revise the guidelines of SCSP and TSP. The Task Force has yet to submit its report. Meanwhile, the Planning Commission has circulated recommendations drafted by the Ministry of Social Justice & Empowerment and the Ministry of Tribal affairs to revise the guidelines for implementation of SCSP and TSP respectively by the Central Ministries/Departments. The recommendations in respect of TSP are being circulated separately for perusal of the Members of the Commission.

After detailed discussion, the Commission decided that the draft comments on the Report may be discussed in the next meeting of the Commission, taking into consideration, inter-alia, the reported views of the Attorney General and the MHA regarding Governor's role in Tribal areas (if these were available from MHA) and the draft guidelines circulated by the Planning Commission for implementation of TSP by the Central Ministries/Departments.

Agenda Item II	Strengthening of Central Zoo Authority Reference from the Ministry of Environment & Forests –comments
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Secretary, NCST mentioned that the Ministry of Environment and Forests had sought comments of the Commission on their proposal of strengthening of the Central Zoo Authority (CZA), which envisaged increase in its existing strength from 11 to 36 posts towards augmentation of the existing strength at the Hqrs. and creation of four Regional Offices at Jaipur, Nagpur, Guahati and Hyderabad. He further informed the Commission that the proposal, which was mainly for appointments/recruitments at regional level, didn't include any specific provision regarding implementation of reservation policy in this regard. After detailed discussion, the Commission decided to recommend that the Ministry of Environment and Forests should be advised to include specific provision regarding implementation of the stipulated reservation policy while issuing Govt. sanction for additional posts for the CZA.

Agenda Item III	Programme for State Review by the Commission to monitor and evaluate the impact of development schemes pertaining to STs
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Rameshwar Orson
 Dr. RAMESHWAR ORSON, Secretary, NCST
 Chairman, National Commission for Scheduled Tribes

Secretary, NCST apprised the Commission that in accordance with the design and methodology outlined in the Rules and Procedure, contained in the

Handbook of the Commission, the Commission monitored and evaluated the impact of development schemes pertaining to Scheduled Tribes by holding State level review meetings with the Chief Secretaries and other senior officers and conducting field level visits. He further informed that during the current year viz. 2010-11, the Commission had conducted reviews in respect of Chhattisgarh, Tripura and Madhya Pradesh and a tentative programmes of visits during the remaining period of the year 2010-11 and 2011-12 had been submitted for consideration of the Commission.

After detailed discussion, the Commission approved the programme for State reviews as per the Annexure and also desired that necessary budgetary support, if required, may be projected to the Ministry of Tribal Affairs.

Additional items

3. Member (OSM) referred to his Note dated 19.11.2010, submitted to the Chairman NCST regarding implications on the reservation for the SCs, STs in services in the light of the instructions contained in the draft OM of the DoP&T dated 25.06.2010. The Commission decided that the matter may be taken up for discussion in the next meeting.
4. The Commission decided to hold its next meeting tentatively on 16.12.2010.
5. The Meeting ended with a vote of thanks to the Chair.

Rameshwar Oraon.

डॉ० रामेश्वर उराँव / 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.1/7/10-Coord.

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

National Commission for Scheduled Tribes

Meeting of the Commission held on 26-11-2010 in the Conference Room of the Commission.

S. No.	Name and Designation
1.	Dr. Rameshwar Oraon, Chairperson
2.	Shri Maurice Kujur, Vice-Chairperson
3.	Shri Oris Syiem Myriaw, Member
4.	Shri Bheru Lal Meena, 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

NOARO BAWH23MAR 2011 09:00:00 AM
National Commission for Scheduled Tribes
Ministry of Tribal Affairs
New Delhi



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

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

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

Dated ...31/12/2010.....

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

To

The Joint Secretary,
M/o Law & Justice,
Department of Legal Affairs,
Law Commission of India,
Indian Law Institute Building,
Bhagawan Das Raod,
New Delhi-110001

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

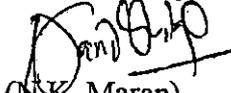
Sir,

I am directed to refer this Commission letter of even number dated 6/12/2010 and to say that the matter was considered in this Commission's meeting held on 16/12/2010 as agenda item No. III. The Commission views are as under:

" 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. "

Copy of the above views is enclosed.

Yours faithfully,


(N.K. Maran)
Research Officer

11628
31/12/10
जारी किया
ISSUED

COPY TO: C-Cell

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
संघटन विभाग / Govt. of India
नई दिल्ली / New Delhi



S. K. Bhatnagar

Government of India
National Commission for Scheduled Tribes

6th floor, 'B' Wing,
Loknayak Bhawan
Khan market,
New Delhi-110 003

RU-IV/Policy-1/M/EF/2010

Dated: 29.12.2010

To:

The Inspector General of Forests,
Ministry of Environment & Forests,
106, Parvavaran Bhawan,
CGO Complex,
Lodhi Road,
New Delhi - 110 003

Sub: Strengthening of Central Zoo Authority - Regarding.

Sir,

I am directed to refer to your letter No. 3-1/2010-CZA/106 dated 27.09.2010 on the subject mentioned above and to say that the issue was discussed in the Commission's meeting held on 26.11.2010 in Agenda item No-II.

2. The Commission viewed as follows:

"The Ministry of Environment and Forests had sought comments of the Commission on their proposal of strengthening of the Central Zoo Authority (CZA), which envisaged increase in its existing strength from 11 to 36 posts towards augmentation of the existing strength at the Hqs. and creation of four Regional Offices at Jaipur, Nagpur, Guahati and Hyderabad. He further informed the Commission that the proposal, which was mainly for appointments/recruitments at regional level, didn't include any specific provision regarding implementation of reservation policy in this regard. After detailed discussion, the Commission decided to recommend that the Ministry of Environment and Forests should be advised to include specific provision regarding implementation of the stipulated reservation policy while issuing Govt. sanction for additional posts for the CZA."

3. A copy of the Agenda item No. II was circulated on 11.11.2010 is enclosed along with the summary record of the 22nd Meeting of the Commission held on 26.11.2010.

Yours faithfully,

(Mrs. K.D. Bhansor)
Deputy Director

Copy to:

The Assistant Director,
C-Cell

K.D. Bhansor
(Mrs. K.D. Bhansor)
Deputy Director

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Brief on AGENDA ITEM NO. 2 : Views of the Commission on the strengthening of Central Zoo Authority.

I. Background

The M/o Environment & Forests vide letter No. 3-1/2010-CZA/106 dated 27.09.2010 has sought comments of the NCST on the proposal of strengthening of Central Zoo Authority. 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.

2. M/o Environment & Forests have highlighted that:

- (i) 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 breeding of the identified endangered wild animal species, research on wildlife and conservation education and conduction, Evaluation & Monitoring of zoos in order to achieve the defined objectives, the existing strength 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 6posts 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.

(ii) The mandate of CZA has expanded considerably due to inclusion of conservation breeding programs, rescue centers, ISIS/ ZIMS and regulation of circuses resulting into considerable increase in the work load. Presently, there is no regional office. 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.

(iii) The strengthening would require creation of 36 posts of different categories. Proposed manpower requirement and annual additional financial requirement of CZA as per the Annexure-I. 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."

3. Ministry of Environment & Forests has mentioned that 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 11th Five Years 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. Following the suggestions of the Planning Commission, the earlier draft Cabinet Note has been revised by the Ministry of Environment Forests. 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 is stated to have been approved by the Hon'ble Minister of State (Independent Charge), Ministry of Environment & Forests. A copy of the revised Cabinet Note for inter ministerial consultation and approval is placed at Annexure-II.

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II. Earlier views of the Commission on a related issue:- Filling up of frontline staff vacancies under the Tiger Protection Force (Proposed of NTCA):

The subject was discussed in the meeting of the Commission held on 17.12.2008. The views of the Commission are as under:-

As local forest tribal and other forest dwellers, as defined under the scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2007, are well versed with the forest areas, conservation of forests and the Wildlife, preference should be given to local forest dwelling tribal and other people, if necessary, by relaxing the prescribed qualifications for such posts. Similar provisions should be made while raising the proposed Special Tiger Protection Force. These recommendations may not be germane in the instant case.

III. Examination

According to Article 338A of the Constitution, the duty of the Commission as per Clause 5(a) to (e) is to safeguard the interests of Scheduled Tribes. The proposal is mainly for appointments/recruitments at regional level. There is, however, no mention regarding implementation of reservation policy in the proposal of the Ministry of Environment & Forests.

IV. Proposed suggestions

The Commission may suggest implementation of the reservation policy of the Govt. while filling up the posts according to the instructions on reservations in services and posts of the Govt.

Agenda Item II	Strengthening of Central Zoo Authority Reference from the Ministry of Environment & Forests -comments
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Secretary, NCST mentioned that the Ministry of Environment and Forests had sought comments of the Commission on their proposal of strengthening of the Central Zoo Authority (CZA), which envisaged increase in its existing strength from 11 to 36 posts towards augmentation of the existing strength at the Hqrs. and creation of four Regional Offices at Jaipur, Nagpur, Guahati and Hyderabad. He further informed the Commission that the proposal, which was mainly for appointments/recruitments at regional level, didn't include any specific provision regarding implementation of reservation policy in this regard. After detailed discussion, the Commission decided to recommend that the Ministry of Environment and Forests should be advised to include specific provision regarding implementation of the stipulated reservation policy while issuing Govt. sanction for additional posts for the CZA.

Agenda Item III	Programme for State Review by the Commission to monitor and evaluate the impact of development schemes pertaining to STs
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Rameshwar Das
Secretary, NCST
 Chairman, ST Commission
 Director, ST Cell

Secretary, NCST apprised the Commission that in accordance with the ~~methodology~~ and methodology outlined in the Rules and Procedure, contained in the